

Steve Sisolak
Governor

Richard
Whitley, MS
Director



DEPARTMENT OF HEALTH AND HUMAN SERVICES

AGING AND DISABILITY SERVICES DIVISION
Helping people. It's who we are and what we do.



Dena
Schmidt
Administrat
or

APPLIED BEHAVIOR ANALYSIS BOARD DRAFT MEETING MINUTES

Date of Posting: May 4, 2021

Date and Time of Meeting: May 10, 2021 1:00 PM

Name of Organization: The Board of Applied Behavior Analysis

Place of Meeting: Aging and Disability Services Division
Teleconference:

Please place your phone or your computer microphone on mute unless providing public comment.

In accordance with Governor Sisolak's Declaration of Emergency Directive 006; Subsection 1; The requirement contained in NRS 241.023 (1) (b) that there be a physical location designated for meetings of public bodies where members of the public are permitted to attend and participate is suspended.

Board members will be attending telephonically and via Teams. Members of the public will also participate via teleconference or Teams.

Join on your computer or mobile app

[Click here to join the meeting](#)

Or call in (audio only)

[+1 775-321-6111,,701272664#](#) United States, Reno

Phone Conference ID: 701 272 664#

In certain situations, the option exists to declare the meeting on that agenda item to be a Closed (Executive) Session per NRS 241.030.

All times are approximate. The Board reserves the right to take items in a different order, items may be combined for consideration by the Public Body and items may be pulled or removed at any time to accomplish business in the most efficient manner.

AGENDA

1. Roll Call and Verification of Posting

Laryna verified posting. The following board members were present: Dr. Brighid Fronapfel, Christy Fuller, Rachel Gwin, Dr. Patrick Leytham, and Courtney LoMonaco. Meeting proceeded with quorum.

2. Public Comment

(No action may be taken upon a matter raised under public comment period unless the matter itself has been specifically included on an agenda as an item. Comments will be limited to three minutes per person. Persons making comment will be asked to begin by stating their name for the record and to spell their last name and provide the secretary with written comments.)

Jeff Gesick provided a public comment. He wanted to recognize and thank the board for the responsiveness to concerns about delays in credentialing and timelines. They have noticed a really big change in terms of new BTs getting processed and approved faster. They really appreciate the effort on that. He stated, in addition to that, when the licensing and credentialing of ABA providers was moved from the Board of Psych Examiners and into ADSD, the purpose was to increase access to quality care while also protecting consumers of Behavior Analysis in the State of Nevada. They are concerned that the Division's decision to halt processing provider applications prior to even the passage of SB217 is going to cause harm and increase barriers of access to service, the exact population that ADSD and the board have been mandated to serve. Ceasing the process of application will create a context for two major problems. First, it unnecessarily increases the duration of the delay that will be caused by the passage for new providers in Nevada. This will exacerbate the shortage that already exists, increasing delays to access of care for Nevadans who are already on long waiting lists. As they know, medically necessary ABA services for children are more effective the earlier they begin. Increasing delays to accessing care could result in worsening long-term outcomes. Second, given the increased waiting time to access care, desperate families may accept or seek care from unlicensed providers. This is the exact opposite of the purpose of the board and the Division's role in protecting these families. Mr. Gesick stated they are imploring the board and the Division to continue to seek alternative solutions to bridging the gap the passage of SB217 will cause. Options include processing applications until the very last minute. Even at the risk of some having to be resubmitted if background checks are not received in time. They know that alternatives are possible as they experienced similar issues in 2019 when the permit CBT codes went into effect. DHCFP warned claims would not be processed for 2-6 months while the code transition took place. When there was public outcry due to the impact this had on those receiving services, it prompted collaboration and problem solving which resulted in transitioning into the new code set without any delays. They have seen the state and providers work together on behalf of the children in the state before and they are hopeful it can happen again in this case.

Matthew Lehman provided a public comment. He stated he wanted to second the previous comment because they also appreciate that people finally started being able to move through a lot faster but they are equally concerned for the same reasons in terms of the delayed access to care. They still have a waitlist of over two hundred families who are trying to access services and he still has some RBTs who are still just waiting for their applications to move forward. Given the deadline of this Friday for no longer accepting the background checks, that means he has to put all of those people on hold. Not only is this affecting the families they are trying to protect but it is also affecting the individuals they are trying to bring into this field to

serve those families, several of whom may ultimately end up as they have seen just exiting the field altogether and just doing something else.

Megan Szeto provided public comment. She stated she is a licensed and board-certified analyst with the Learning Consultants. When licensing and credentialing ABA providers was moved from the Board of Psychological Examiners and into ADSD, the purpose was to increase access to quality care while also protecting consumers of Behavior Analysis. She is very concerned that the Division's decision to halt processing provider applications prior to even the passage of SB217 is going to cause harm for the exact population that ADSD and the board have been mandated to serve. Ceasing the process of application will create a context for two major problems. First, it unnecessarily increases the duration of the delay that will be caused by the passage of the law and enrolling new providers in Nevada. This will exacerbate the provider shortage that already exists, increasing delays to access of care for Nevadans who are already on long waiting lists. As they know, medically necessary ABA services for children are more effective the earlier they begin. Increasing delays to accessing care could result in worsening long-term outcomes. They are imploring the board and the Division to continue to seek alternative solutions to bridging the gap passage of SB217 will cause. Options include processing applications until the very last minute. Even at the risk of some having to be resubmitted if background checks are not received in time. They know that alternatives are possible as they experienced similar issues in 2019 when the permit CBT codes went into effect. DHCFP warned claims would not be processed for 2-6 months while the code transition took place. When there was public outcry due to the impact this has on those receiving services, it prompted collaboration and problem solving which resulted in DHCFP transitioning into the new code set without any delays. They have seen the state and providers work together on behalf of the children in the state before and they are hopeful it can happen again in this case. Please consider taking alternative action in continuing to search for additional solutions.

Cameron Siquimani provided a public comment. She stated she is the Programs Manager at the Ackerman Center. She thanked the board for their continued hard work. They pride themselves in taking the time to hire and train new RBTs to continue to grow their field. Suspending new licensures will hinder services to their clients and prevent individuals from gaining access to much needed services.

3. Approval of Previous Meeting Minutes (For Possible Action)

Dr. Fronapfel asked if they saw any issues with the meeting minutes from the previous meeting. Seeing none, Dr. Fronapfel requested a motion. Patrick moved to approve the meeting minutes from April 19th, 2021. Rachel seconded the motion. All in favor, motion passed.

4. Presentation and Discussion of Legislative Updates and Bills by the Nevada Association for Behavior Analysis

- **SB96-** AN ACT relating to disability services; requiring the Department of Health and Human Services to seek an increase to certain reimbursement rates under the Medicaid program and the Autism Treatment Assistance Program for a registered behavior technician; and providing other matters properly relating thereto.
- **SB208-** AN ACT relating to behavioral health; authorizing certain additional persons to receive services from the Autism Treatment Assistance Program;

revising provisions concerning the issuance of a license or certificate by endorsement to engage in certain behavioral health professions; providing for the issuance of a provisional license or certificate to engage in such professions to an applicant for a license or certificate by endorsement under certain circumstances; and providing other matters properly relating thereto.

