



MINUTES

Name of Organization: Nevada Commission on Autism Spectrum Disorders

Date and Time of Meeting: February 9, 2021 3:30 p.m.

Due to the COVID-19 outbreak, Commission members will be attending telephonically and via Microsoft TEAMS. Members of the public will also participate via teleconference

Call to Order/Roll Call

Ms. Lozano called the meeting for the Nevada Commission on Autism Spectrum Disorders to order at 3:32 pm.

Members Present: Trisha Lozano, Lenise Kryk, Julie Ostrovsky, Ritzie Gratrix, James Howells, Kori Ward

A quorum was declared.

Public Comment

There was no public comment.

Approval of the Minutes from the January 12, 2021 Meeting (For Possible Action)

Ms. Frischmann stated that the agenda had January 12, 2020 and they will make sure to amend it, so it reads January 12, 2021.

Mr. Ostrovsky made a motion to approve the minutes as presented with the edits to the page numbers if needed. Mr. Howells seconded the motion. The motion passed.

Deputy Attorney General Office Presentation of Open Meeting Law in Nevada

Ms. Susanne Sliwa from the Deputy Attorney Office represents ADSD and is here today to discuss workgroups and subcommittees, as well as answer any questions that the commission members may have.

According to the Open Meeting Law, any public body, subcommittee, or workgroup must follow the Open Meeting Law. There has been confusion in the past as to when Open Meeting Law applies, but if the workgroups have more than one person, it does apply. Ms. Sliwa continued that any time there is a subcommittee or workgroup meeting,

the meeting needs the following: An agenda approved by a DAG representative, posting agendas no later than 9am three business days prior to the meeting and public access to meetings. (NRS241)

Ms. Ostrovsky would like clarification on how many commission members can be present in a workgroup/subcommittee as they were told no more than two commission members can be present and in a subcommittee. That there cannot be a quorum.

Ms. Sliwa answered yes to the subcommittee question, that it should be less than a quorum.

Ms. Sliwa stated that there really is no distinction between workgroups and subcommittees for purposes of Open Meeting Law.

Ms. Kryk asked what the difference is between workgroups and subcommittees and why one would choose one over the other?

Ms. Sliwa answered that she does not know, for purposes of the Open Meeting Law (not necessary for the commission's bylaws and mission) they are essentially the same. Ms. Sliwa understands that there is a difference between workgroups and subcommittees with the order, mission statement and bylaws that the commission follows. She understands that the workgroups do not need to vote on anything and simply compile research and information to present to the entire commission (Ms. Sliwa stated please correct her if she is wrong).

Ms. Lozano asked if the workgroup could vote on things like they would in a subcommittee? Or is there truly no difference of the two?

Ms. Sliwa stated as far as the Open Meeting Law, there is no difference. Again, the commission would need to consult their bylaws as to how they have chosen to define workgroups and subcommittees.

Ms. Ostrovsky mentioned that their bylaw actually states subcommittees rather than workgroups and she thinks this is great news. Ms. Ostrovsky thinks this should be a future agenda item to discuss how the commission members would like to proceed.

Ms. Frischmann understands that the bylaws say one thing and she believes that is where some of the confusion came in. She continued, to Ms. Sliwa's point a public body is defined as 2 or more members. It does not matter if you had one commission member and one member from the public or five commission members and one member from the public, they both are considered a public body and must follow the Open Meeting Law.

Ms. Ostrovsky was unaware that Ms. Frischmann knew this information and mentioned that this should have been clarified earlier as the commission has formed these workgroups months ago.

Ms. Ostrovsky also pointed out to Ms. Lozano how the commission's bylaw still says five voting members because it has not been updated since this commission was updated to seven. Ms. Ostrovsky thinks this should be an agenda item on a future meeting so it can be updated.

Ms. Kryk said two commission members can speak to each other and not vote on something, is this a bylaw or Open Meeting Law? So, if a workgroup/subcommittee can have five commission members then why can't five commission members speak to each other?

Ms. Sliwa answered, because that would constitute a subgroup of the public body which would be subject to the Open Meeting Law. This only applies with any kind of commission business related conversations.

Ms. Frischmann said this means posting the agenda three days prior, approving meeting minutes, recording/taking meeting minutes and advising the public when the commission is meeting. This is also why when Ms. Chalupnik sends out emails to the commission members, she makes sure to blind copy all members.

Ms. Ostrovsky stated that she finds this extremely frustrating as it took someone filing a complaint for the commission to be informed of the correct information on workgroups.