- **SB217-** AN ACT relating to applied behavior analysis; transferring responsibilities concerning licensing and regulation of the practice of applied behavior analysis from the Aging and Disability Services Division of the Department of Health and Human Services to the Board of Applied Behavior Analysis; making provisions governing providers of health care applicable to behavior analysts, assistant behavior analysts and registered behavior technicians; authorizing the Board to contract with certain entities to carry out duties relating to regulating the practice of applied behavior analysis; requiring members of the Board to complete orientation; revising the activities that constitute the practice of applied behavior analysis; revising requirements concerning the supervision of assistant behavior analysts and registered behavior technicians; exempting certain persons from provisions governing the practice of applied behavior analysis; revising the membership of the Board; establishing requirements for the ethical practice of applied behavior analysis; revising provisions governing licensure by endorsement and disciplinary actions; and providing other matters properly relating thereto.
- **AB327-** Existing law requires behavior analysts, physicians, physician assistants, nurses, psychologists, marriage and family therapists, clinical professional counselors, social workers, clinical alcohol and drug counselors, alcohol and drug counselors and problem gambling counselors to complete certain continuing education as a condition to the renewal of a license or certificate. (NRS 437.225, 630.253, 632.343, 633.471, 641.220, 641A.260, 641B.280, 641C.450) Existing law requires certain facilities that provide health care to conduct training relating to cultural competency for any agent or employee of such a facility who provides care to a patient or resident of the facility. (NRS 449.103) Sections 1-7.5 of this bill require a psychiatrist, physician assistant practicing under the supervision of a psychiatrist, nurse, marriage and family therapist, clinical professional counselor, social worker, clinical alcohol and drug counselor, alcohol and drug counselor, problem gambling counselor or behavior analyst to complete a certain number of hours of instruction concerning cultural competency and diversity, equity and inclusion as part of that continuing education. Sections 1-7.5 authorize such a provider who receives training relating to cultural competency as the employee of a facility that provides health care to use that training to satisfy the requirement that such a provider complete a certain number of hours of instruction concerning cultural competency and diversity, equity and inclusion.

Molly Halligan from NABA discussed the legislative updates. She stated SB96 is currently exempt from deadlines. To her understanding, it means they are waiting to see what funds are available towards the end of session. Jennifer stated that was correct. Molly requested to have SB208 removed since it did not pass.

Dr. Fronapfel discussed AB327 and stated this is a bill requiring an additional two CEUs per biennium in culture and diversity which will apply to a number of fields. There has been a conceptual amendment including Behavioral Analysts. If this passes it will need to be lumped

with the other currently required CEUs each biennium. Dr. Fronapfel believes this will go through and will keep watch.

Molly discussed SB217. There was a hearing last Wednesday and at this meeting, Senator Gansert had proposed to bump up the change of authority date from the Division to the ABA Board, if it were to pass, to be July 1st. Molly explained the rationale behind this was primarily related to the potential delays that can come in line with hiring through the state process and the need that was recommended by Jennifer and Laryna at the last board meeting to hire someone else to help with this transition process and to help alleviate some of the burden the state is experiencing by dealing with their licensure. Molly stated that since that time, they have been in contact with the Senator, DPS, and the Division and they are recognizing that there are two problems related to the background check process. She stated that everyone is aware that the Division not being able to accept background checks after a period of time. She stated that it is a problem; however, the main problem they are dealing with, with any transition date, is the current language in their bill that must be changed no matter what. If the bill does not go through, they are all in trouble because then they cannot do any background checks because there is language that states the BACB conducts federal FBI background checks which would allow for background checks to be an attestation by the RBT or the company the RBT works for to make it so RBTs would not need to complete their background checks. Molly stated that it is not accurate information. The BACB and the FBI have been in communication with the Division. The language must leave, or they will not be able to do background checks anymore. Molly stated that there is a process, and she is not clear on this process. Anytime there is a change to the law related to background checks in any NRS, the language has to be sent off to the FBI. There will be an amendment and when the language is amended it will be sent to the FBI. When the language passes, they will have to send it to the FBI again in hopes at some point the FBI will process and approve it and at least give feedback. From what Molly understands, the agency at the FBI is a small office that deals with the entire country's federal language as well. Per DPS, this process can take from 30 days to 6 months. They are also dealing with a unique situation in which they are transferring authority from a state entity who has had experience with conducting background checks to an independent board. Although the board is a state entity, it is not entirely the same, and they have no experience with conducting background checks. They do not have an answer as to how long this will take. This will be a big question mark to how quickly they can move forward with the board taking over the background check processing and ensuring that there does not have to be any type of lapse in licensure. For this reason, they are in communication with the LCB, DPS, the Division who has been part of some of this communication, and their sponsoring Senator Gansert, related to changing the date to July 1st. This was only a proposed amendment and was not voted on. They have not gone to workshop, so it has not been approved yet by the legislature. She stated this date will be changing.

In the Assembly during their first hearing, Assembly Woman Carleton recognized that their rates were not in their bill language and has taken a stance and requested to put in an amendment to put their rates in there. Under the Board of Psychology Examiners, their fees were listed and when it had transitioned to the Division, they were removed. At some point during the 2017-2019 transition, the language shifted. Based on Senator Gansert's guidance, she has said that rate changes generally do not happen in less than five years and typically occurs once every 10 years. Molly explained that many Californians are leaving the state and moving to Nevada. Molly stated many Californians are BCBAs and their numbers are growing exponentially in terms of their licensees. The current rates will remain exactly as they are

today. The way almost all bills write the rates into law state, “no more than...”. After consultation with Dr. Fronapfel and the Senator, they have chosen to write the rates as follows: No more than \$550 for LBAs, no more than \$400 for LaBAs, and no more than \$100 for RBTs. Molly wanted to be clear that the current rates are not changing, this is only allowing a buffer should they see the need to do so. Molly believes they will need to discuss with Julie or their future Deputy Attorney General (DAG) regarding the language in the regulations if this were to ever come up. Assembly Woman’s Carlton’s point was to protect their licensees and consumers by ensuring that the board does not change rates on them.

Dr. Leytham asked Molly if there is a final sense of the date they are looking at. Molly stated there is not at this time. They are waiting for the Senator to get back to them. Dr. Leytham asked if the Senator has offered any other type of provisions as to how to accommodate the FBI background check. Molly stated it is not up to her, they are dealing with DPS and LCB to receive this guidance. Dr. Fronapfel emphasized that the background check is a legal issue and is not something the board has any control over and is certainly not something that DPS has any control over as this is the FBI who is a very small unit that oversees all the language changes across the nation. Dr. Fronapfel explained as Molly mentioned, there is conversation with the Senator to try and make it as smooth as possible based on the timelines with DPS and working with the Division.

Jennifer clarified that this is not an Aging and Disability Services decision to stop processing the background checks, it is all dependent on DPS. As they know, DPS has experienced several delays in processing background checks. As of July 1st, they are not permitted to receive those background check results. If they got them, they would have to be shredded and applicants would have to complete this all over again. They would be breaking the law and the Division would be subject to fines, so they needed a hard cutoff date. The reason they did it so quickly is because they wanted to get something posted prior to this meeting. Jennifer stated the DPS Administrator and Jennifer spoke on Friday, and she completely agreed with Jennifer. The ADSD Administrator knows this as well and they understand that it puts a strain on the industry; however, she wanted to be clear that it is not the Division saying they do not want to do this. They have another meeting with DPS and Dr. Fronapfel is on this meeting on Friday. Everyone from the Administrator on down will be present at this meeting to figure out what they can do. They must stay firm with the May 17th date because as of Thursday, DPS was five to six weeks out from processing background checks. Unfortunately, DPS had a system upgrade that did not go through, so they were down from processing background checks for about four days last week which puts them significantly behind since they receive approximately 2,000 a day. They will keep them updated if something changes. Jennifer also wanted to clarify that they will be accepting new applications through Certemy and will be approving all of those steps; however, they will not be sending out the fingerprint instructions email.