Ms. Frischmann thinks everyone was operating on different guidelines and this is new for everyone. This was not intentional and ADSD is doing the best they can and reminds everyone that there is limited staff on the ADSD side. She continues, now it is known and now we learn and grow from the situation to become a better commission.

Ms. Chalupnik confirmed to the commission members that they are following the correct steps by emailing her all information to distribute and to keep up the great work.

Ms. Kryk asked who oversees the subcommittees when it comes to bringing back information?

Ms. Sliwa stated the best way would be to email Ms. Chalupnik and she can distribute to the other members.

Ms. Kryk asked if a public member who has volunteered their time sends an email to Ms. Chalupnik, not including Ms. Kryk, then Ms. Chalupnik emails it to the commission members and Ms. Kryk has questions/suggestions regarding this information, does she need to go back through Ms. Chalupnik to get that to the public member?

Ms. Ostrovsky understands what Ms. Kryk is saying and said that they are still people in the community so people will send resources, etc. and as long as we are not asking the commission to vote on it, it is just a resource.

Ms. Kryk is trying to understand because a public body is two or more people.

Ms. Sliwa said two or more commission members.

Ms. Frischmann states that it is two or more people. A commission member and any other member.

Ms. Ostrovsky said this makes no sense and asked if she has someone from the legislator send her something, she now needs to have all responses go through Ms. Chalupnik?

Ms. Frischmann answered as long as you do not represent yourself as a commission member.

Ms. Lozano asked if the commission has already voted on someone to reach out to an organization, then they can talk to that organization?

Ms. Sliwa answered, yes, if the commissioner has already been assigned that task through the commission.

Ms. Kryk said she is already in charge of collecting information for her group, but will she now need the commission to vote for her to do this?

Ms. Sliwa said, yes.

Ms. Ostrovsky said in the past when serving on this commission, they were told to email the ADSD support staff and copy the Chair on all emails. She asked if this is correct as she has been copying Ms. Lozano on all her emails?

Ms. Sliwa stated that it is better practice to go through the supported staff as opposed to involving the chair and being at risk of doing a serial communication, which is prohibited.

Ms. Ostrovsky asked how do they know it is getting emailed out to the members? She also asked again about Ms. Kryk's question on overseeing the subcommittee group since this was already voted on in the past. Ms. Ostrovsky feels like their hands are tied.

Ms. Sliwa mentioned how the Open Meeting Law is very restricted and it is not easy to follow and does hamstring public body. The Open Meeting Law is to promote transparency within the public bodies of the state of Nevada.

Ms. Kryk asked if the commission members can vote on different members to be assigned to the objectives, so that they can all correspond?

Ms. Sliwa said no, they can not correspond with each other. There can not be more than one person working on gathering information because it is then considered a public body.

Ms. Lozano stated that the commission had misinformation on the Workgroups to guide them and how can they move forward in the correct way?

Ms. Sliwa said that subcommittees and workgroups can still meet and continue as long as they are following Open Meeting Law. The commission members can vote on members to gather information.

Ms. Ostrovsky read SB216: The commission may establish subcommittees consisting of members of the commission or other persons to assist the commission in the performance of its duties. Ms. Ostrovsky summed it up and said all subcommittees should be ran like these commission meetings as far as Open Meeting Law. Ms. Ostrovsky said that it also reads that the division will provide such administrative support to the commission and any subcommittee thereof as it is necessary for the commission to carry out its duties.

Ms. Kryk stated that ADSD staff will now have a lot more work being sent their ways.

Ms. Frischmann stated that this will be discussed in the next agenda item as to what ADSD staff can do realistically.

Ms. Ward still needs clarification on if a workgroup can gather information.

Ms. Sliwa answered, as far as members of a workgroup gathering information/research can be done but can not be discussed or deliberated without following the Open Meeting Law.

Ms. Ward asked who the contact person is for the Attorney General Office for DHHS as she reached out about a legal question and has not yet heard back?

Ms. Sliwa stated that there are many of them and herself being one of them.

Ms. Frischmann asked Ms. Ward to send over questions to the ADSD support staff, Ms. Chalupnik and she will forward it on to resources ADSD has or get you in contact with the resources they have.

Ms. Ostrovsky said to the commissioners to keep this in mind as the ADSD support staff can be a resource for them.

Ms. Kryk would like to move on but would like to get clarification on one last thing: She has a public body member that attends a meeting regarding SB96 and she would like that information they have, as a commission member she can go to them and ask about the meeting and ask for information/details with no agenda, posting, etc.?

Ms. Sliwa answered, correct. If you are the only one speaking to them and no other commission members are present with them (Joe shmo that lives next door is okay).