Dr. Fronapfel stated this is a proposed amendment and they will not know until they are scheduled for a work session. Jennifer explained that if the date does change, they will go back to business as usual and if it goes back to October 1st, then they will stop sending out fingerprinting instructions at some point in September. Whatever DPS’s timeframe in processing backgrounds will be the Divisions timeframe for cutoff. Christy asked Jennifer for clarification that this is what they have been guided to do by DPS based on their timeline and asked if they are updating them on timelines. Jennifer stated that it was instructed that the 17th was a safe date. They are not expecting to be caught up with the back log for a couple more months, so the five to six weeks is accurate. Christy clarified that they would have to cut them

off and if they don't come in by that date, they will notify the people and shred them and asked if it was not an option. Jennifer stated that she believes it would cause a lot of angst. If they receive background checks on July 2nd and they spent \$115 dollars to get fingerprinted, the results cannot be forwarded. The entire process must start over.

Dr. Fronapfel stated they will need to prepare for this lag. She explained that ADSD cannot have things and hold on to them and pass them over to the board legally and there can be no exchange of the information which is an FBI thing under federal law. There is going to have to be some understanding that there is going to be a delay. They are trying to minimize the delay in conversation with the Senator, ADSD, and DPS as much as they can with the language. Christy understands that there is likely going to be a delay and she understands the legal issue of not being able to pass along information. Her concerns are choosing to cut off if there is a chance that more could go through. She is worried about decreasing access to consumers directly and indirectly. Dr. Fronapfel stated that she believes everyone has the same concern and they are trying to problem solve the best they can to figure it out.

5. Update from Transition Sub-Committee on Implementation of SB 217

- **SB217**- AN ACT relating to applied behavior analysis; transferring responsibilities concerning licensing and regulation of the practice of applied behavior analysis from the Aging and Disability Services Division of the Department of Health and Human Services to the Board of Applied Behavior Analysis; making provisions governing providers of health care applicable to behavior analysts, assistant behavior analysts and registered behavior technicians; authorizing the Board to contract with certain entities to carry out duties relating to regulating the practice of applied behavior analysis; requiring members of the Board to complete orientation; revising the activities that constitute the practice of applied behavior analysis; revising requirements concerning the supervision of assistant behavior analysts and registered behavior technicians; exempting certain persons from provisions governing the practice of applied behavior analysis; revising the membership of the Board; establishing requirements for the ethical practice of applied behavior analysis; revising provisions governing licensure by endorsement and disciplinary actions; and providing other matters properly relating thereto.

Molly discussed the update from the Transition Sub-Committee and shared an Excel spreadsheet to display the to-do lists and comparisons researched by Nina. They were not able to get every comparison; however, those ones are not as pressing and can be looked into at a later time. Molly reviewed the redesign of the license/registration and stated they will want to use the board's logo. Molly explained the logo she has contains a watermark. Molly and her research assistant would be happy to help with this, they just need the updated logo from Rachel. This will need to be updated for physical licenses/registrations as well as in Certemy.

Next on the list was contacting the DAG. She believes either the President, their hired admin, or if Jennifer Frischmann may do this but was suggested to wait until the bill passes. Jennifer shook her head no and Molly clarified it would be a board member then. Molly discussed exam locations and from the previous meeting, Julie stated going online would be fine. Molly explained this would have to be branded and put into Certemy and an attestation form would need to be created and approved by the board to attest that they know the law. This would eliminate time and costs.

Molly discussed the Secretary-Treasurer would be opening a bank account and believes this would also include the President. The Board of Commissions manual recommends placing two people on the account. Molly recommends Chase for business, and they have locations in the North and South.

Molly explained that changes to Certemy will need to occur. She believes it will be Christy or admin that will do this since Christy was given an Admin account in Certemy. She assumes this would be another board vote for changes that need to be made. Molly asked Dr. Fronapfel if she had access to another Certemy account and had recommendations. Dr. Fronapfel stated she did, and she understands they will not be able to place the fingerprint request form in there right now, but they can do those types of things. Molly clarified that this would include streamlining the CEUs. Dr. Fronapfel confirmed. Molly explained that there are still room to make the improvements to streamline even further and make it more of an online process and they have mentioned that in the past as did Jennifer and Laryna as well. It would be a matter of coordinating when that would happen. Molly's recommendation if they have time is to do it before so the transition is as smooth as possible.

Molly discussed messaging from the Board or ADSD to the industry will be something the current board will need to craft and vote on. They recommended the board to write it for the next upcoming meetings with blanks on dates and any other pertinent information that is going to be specific to the bill passing that way it is already done.

Molly discussed needing a tax ID and believed Dr. Fronapfel has acquired this. Dr. Fronapfel stated she has this on her list.

Molly discussed the recorder for meeting minutes and understands that they will be able to continue completing these minutes as Laryna has done which is recording the meeting, taking summary notes, and posting it. They looked at meeting minutes from various boards and either Molly or her assistant will craft a list of recommendations for things that might be valuable to be included in each of the meeting minutes to give them good data that she does not believe they have all the time in their current meeting minutes structure.

Molly explained they had discussed the DPS process and are waiting for the FBI language to be approved. Based on their DPS meetings, the creation of the account will not be as daunting as they initially thought; it will primarily be held up by waiting for the language approval. Per DPS, Molly stated she believes it takes 2-3 weeks to create given that they are going to likely change this transition date with their upcoming amendment. They will have to hope they will receive the approval sooner and for the law to allow them to create an account beforehand; however, that will be up to DPS as well as she is not clear if it will be a possibility.

Molly explained the committee had decided to put postage options and office supplies on hold.

Molly discussed the comparisons regarding office space, website, phone, computers, payroll, file scan, file storage, and email. The comparison spreadsheet discussed are available in attachment D. Molly explained that they were not able to complete any further comparisons for moving costs nor the online payment systems. As Molly explained, she does not believe these two things are extremely pressing. She does not believe they would be able to integrate the

online payments until the transition of authority happens based on the state's systems and will probably be the last thing to consider.

Dr. Fronapfel asked Jennifer and Laryna how many drawers from the filing cabinets they currently have. Jennifer stated 19 drawers.

Dr. Leytham asked if there was a requirement for someone to be there to receive the background checks in the mail. Molly stated it would go to whoever received their mail and assumes if they do not have an account that they would be instructed not to open it. Molly asked Jennifer if this needs to be signed off for them. Jennifer shook her head no.

Dr. Leytham asked Jennifer and Laryna if they know how much webspace they use on the website. Jennifer stated that they do not and that she could probably get the information. Jennifer explained it will be tough since it is on the ADSD website. Laryna did not have the information either.

Dr. Fronapfel thanked Molly and Nina for all their work. Rachel asked Jennifer or Laryna to send the spreadsheet to the board so they could look it over. Jennifer stated they would, and it will also be posted online.

Molly shared an example of duties/responsibilities they may want to consider for a job ad and highly recommended having a job ad put in place. Molly created the job description for the Executive Director (ED) and combined the Administrative Assistant and ED descriptions with the intent of hiring one person during this transition process and splitting the jobs over time. Molly stated the board may need guidance from Jennifer and Laryna or maybe the DAG to decide on a state pay grade. Jennifer stated that the board can decide on whatever they like.

Dr. Fronapfel asked the board if they had any more questions for Molly. Christy stated she did not have questions and thanked Molly and explained this work started in a previous board meeting by Jennifer with her thoroughly detailed list of things to consider which she believes really helped guide Molly and the subcommittee. She thanked Molly again for compiling so much of the information in one document so they can refer back to it. Molly thanked Jennifer for the list and stated it was very helpful.

Dr. Fronapfel asked if Jennifer would be sending out the documents. Jennifer stated she was sending them out at that moment.

6. Review, Discussion, and Possible Approval of Board Activities Necessary to Implement SB 217 if it Passes (For Possible Action)

- **SB217-** AN ACT relating to applied behavior analysis; transferring responsibilities concerning licensing and regulation of the practice of applied behavior analysis from the Aging and Disability Services Division of the Department of Health and Human Services to the Board of Applied Behavior Analysis; making provisions governing providers of health care applicable to behavior analysts, assistant behavior analysts and registered behavior technicians; authorizing the Board to contract with certain entities to carry out duties relating to regulating the practice of applied behavior analysis; requiring members of the Board to complete orientation; revising the activities that constitute the practice of applied behavior analysis; revising requirements concerning the supervision of assistant behavior

analysts and registered behavior technicians; exempting certain persons from provisions governing the practice of applied behavior analysis; revising the membership of the Board; establishing requirements for the ethical practice of applied behavior analysis; revising provisions governing licensure by endorsement and disciplinary actions; and providing other matters properly relating thereto.

Dr. Fronapfel stated they will want to make decisions quickly with the potential transition of July 1st and suggested to draft the job description and the communication to constituents and providers now.

Dr. Leytham stated in the subcommittee meeting they had discussed creating a timeline and asked if anyone had done this. Dr. Fronapfel stated that she does not believe they did. Jennifer explained that this timeline would have changed anyway due to the possible implementation on July 1st. Dr. Fronapfel stated they can take some time during the meeting to triage and asked for Jennifer or Laryna to jump in for things they will need to check off immediately from their experience.

Christy explained the documents that were sent were in an odd format. Laryna resent the email to the board members.

Dr. Fronapfel began discussing the computer options and also took into account when Jennifer had to travel as well as situations such as COVID that although the desktop may be less expensive, there may be times the Executive Director will need to take their laptop with them to perform duties whether they are in the North or South. Jennifer stated that is what the Division is currently using and provided the docking station cost which would approximately be between \$250-\$576 and will need to be compatible with the computer they choose.

Dr. Fronapfel confirmed the board members received the documents. Dr. Fronapfel asked for the board to discuss how they would like to triage. Dr. Leytham suggested to go line by line and to discuss the time period.

The board discussed the redesign of license/registration. Dr. Leytham suggested for this to be completed by the transition date and recommended a month and half to two months. Courtney agreed with Dr. Leytham. Christy believes it is important for them to design it and be able to vote on it with the logo that Rachel designed. Dr. Fronapfel asked if Rachel was ok to do this. Rachel stated that was fine but will need someone to send over an example of their license. Christy asked if it was ok to directly message Rachel as long as they do not communicate. Laryna emailed the example to Rachel. Rachel stated she will complete this before next meeting and send it out prior to the meeting for review. Dr. Fronapfel thanked Rachel.

Dr. Fronapfel discussed changes to the forms in Certemy. Dr. Fronapfel asked Laryna if she recalled discussing the quantity of forms during the subcommittee. Laryna stated yes, they had discussed approximately 40 but does not believe there is even that many. Dr. Fronapfel asked Rachel if she would be able to handle this as well or if it is too much. Rachel asked what is expected with the form changes. Dr. Fronapfel explained that she believes it is just changing the Board's header on all of the forms. Rachel agreed to change the header of their forms. Dr. Fronapfel stated they will make sure she receives the forms from Laryna.

Dr. Fronapfel began to discuss needing a Deputy Attorney General (DAG). Jennifer stated they will have to wait until the bill passes before they can contact the Attorney General's (AG) office. Julie stated she would reach out to see if it will transfer to a different DAG. Dr. Fronapfel thanked Julie and assumes it will be fine to hear about the next meeting.

Laryna confirmed that the examples for the licenses and registrations were sent.

Jennifer asked Rachel if she would prefer to have the forms on a thumb drive and mail it to her. Rachel said probably. Jennifer stated they can discuss this further offline and would not want to inundate her email inbox with document files.

Dr. Fronapfel moved to discuss exams and location. Dr. Leytham asked if this is something Christy would do since she is currently working with Laryna on Certemy. Christy stated she could potentially but assumed it may be looped in to changes to forms and depends on if they begin to schedule exams in Certemy. Christy stated that she does need to be trained on Certemy and has a meeting later this week to learn Laryna's process. She stated eventually they can see about having this updated in Certemy and eventually the new admin would do this. Dr. Fronapfel stated that it will be easier for them in the North since they have office space there and they will need to figure out how they will do it in the South unless they will be transitioning into an online exam.

Dr. Fronapfel began to discuss opening a bank account and believes this will need to be done relatively quickly. She asked Jennifer if they will also have to wait for the bill to pass before they can do this. Jennifer stated they can open a bank account now. Dr. Fronapfel clarified they could even if the money is with the Division. Jennifer and Laryna explained they may just need to throw in a dollar to open it. Dr. Leytham stated he could do that but will need the tax ID number. Dr. Fronapfel stated that it is on her list to do, and she will send it to him. Dr. Leytham said as soon as he receives this he will move forward. Dr. Leytham suggested for the board to decide on a bank. Dr. Fronapfel stated that Molly had recommended Chase since it is both in the North and South and will have access in both places. Christy stated that sometimes they charge for not having a certain amount and is not certain that they will be able to open it with just a dollar and could be around \$500. Christy explained that they are also a very rural state and if they are ever able to provide testing in rural areas or travel there, they may also want a bank that is also in the rural area. Dr. Fronapfel suggested for Dr. Leytham to speak with Chase and Wells Fargo banks and to bring back this information for their meeting in June.

Dr. Fronapfel discussed changes to Certemy and asked Christy for a timeline. Christy could not provide a timeline since she does not know how much there is to learn and would like to start with the training first and go from there. Christy asked what kind of changes to Certemy and if it were related to CEU changes or finding other ways to use Certemy. Dr. Fronapfel suggested to wait on the CEUs since they are waiting for this Assembly Bill to pass. Dr. Fronapfel suggested for Christy to become formal with Certemy first and recommended to attend the meeting with Laryna and report back. Christy asked for additional clarification regarding what is meant by changes to Certemy. Jennifer explained that there will need be language changes and possibly stylistic changes.

Dr. Fronapfel began the discussion regarding the message the board would like to provide to the industry and stated this would need to be done fairly quickly. Courtney stated she would take on this task and asked when this should be ready. Dr. Fronapfel requested for the next

board meeting and asked for her to send it to Jennifer so she could distribute it to the board members prior to the meeting so they are prepared for possible feedback and in order to also approve it next meeting.