Ms. Frischmann asked Ms. Sliwa if she can stay for the next agenda item?

Ms. Sliwa answered yes.

Approval of Changes to Workgroups to Comply with Open Meeting Law (For Discussion / For Possible Action)

Ms. Frischmann thinks they can keep the workgroups and the same structure and call them whatever they would like, however, they will need to have agendas posted, meeting minutes and approval of meeting minutes from previous meeting, which it is a lot more formal. Ms. Frischmann said to please keep in mind that ADSD has one individual that does all the meeting minutes, Ms. Chalupnik hosts many of these meetings and we are going into a legislative session and ADSD does not have staff, so if the commission can please be considerate of this. Ms. Frischmann thinks the commission has a lot of great objectives and she is not making excuses but when SB216 was passed, ADSD was supposed to hire separate staff to assist the commission but the funds were not available and it never happened, so all supporting staff assisting currently have full-time jobs as well, like everyone else.

Ms. Ostrovsky stated that she would like to go back to subcommittees because if need be, it allows them to have three commissioners on because it is not a quorum and she believes it would give them more resources. She is thinking that the subcommittees can meet formally and maybe instead of this commission meeting every other week, fill in with the formal subcommittee meetings.

Ms. Chalupnik wanted to clarify that they can keep their workgroups as is, as long as they now follow Open Meeting Law.

Ms. Chalupnik mentioned another alternative: One person is appointed to do the work. That one person could be appointed by the commission and still abide by what Ms. Sliwa was discussing, which was not representing yourself as a commission member when speaking to others but still doing research and gathering information.

Ms. Lozano thinks it is best to go to subcommittees, as workgroups came with a lot of confusion in the past.

Ms. Kryk gave an example: They create a subcommittee for legislation and vote to assign it to a member to be in charge of research and gathering information with anyone in the public body, then schedules a meeting with an agenda, etc. and have three commission members attend that and vote.

Ms. Ostrovsky answered, vote to make a recommendation to the commission.

Ms. Lozano suggested to be mindful of these subcommittees as it will be harder to do with following Open Meeting Law and in the past, there has been trouble with meeting quorum.

Ms. Ostrovsky moved to switch their two workgroups to subcommittees. Ms. Ward seconded the motion. The motion passed.

Ms. Frischmann mentioned for those chairing the subcommittees, to please make sure to reach Ms. Chalupnik in advance when scheduling meetings and getting over agenda items as agendas need to be posted three business days prior to the meeting. All documents being posted also need to be remediated and sometimes the website is down for posting, so please get agendas over in a timely matter. Ms. Frischmann also mentioned on Tuesdays and Thursdays at 3:30pm are the standing Health and Human Services hearings

Ms. Chalupnik added that all state staff are required to take furlough each month, so staff may be out on mandatory furlough, so she is sending commission members an email now of ways to contact her.

Ms. Ostrovsky asked Ms. Sliwa if the commission needed a motion to assign the chairs of the workgroups to the chairs of the subcommittees or if it happens automatically?

Ms. Sliwa answered that it should happen automatically.

Ms. Frischmann suggested to make a motion just so there is record.

Ms. Ostrovsky made a motion for the chairs of the former workgroups become the current subcommittee chairs. Ms. Kryk seconded the motion. The motion passed.

Legislative Updates to Include Review of Upcoming Legislative Session Bills, SB216 and SB174, and Prepare or Review Public Comment (For Discussion / For Possible Action)

Ms. Ostrovsky stated that SB216 and SB174 were from the last session, but she wanted to discuss them because in the past they have had questions from Medicaid and ATAP about what numbers are wanted. Looking in section one of SB216, there are specific items stated. Ms. Ostrovsky wanted to remind everyone that is what the legislation reads.

Two things Ms. Ostrovsky wanted to discuss today is SB96 and SB2.

Ms. Chalupnik and Ms. Frischmann interrupted and stated that Ms. Ostrovsky would not be able to discuss any other bills since they are not listed on this agenda item.

Ms. Ostrovsky stated that it is under legislative updates and she has never had any issues in the past.

Ms. Chalupnik said to Ms. Ostrovsky that she emailed her back before this meeting stating that the DAG did not approve of how the agenda item was written, so that is why Ms. Chalupnik asked Ms. Ostrovsky what bills she would be discussing. The DAG would like all bills that will be discussed written out on the agenda.

Ms. Ostrovsky stated that those two bills were not introduced yet when she was asked and if that is the case next time, she will send over a list of fifty plus bills to make sure all is covered while discussing.