Dr. Fronapfel moved on to discuss hiring staff and stated this is also linked to the job description. Dr. Leytham asked if they should wait until the bill passes to become their own entity to avoid the red tape of the state. Dr. Fronapfel deferred to Jennifer. Jennifer stated that it is up to the board. If the board decided they liked Molly's job description and voted on it today, they would go through a temp agency and they would need to decide how much they would pay this person. They would need to begin the process soon since it can take about two weeks. Jennifer also recommended to take the July 1st implementation date into account and decide if they would want to go through the hassle of hiring through the state with a temporary company and pay an admin fee. She believes it would be more hassle than to just wait for July 1st. Jennifer stated the board would make all the decisions and would conduct the interviews. Dr. Fronapfel asked if there was anything preventing them from posting now and beginning the interviews after the transition date. Jennifer stated that she does not believe there is anything precluding them from doing this. Jennifer then stated if the July date changes, they could go the other route by going through Manpower or Kelly Services. Julie stated she agrees with Jennifer. Dr. Fronapfel thanked Julie and asked the members what their thoughts were. Rachel believes it is a good idea to put it out there and give people a chance to see the opportunity and for them to be aware of the pending start date. Courtney also agreed with Dr. Fronapfel and Rachel and stated it may give them more time to find someone. Christy asked if this could be posted now with the July 1st start date assuming that the amendment with the July 1st date goes through, if there would be anything that would prevent them from interviewing prior to July 1st and deciding a start date. If they interview ahead of time, then she assumes they would not need to go through the state and a temp agency. Dr. Fronapfel stated yes. Christy stated if they are looking at a Reno office, her assumption would be the people who are interviewing would likely be local people and suggested to also do ZOOM interviews or whatever online platform they want to use. She believes it is best to meet in person if possible. Christy recommended for at least one local person to be on the committee. Jennifer offered space at the Carson City office to conduct the interviews. There is also conference space in Reno and Las Vegas. Dr. Leytham asked how they will get this out and if they are allowed to post a job on the ADSD website. Jennifer stated that she has no problem with posting to the current ABA Board web page and they could blast it out on listserv. Jennifer also suggested to vote on using a service such as indeed.com. She continued to explain that ADSD has a Facebook page that could post this as well. Dr. Leytham stated that if someone sends an email stating they are interested if they could pass along those emails to the board. Jennifer stated absolutely. Jennifer recommended to put together their core committee and typically jobs are open for two weeks. If they do not receive the response they needed, then they could repost it. Dr. Fronapfel suggested to discuss who will be on the interview committee first. Dr. Fronapfel asked Julie if it would be an Open Meeting Law (OML) violation if the board were all on the panel. Julie stated if it is a committee with the board then it has to be OML unless they designate one person. Under the law, a public body consists of two or more people. Jennifer asked if it might fall under an exemption. Julie stated that she will need to look at it before she can give an answer and will bring it back to the next meeting. Christy believes it would be unfair to interview in a public format and would perhaps prevent some people from applying. Christy suggested to have one board member and ADSD staff to give perspective on some of the things they have encountered, as well as someone from NABA or a practitioner who is licensed in the community. She also recommended to have at least two to three people to

conduct interviews. Dr. Fronapfel stated those were good suggestions and asked the other members for their input and if they felt comfortable with it. The board members agreed. Dr. Fronapfel asked if the Division would like to be part of the interviewing committee. Jennifer stated that was fine; however, she will be gone the last two weeks of June. Dr. Fronapfel asked Christy for her suggestion on how they will name the two individuals. Christy stated they can discuss as a board who would be most appropriate or willing to do this and then they can also perhaps consider someone licensed or a practitioner in the community who would like to place their name in a hat with a brief explanation of their experience and why. At that point they could decide to vote on a person from outside the Board or ADSD if this is something they wanted. Christy also stated that with more people there will be more schedules to coordinate with as well. Dr. Fronapfel believes that it was a good point since the Board and Division are doing a lot right now too. She also believes it is good to give the community a voice and have their involvement. Rachel asked if they were deciding this in case Julie comes back to state there is not an exemption from the entire board on the panel. Jennifer stated that she believes Julie is correct that it would not be an exemption. Dr. Fronapfel stated she believes it would be a violation. Dr. Fronapfel asked if they want to solicit those that are interested in the community and have them send their information as Christy suggested and to collect these by the end of the week and bring it back. Jennifer explained that someone will also need to work on the job description, and they will need to decide who will be on the panel. Christy stated that her recommendation would be to not have four people. She stated either NABA or a practitioner within the state and recommended to have three. Rachel recommended to have the Friday deadline and see if they receive public input and if they do not, they can reach out to NABA for their third person and to also work on the job description ready to vote on both the description and the committee. Dr. Fronapfel agreed with Rachel. Dr. Fronapfel clarified to the public that if they are interested in serving on the interview panel for the new board Executive Director to express their interest by the end of the week with details regarding their qualifications and background. Dr. Fronapfel asked the board which member would like be part of the interview panel. Courtney volunteered to be part of the panel. Dr. Leytham asked if it would then be Courtney and Jennifer. Christy stated likely not since Jennifer will not be available towards the end of June but assumes by default that Laryna would if she is able to and willing. Jennifer explained that if they can begin their interviews prior to those last weeks although the end of May she will not be available.

Jennifer stated that Laryna had an update from HR if they were to use a temp company. Laryna explained if they already have the person, they want to select it will be a lot easier and quicker and would take at least two weeks and no sooner than two weeks because ADSD would need to have their paperwork completed as well as for the temp agency who will need to complete their paperwork on their end. If they do not have a person that they know they want to hire, the board would list their special requirements and the temp agency would be finding the person for them which does take longer. They would also need to complete their background checks which does not need to be completed before they are hired but it must be completed by the same day they are hired. Dr. Fronapfel explained to the board that they should also discuss if they want an Executive Director and a part time assistant or if they just want to go with an Executive Director to see how that goes. Dr. Fronapfel requested feedback from Jennifer and Laryna to discuss their workload. Jennifer explained that this is Laryna's 40 hour per week job and depending on Jennifer's week it can be a 20-30 per week job. Between them both, it is at minimum 60 hours a week. Rachel stated that they would need another person. Courtney explained in that case they would need a separate job description. Jennifer stated she could send them the state's class specifications for administrative positions to help

with some verbiage. Christy recommended to start with the Executive Director position and if the person they hire is unable to complete all of the job duties and needs additional help then she believes they would look at hiring an assistant. Christy stated that she believes Loretta will be able to provide assistance or guidance which may make the Executive Directors' job a little easier and paying Loretta for it if that is possible. Dr. Fronapfel stated that Christy was correct, and Loretta would not necessarily need a job description; it would have to outline where she would provide the mentorship and support which would need to come from her. As long as the board is ok with making a motion and going that route, they would have an independent contract with her. She continued to explain that Loretta is also someone who could potentially sit on an interview panel because she would probably know exactly what to ask for. Christy stated she had the same thought as well. Dr. Fronapfel explained that she would not want to ask too much from her as well. Christy stated putting her on a stipend or hiring her could be a consideration and may also know someone to recommend for the board to hire when recruiting. Dr. Fronapfel requested for a volunteer to work on the job description. Rachel volunteered to work on the job description. Dr. Fronapfel requested for a motion. Christy moved to have Rachel make edits to the job description for the Executive Director for the State of Nevada ABA Board and for a hiring committee be formed to include Courtney LoMonaco, someone from the public who might be interested and someone with experience in an Executive Director or assistant role. Rachel seconded the motion. All in favor, motion passed.

Dr. Fronapfel moved on to discuss a physical location. Christy stated that because the costs are comparable that they should go with the OT space if it is a big enough space. They will then also have a resource of someone who can guide them since they will not have that guidance anymore from the Division if they go independent. Rachel agreed with Christy. Dr. Fronapfel requested for a motion. Christy motioned to select the OT space and proceed to move forward with this selection. Courtney seconded the motion. All in favor, motion passed. Dr. Fronapfel stated that this now takes care of physical address, meeting locations, and office locations.

Dr. Fronapfel moved forward to discuss the recorder for meeting minutes. She explained the OT office has ZOOM so they would be able to record via ZOOM, but Laryna also uses a secondary recorder with a USB. Dr. Leytham stated he could purchase one if they need. Jennifer stated she could get the recorder and be able to use board funds for it plus they receive a discount from Staples. Rachel liked that option. Christy stated that as long as the recorder Laryna uses is something she is happy with since there could be additional features that may be nice to have. Laryna stated she would look into recorders to make the best selection for the board. Dr. Fronapfel requested for a motion. Christy moved to use board funds to purchase a recorder for meeting minutes and Aging and Disability services will research and purchase one that is comparable or to the standards that are required to efficiently record meeting minutes. Rachel seconded the motion. All in favor, motion passed.

Dr. Fronapfel moved to discuss website options. Dr. Leytham stated he liked the information Molly had put together and explained that was why he asked the question regarding storage space if they will use the website to store their information or if they will use Google or Microsoft Office as they have different storage spaces. He believes it will depend on what software they want to use which will determine what website they will go with. Christy recommended to not use storage on the website and instead to store it in the cloud. Christy suggested to choose something that is user friendly as they will need to update the website from time to time. They may also want to look at having a website designer and be able to

make the changes they need without needing the designer each time. They will also need to recognize that website design is likely outside of their expertise and could become a second job in itself. If they have board members that could take more on as Dr. Leytham is willing to do, they do have term limits and will need to make it user friendly to easily update and post to the website. Dr. Leytham stated that he does have background with this and requested more time to research and present his research next meeting. The other board members agreed. Dr. Fronapfel explained that depending on what they choose, it will impact the phone option and asked if Dr. Leytham could also lump those together. Dr. Leytham agreed.

Dr. Fronapfel began discussing their computer options and stated to Jennifer's point that if they can receive discounts to save a little they might as well get some of these things. Dr. Fronapfel asked if any of the members had background in this area. Dr. Leytham explained that it will depend on what it will be used for. He does not believe they will need a high-end computer system. Jennifer explained that if the board decides to go through the state to purchase this, they will have to go with Dell. She continued to explain that the laptop Laryna has is what she uses to do her job. Laryna recommended a computer with at least two monitors. Dr. Leytham stated that he likes being able to receive a discount through the state and purchasing Dell. Christy stated that she does not believe they should purchase something just because they could get it for cheaper. She believes they may want to look into the benefits of a MAC versus a PC as well as the future Executive Director's comfortability. Christy explained that she is a MAC user which may be why she is having some resistance with this. Christy stated there should be other places they could look into for discounts such as UNR or Costco. She does not like the idea of purchasing the computer now and later finding an upgrade because then there would be no purpose of the original discount. Dr. Leytham posed the question of when they would need the device. Dr. Fronapfel stated this is still unknown and it may depend on who they hire since they may be more proficient with one system than another. Dr. Leytham recommended to Courtney to place this question in the job interview. The board decided to put this on hold until such time.

Dr. Fronapfel moved to discuss payroll options. Christy clarified with the board if Molly had stated Quickbooks does not give payroll options but can still create checks. Molly explained that it does do payroll but does not offer an HR option. From her research, having an HR would be the bonus of Paychex but does not know if it is needed as the board DAG may have that guidance anyway. Dr. Fronapfel stated that it would essentially be funding the stipends for board members, future board members, and employees. Christy stated and for the DAG. Molly explained Quickbooks can also keep track of all receipts; Paychex is specific to payroll. Christy asked Molly which one she preferred for her business. Molly stated that they use Quickbooks. Christy stated to the board that she would choose Quickbooks. Molly also recommended for the board to hire an accountant to help with creating the budget. Loretta may be able to provide guidance and resources. Dr. Fronapfel clarified that the board seems to be leaning towards Quickbooks. Dr. Fronapfel stated to Dr. Leytham that this would be part of his duties as well and requested for him to look into more information for an accountant and to bring the information with him to the June meeting. Dr. Fronapfel requested a motion. Courtney motioned to move forward once they have more information with using Quickbooks as their payroll option with the new board. Christy seconded the motion. All in favor, motion passed.

Dr. Fronapfel discussed file scanning in which they had discovered to be astronomical in price. They can compare this service to just adding this as a portion to the job description with so many hours a week scanning. Dr. Fronapfel asked what the board members thought. Rachel

believes adding it to the description would be a better option because of the cost of the scanning service. Dr. Leytham asked what the protocol is to store the files as he was offered some space at a clinic from the company he works for. Christy assumed that since they have sensitive information that they would not be able to do this. Jennifer agreed with Christy and stated that DPS would also say that when they have background check information, the information needs to be in a room and close to the authorized personnel.

Christy explained that she agrees this cost is really high and to take that into consideration as well as the amount of time and effort it would take to scan all the documents. She would like the new hire to do this task, but it may become impractical for them to implement and at such time, they may need to look at paying for a service. Rachel recommended to do a price comparison for hiring an administrative assistant. Dr. Leytham asked if this is something the new Executive Director can figure out and to find a storage space in the meantime. Christy stated it would have to be stored legally and may need to look at hiring someone temporarily to scan these prior to the transition. Dr. Fronapfel asked if the board members would like to defer. Laryna stated that she does not believe the file cabinets could be stored offsite. Julie stated that there is another issue. They may not be able to hire a company to scan these documents under the FBI guidelines. Dr. Fronapfel stated they can bring these questions to the meeting with DPS on Friday. Dr. Fronapfel stated she would do this, and she will know more on Friday.

Dr. Fronapfel moved to discuss email options and stated this would link with Dr. Leytham's website and phone number tasks.

Dr. Fronapfel moved on to discuss moving the file cabinets and the printer and asked Julie if there were regulations regarding who can move the information. Julie was not sure but knows they would need to have a lock on the file cabinets. Jennifer stated as long as one of the board members is there and the file cabinets are locked and follow the moving vehicle so that they can guarantee that no one is trying to get into the files. Dr. Fronapfel stated that they will need to do more price comparisons on moving companies and wants to ensure they covered liability wise. Dr. Fronapfel asked Molly if they are still looking into this. Molly stated they can look into this. The board decided to defer this for the June meeting.

Dr. Fronapfel stated they are holding off on postage and office supplies will come with the Occupational Therapy (OT) board office space. She stated Molly is still working on the online payment information and is something they cannot do until out of the state purview.

Jennifer stated that she heard some desire for Rachel and Dr. Leytham to come up to Carson City. Seeing as this would be part of the SB217 transition, it may be beneficial to discuss this. Jennifer had sent out a doodle poll and almost everyone had participated. They will be looking at June 9th at 10 am for the next meeting and recommended to vote on the board member's travel. Dr. Fronapfel requested a motion. Christy moved for the members of the South to join them in person on the next meeting in June and use board funds to fly them up to the North. Courtney seconded the motion. All in favor, motion passed.