Ms. Frischmann understands Ms. Ostrovsky's frustration as this is something new from last session and the ABA board must do the same thing.

Ms. Kryk mentioned SB216 and ADSD supporting the commission and Ms. Frischmann stating that they are short on staff, Ms. Kryk understands 110% and she is sorry it is that way and respects all the work they do and is very appreciative. However, Ms. Kryk's concern is if staff were meant to be provided it almost sounds like this bill is out of compliance and she wonders how they would address this.

Ms. Frischmann does not think it is out of compliance and is going to do a little more research on this.

Ms. Ostrovsky said the thought was ADSD was already supporting and already had staffing. She asked if Ms. Robb was on the call because she believes they testified on that. Ms. Ostrovsky stated that this is something to address in the next session.

ATAP Updates

Ms. Jayme stated that things have been consistent with ATAP as data will show. ATAP is still picking kids off the waitlist and starting new kids every month.

Ms. Jayme sent out her PowerPoint presentation a month ago and it is posted on the ADSD website, so to save time Ms. Jayme can take any questions that the members may have for her.

Ms. Ostrovsky asked if someone applies to ATAP with a diagnosis, do they get a Case Manager then or do they have to wait until they find their own provider?

Ms. Jayme answered that all kids have a Case Manger while on the waitlist to support them and help get a provider. Then once ATAP can fund them, they will move over to a Care Manager with a smaller caseload to help with more one on one contact. Ms. Jayme mentioned that ATAP is currently working on a research center on their website per the audit recommendations.

Ms. Jayme stated that since she is a standing agenda item and sometimes, they do not always get to her, she can email out ATAP's PowerPoint monthly so the commission members can have the updated data. Being Legislative session and having the Senate

HHS meeting that meets now too, she believes this will be helpful and not take up too much time in future meetings.

Nevada Early Intervention Services Presentation of Modified Checklist for Autism in Toddlers (MCHAT) Data

Ms. Sprout stated that this is the normal MCHAT report that NEIS provides. Typically, it is an annual report, but the commission asked for a quarterly report, in which these reports will now come to the commission quarterly. Ms. Sprout said to keep in mind that the report is always going to run a quarter behind. Ms. Sprout made a disclaimer that the report before was much more line level detailed but really ensuring that they are doing their best to secure information and not overexpose data, NEIS had to roll this up, so it will look different from what was presented in the past.

Ms. Kryk has another meeting and will need to leave this meeting now, but she knows she will have questions.

Ms. Humes shared and presented the NEIS report. This report is posted on the ADSD website.

Ms. Sprout stated if any questions come up, to please get them to Ms. Chalupnik so NEIS can address in future meetings. Ms. Sprout also mentioned doing their best when it comes to availability as this meeting conflicts with other standing meetings during legislative session.

Discuss and Approve Agenda Items for Future Commission Meetings (For Possible Action)

Ms. Lozano reported that the Nevada Department of Ed. can present in a future. Ms. Lozano also mentioned that ADSD can present information on rural regional services.

Ms. Frischmann wanted to clarify that Ms. Jessica Adams gave a presentation approximately two months ago and that was a lot of information that was asked for. So much, that the commission asked her to stop presenting. So, if there are specific questions the commission have for the regional centers, please be specific. The last presentation is posted on the ADSD website.

Ms. Ostrovsky would like Nevada Department of Ed. on the next agenda as well as Legislative updates. She also stated that she would prefer not to meet on Tuesdays and Thursdays as it is conflicting with other meetings during Legislative session.

The commission members agreed that it would be too hard to schedule meetings around other meetings, so they will schedule and just hope for the best.

Ms. Ward made a motion to have Nevada Department of Ed. to speak in the next commission meeting. Mr. Howells seconded the motion. The motion passed.

Ms. Ostrovsky moved for the next commission meeting to be on March 2, 2020 at 3:30pm. Ms. Ward seconded the motion. The motion passed.

Ms. Lozano will not be able to attend this meeting.

Ms. Ostrovsky suggested to delay Nevada Department of Ed's presentation, as she thinks Ms. Lozano should be there for it.

The commission members agree.

Ms. Frischmann asked if Ms. Ostrovsky can get the bills to Ms. Chalupnik by February 19th? Drop dead date will be end of business on the 24th.

Ms. Ostrovsky answered, yes.

Public Comment

There was no public comment.

Mr. Howells made a motion to adjourn the meeting. Ms. Ward seconded the motion. The motion passed.

Ms. Lozano adjourned the meeting at 5:29 pm