7. Review of Financial Status with Discussion and Possible Approval of Spending Board Funds for Potential Expenditures Related to Implementation of SB217 if it Should Pass **(For Possible Action)**

Dr. Leytham began to discuss the fiscal statement and noted category 1 for personnel under BSR expended column had an increase of \$17.85 and in category 4 there was 107.84

increase from the last report. He tried to receive some clarification from Laryna and did not have time to receive responses from Kirk to see where these increases came from. He had also asked about the postage. Laryna explained Kirk had explained the negative balance remaining of \$59,506 which means they do not have the authority to spend it, but they do have the money. It means they had more revenue than expected and a work program will be done to fix it. Laryna explained expenses for postage are billed monthly with state mail and they are a couple months behind on paying them. The total expense will not necessarily change because the projected postage amount is built into this number. Dr. Leytham provided background stating he had requested clarification regarding where the postage cost was for the 650 plus expired credential letters because it did not change on the statement and will probably be assumed in the total expense budget already. Dr. Leytham explained that their revenue had increased \$13,453 and assumes this came from new licensees.

Dr. Leytham asked Laryna if she was able to secure the spots for the board members for the CLEAR investigation training. Laryna stated that she did submit them and asked if they received an email. The board members shook their heads no. Dr. Leytham stated he had not. Laryna stated she would check with the fiscal department because they did say it was approved on their end.

Dr. Fronapfel asked if Dr. Leytham can work more closely with Kirk such as when he does the work program to be intimate with what is going on. Jennifer explained this would be a non-IFC work program and the board will not need to do work programs. She stated she is more than happy for Dr. Leytham to get in touch with Kirk. Dr. Fronapfel thanked Jennifer. Jennifer stated they are working with Kirk and the Governor's Finance Office (GFO) to look at what will happen come the transition date. There may be a hold period because they will need to keep the account open in case any checks still need to clear which take approximately 10 days. They will not be able to cut a check until everything clears. Any checks that are received after the transition date will be forwarded to the board. Jennifer clarified that this will be a one big electronic transfer to them. As Molly had indicated, at that point they will have either the Executive Director with knowledge of budgets or an accountant to help them set it up.

8. Discussion and Possible Approval of Investigations:

- 2021-03 Pursuant to Nevada Revised Statute 437.440, *Potential Inappropriate Termination of Services*
- 2021-04 Pursuant to Nevada Revised Statute 437.440, *Potential Improper Implementation of Treatment Programming*

(For Possible Action)

Jennifer explained that they received two investigations and reminded the board that they cannot say too much. Based on the information they received, Jennifer believes there is sufficient cause to move forward. Jennifer asked if Dr. Fronapfel agreed. Dr. Fronapfel stated yes.

Christy clarified that they now would need to vote on whether or not to proceed with the investigations. Jennifer stated that was correct. Christy motioned to move forward with the investigation for 2021-03 and 2021-04. Courtney seconded the motion. All in favor, motion passed.

9. Review, Discussion, and Possible Approval of Reinstatement of Behavior Analysts, Assistant Behavior Analysts, and Registered Behavior Technicians Who Failed to Renew and Pay the Biennial Fee Pursuant to Nevada Revised Statutes (NRS) 437.335 Automatic suspension for failure to pay biennial fee for renewal; reinstatement; notice of suspension. **(For Possible Action)**

See Attachment A for list of Individuals

Dr. Fronapfel confirmed with the board members that they had received attachment A via email. Christy asked if Laryna had sent this attachment with the other meeting materials because she did not have that particular attachment. Laryna stated she would resend this attachment to all the board members to ensure they all have it. Laryna listed the following individuals who were waiting for the board to approve their reinstatement: Christopher Sommers, Angie Noguera, Jaspreet Jagpal, Christina Carter, and Nicole Burns-Cooper. Dr. Fronapfel clarified that these individuals have completed their application including their fees unless they deferred under the Directive. Laryna stated yes. Jennifer explained that the list Laryna sent out contains more than 500 expired individuals and recommended for the board to do a blanket approval as long as everything checks out so they can get them back into the industry quicker. Dr. Fronapfel requested to begin with the four individuals previously stated. Christy clarified with Laryna that they were all RBTs. Laryna stated there were four RBTs and 1 LBA. Christy moved for the four RBTs and the 1 LBA who have completed their applications and payment to the board that they reinstate their ability to practice. Courtney seconded the motion. All in favor, motion passed.

Dr. Fronapfel moved to discuss the attachment A list and stated she is ok to have a blanket statement to get these individuals back in the field as long as the other pieces are in place. Christy agreed. Dr. Leytham reviewed NRS 437.335 which does not say they have to vote to approve it. Jennifer explained that she had discussed this with Julie and as long as the name is before the board, that it is fine which is why they provided the attachment. Dr. Fronapfel stated that since it is an action item that they will need to vote on it but also agreed with Dr. Leytham. Christy moved, given the list of individuals who are no longer practicing in the state or are no longer legal, can, because of documentation and payment have not been delivered to the board or the Division, that if these people choose to practice assuming everything is updated and correct with their applications and payment, that the board allows the Division to process the application so that they may practice in the state as long as it is within the parameters of their regulation and statute. Courtney seconded the motion. All in favor, motion passed.

10. Discussion of Current Status of Applications and other ADSD Activities Pertaining to Applied Behavior Analysis **(For Possible Action)**

Laryna provided the application update and began with total numbers for the state as follows: 1,224 RBTs, 27, LaBAs, and 327 LBAs. The pending numbers were as follows: 246 RBTs, 4 LaBAs, and 56 LBAs. In April, the Division completed the following: 57 RBTs, 1 LaBA, and 21 LBAs. So far in May, they completed the following: 19 RBTs, 1 LaBA, and 2 LBAs. Laryna discussed the update regarding the Directive 011. She stated there are 3 LBAs practicing without a license who have not taken any action to complete their applications, three RBTs practicing without a registration which shows a decrease in this utilization, as well as 54 ABA professionals who have deferred their fee: 6 LBAs and 48 RBTs.

Jennifer asked for the board to spread the word in their industry that as the state opens up, the repeal of the Directive may happen soon in which they will have 60 days. The LBAs who have been in process and have not taken any additional steps for their application need to complete this process soon since it can take a long time to receive documents such as the background checks. Laryna explained that this will be a huge concern because they already have a huge concern with the May 17th date. If they do not want to complete it before this date, they don't know when they will be able to. Jennifer provided an example stating that they did not receive a notice regarding needing a physical location for the Open Meeting Law (OML). Dr. Fronapfel explained that there will be a reminder once the Directive is pulled, and another reminder sent out after 30 days. She explained that ultimately, it is the licensee's and registrant's responsibility to follow up once they are informed that the Directive has been pulled.

11. Review, Discussion, and Possible Approval of Mission Statement, Values, Operating Policies, and Bylaws (For Possible Action)

This agenda item was tabled.

12. Determine Future Agenda Items (For Possible Action)

Dr. Fronapfel asked the board members what they would like to see on the June 9th agenda. Christy confirmed that the possible SB217 transition item is now a standing agenda item. Dr. Fronapfel shook her head yes. Christy requested to add a presentation from DPS to this agenda item as pausing the fingerprint background checks is causing most likely a lot of stress to providers in the area because of the considerations they need to have around restricting access to consumers. Dr. Fronapfel stated she would make note of this. Jennifer explained as a reminder that their next meeting will be June 9th at 10 am. Christy discussed adding a discussion regarding hiring and voting on the people who are interested in helping the board interview and hire. Rachel stated to remove SB208 from the agenda item. Christy motioned to have the standing agenda items, removing SB208, include a review of the discussion with DPS with the possible transition item, and determining an interview committee as an action item for interviewing and possibly hiring an Executive Director. Courtney seconded the motion. All in favor, motion passed.

13. Public Comment

(No action may be taken upon a matter raised under public comment period unless the matter itself has been specifically included on an agenda as an action item. Comments will be limited to three minutes per person. Persons making comment will be asked to begin by stating their name for the record and to spell their last name and provide the secretary with written comments.)

Matthew Lehman provided a public comment. Mr. Lehman wanted to provide a comment relative to the fees or rates. He wanted to observe that the RBTs are already finding the existing rate particularly high and burdensome. While he realizes there is no immediate plan to increase the rates, he would also like to point out that he is licensed in five other states, and with the exception to Alaska, this is one of the most expensive states to be licensed in even compared to states like New York. If they are in fact having a lot more members come into the state to support the board, that would actually support a lower cost and a lower cap rather than a higher rate cap. Especially again for making sure there is access to services since even their frontline staff are finding it very, very, very difficult to operate or even get into this field in this particular state.

Jennifer Castellanos-Bonow provided a public comment. She stated that she is a licensed Behavior Analyst within the state and wanted to comment on two items. First, at the previous meeting she was unable to say directly to the Board and the Division to thank them for the implementation work on Certemy. She explained that there has definitely been an increase in processing applications, and they have seen the delay in receiving fingerprint instructions has basically been eliminated. For most recent applicants for Behavior Technicians, their full applications have been processed within 30-45 days which is much, much better and more in line with pre-pandemic levels. In light of this, she had a comment about SB217. She stated that it has definitely been made clear that there is going to be an inevitable delay in the processing of background checks if that law passes. However, it was very concerning to receive the announcement that applications would be halted with only 10 days' notice. There was also an absent sense of collaboration that had initially been present between the Division, the Board and the providers when the issue first came to light and the committee was created to focus on problem solving around that. She suggested an approach for the Board and Division to consider. Given that this decision was based on advice from DPS and in service of protecting providers from potential shredded background checks, it seems that the Board and Division could maybe choose to continue accepting and processing new applications up until the law is passed, assuming it passes, and then the Division could shred anything it receives after the law goes into effect. She appreciates the Division's intentions in preventing providers from having to submit a second background check, but this approach would allow the provider the choice of whether or not to take that risk. She has a set of employees who were hired and their start date is after the May 17th deadline and she believes they would prefer the opportunity to try and be credentialed at the risk of additional cost at her expense rather than their start date being pushed indefinitely and given that some applications are processing within those 30 days, it would allow for additional time for providers to be credentialed which increases the number of individuals who will be served before applications have to be halted if the law passes. It would also allow them more than 10 days to adjust to the revised timeline from the interpretation of the law. Altogether, that would better serve the Board's purpose of protecting the consumers of this service because it helps maximize the number of providers credentialed and enrollment opportunities for children on the spectrum who are not currently receiving services all prior to the mandated discontinuation of application processing. She is hopeful that the Division and the Board will consider this and any other alternative solutions that come to light and to work with them to find a way to best serve their state's children and families.

Dr. Wade Brown provided a public comment. Dr. Brown stated that he is the current president of the Nevada Association for Behavior Analysis. He thanked the Board and the Division for their continued collaboration on some of these things as they try to problem solve and trouble shoot and find solutions for some of these problems that have popped up with SB217. He also wanted to extend his appreciate to the folks who are working on NABA's Public Policy Committee and that they have really done a tremendous amount of work and research trying to come up with some figures and numbers and he thinks it has also been tremendously appreciated by the organization and thanked everyone for their cooperation. He stated they look forward to continued collaboration.

Dr. Kerri Milyko provided a public comment. She stated she appreciated Dr. Castellanos-Bonow's idea and wanted to piggyback off of this brainstorming idea. She explained that she has an idea, but it may not work. If SB217 is executed, she stated to consider hiring ADSD under section 45 to get out of the background checks and simply state to the independent board may continue with processing their paperwork or may not continue with processing their

paperwork in the same way they do with the ABA agencies they communicate with right now is not indicating the results of the check and are hiring them as their intermediary to process the registrations until they can get the account up. If this is not allowed, the point is that they need to think outside of the box and problem solve and have the blackout dates be the very last solution. She thinks that any messaging that is sent out is couched with explanation and sensitivity in amidst of this transition from either the Division or the Board to avoid panic and confusion and that the board is included in all of the decision-making processes. Both the Board and the Division need to work together. Dr. Milyko stated, and finally, when you open a business account, you need not just the EIN number but the proof of the EIN number from the IRS and they need Articles of Incorporation and will likely need \$300-\$2,000 dollars depending on the terms of the business account. Dr. Milyko looked up Chase while they were talking, and it will require \$2,000. Various business accounts will require them to maintain a minimum balance per month and if they do not, they will pay a fee between \$15-\$30. There are terms for free business accounts. Some do not require those balances, but some do, and they will need to flesh out these details when they compare accounts. She stated that she would expect to put down money that is more than one dollar.

11. Adjournment

Dr. Fronapfel adjourned the meeting at 3:52 pm.

NOTE: We are pleased to make reasonable accommodations for members of the public who have disabilities and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify Laryna Lewis at (775) 687-0503 as soon as possible and at least one **business** day in advance of the meeting. If you wish, you may e-mail her at larynalewis@adsd.nv.gov. Supporting materials for this meeting are available at 3416 Goni Road, D-132, Carson City, NV 89706, or by contacting Laryna Lewis at 775-687-0503, or by email larynalewis@adsd.nv.gov.

In accordance with Nevada Governor Sisolak's Declaration of Emergency Directive 006 there will not be a physical location for the Nevada Board of Applied Behavior Analysis. The public is strongly encouraged to participate by phone or Teams link and download any material provided for the meeting at the website addresses below.

- As per Nevada Governor Sisolak's Declaration of Emergency Directive 006; Subsection 3: The requirements contained in NRS 241.020 (4) (a) that public notice agendas be posted at physical locations within the State of Nevada are suspended.
- As per Nevada Governor Sisolak's Declaration of Emergency Directive 006; Subsection 4: Public bodies must still comply with requirements in NRS 241.020 (4)(b) and NRS 241.020 (4)(c) that public notice agendas be posted to Nevada's notice website and the public body's website, if it maintains one along with providing a copy to any person who has requested one via U.S. mail or electronic mail.
- As per Nevada Governor Sisolak's Declaration of Emergency Directive 006; Subsection 5: The requirement contained in NRS 241.020 (3)(c) that physical locations be available for the public to receive supporting material for public meetings is suspended.
- As per Nevada Governor Sisolak's Declaration of Emergency Directive 006; Subsection 6: If a public body holds a meeting and does not provide a physical location where supporting material is available to the public, the public body must provide on its public notice agenda the name and contact information for the person designated by the public body from whom a member of the public may request supporting material electronically and must post supporting material to the public body's website, if it maintains one.

Agenda and supporting materials posted online on the following sites:

<http://adsd.nv.gov/Boards/ABA/ABA/>

<https://notice.nv.gov/>