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**MINUTES**  
of the meeting of the  
Nevada Commission on Autism Spectrum Disorders  
January 18, 2022

The Commission on Autism Spectrum Disorders held a public meeting on January 18, 2022, beginning at 3:45 p.m. at the following locations:

3811 W. Charleston Blvd. Suite 209 Las Vegas, Nevada  
Teleconference meeting was conducted via Microsoft Teams Meeting

**1. Call to Order:**

The meeting for the Nevada Commission on Autism Spectrum Disorders was called to order at by Commissioner Lozano at 3:49pm.

**2. Roll Call:**

Ms. Chalupnik took role. Members Present were Commissioners Trisha Lozano, Ritzie Gratrix, James Howells, Korri Ward, Julie Ostrovsky, Lenise Kryk

A quorum was declared.

**3. Public Comment:**

Ms. Follett with Nevada Medicaid gave an update on their ABA policy. The RBT rate increase was approved by CMS and was effective on January first. There will be some system issues occurring in the meantime, so it will be a little bit. All is announced in web announcement number 2673, which basically says that anything that bills after January first will eventually recycle to the increased rate. This was approved by CMS back in December.

**4. For Possible Action: Approval of Meeting Minutes from the Previous Meeting held December 7, 2021**

On motion by Commissioner Ward, seconded by Commissioner Howells, and approved with a unanimous vote, the minutes of the December 7 meeting was approved.

**5. Autism Treatment Assistance Program (ATAP) Updates**

Ms. Garner stated that the ATAP PowerPoint was posted to the ADSD website, so with the busy agenda, she asked if anyone had any questions on the presentation or any other questions for ATAP.

Commissioner Ostrovsky asked if ATAP's rates were adjusted based on Medicaid rate?

Ms. Garner answered that currently ATAP's budget has a pot of money that came into play for January through June. Their fiscal team is working on how to integrate that in as the rates increase, but ATAP's rates also adjusted as of January 1, 2022.

## **6. For Information: Discuss and Review Open meeting Law as it Pertains to Personal Interests / Conflict of Interest and Commission Related Activity During Public Meetings**

Ms. Sliwa, the Deputy Attorney General that represents ADSD, came to discuss Open Meeting Law issues of personal interest and conflicts of interest.

Commissioner Ostrovsky asked what prompted this to be an agenda item?

Ms. Frischmann answered in the last commission meeting, some of the conversations gave herself and other ADSD staff pause. So, ADSD reached out to Ms. Sliwa for guidance, what constitutes a conflict of interest, how personal things get as far as specific family members, etc. This is more of a refresher for everyone.

Ms. Sliwa started; you always want to try to avoid the appearance of impropriety. Even if there were found to be no conflict of interest. If there is a question, it's probably better to avoid that if you can. For example, if the public body itself is voting on something that will directly impact a member of the public body, it is probably best for that member to abstain from the vote. Ms. Sliwa stated to just be mindful of things and how things might appear. This will avoid problems down the road.

Commissioner Ward asked if people accessing treatment considered benefit? Or people accessing services so they can remain in their community, is that considered a benefit?

Ms. Frischmann answered that if anyone has direct financial gain or benefit from decisions being made or votes being made that is a perceived conflict of interest. But as far as advocating for services, no that's not a conflict, even if it is your child, your loved one, or family member. It is important to remember that the Commission advocates on behalf of all individuals with autism.

Commissioner Ward asked in the event they have quorum, but then somebody can't vote. How do they handle that situation? Is a quorum then based on the number of people that can vote or is it still based on the number of people on the Commission?

Ms. Sliwa answered that she is unsure and will need to revisit the Open Meeting Law and get back to the commission about this.

Commissioner Kryk stated that the quorum and how that would work with the voting will be important. As a provider, Commissioner Kryk does not make a certain amount of money based off rates. She is unsure if this is a concern of being one of the members on this commission that is a service provider in the community and not a parent that receives services, etc. Commissioner

Kryk thinks there is some clarity on what it means to have monetary benefits but would like to be able to have some of that information before voting on something.

Ms. Sliwa came back to the quorum question. She did look up whether abstentions have an effect on a quorum and according to Roberts Rules of Order, it talks about a quorum, and it says no abstentions have no effect at all on a quorum. If the quorum is 6, there are 6 commissioners present there and 1 commissioner abstains. whichever side gets 3 or more votes determines the issue.

Ms. Robb explained, if you have a quorum of 6 and 2 people must abstain because you have your quorum of 6, those 2 don't count against you because you have a quorum, so you have your votes of 4. It would be stated on record, 6 were my quorum 2 abstained, 2 said no and 2 agreed. Always make sure your abstentions were noted within your minutes. This is where Ms. Robb thinks some of the confusion is coming in. Now if you have 5 people that must abstain you now have a true conflict of interest in the sense of the board cannot do business. It's when you have direct financial impact to what your vote would be.

Ms. Robb continued, there could be an appearance as Commissioner Kryk noted that she works for an agency and that rate increase could affect her. If there is a potential appearance, then you could abstain on that particular vote because you're with an agency and the agency will financially benefit by my vote. This does not mean you're going to abstain for the entire day. You're only going to abstain from that particular vote because of the perception. When it comes to Open Meeting Laws, there is a perception, what is perceived and what is a conflict of interest.

Commissioner Ostrovsky stated that they really don't have any financial say but just might make recommendations to the Legislature.

Ms. Robb stated that the commission's recommendations are as a council, as a Commission, not as an individual.

Ms. Frischmann suggested that due to time, she can have some reminders sent out to the commission on Robert Rules of Order and some Open Meeting Law information.

**7. For Information: Discuss ATAP Budget and the Commissions Objectives as it Relates to Insurance Assistance Distribution, Policy on Supervision, and Impacts of 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), to the ATAP Budget**

This agenda item was skipped due to time.

## **8. For Information: Nevada Department of Education Updates on Individuals Diagnosed with Autism Spectrum Disorder (ASD) in the School Districts**

Nevada Department of Education was not in attendance of this meeting. Ms. Chalupnik will reach out to reschedule.

## **9. For Information: Presentation from Clark County School District, Related to Individuals Diagnosed with Autism Spectrum Disorders (ASD) and Applied Behavior Analysis (ABA) in the Schools**

Ms. Coyne, the coordinator with the Links team from Clark County School District presented a PowerPoint presentation.

As of January 12<sup>th</sup>, the Clark County School District has 7,825 students with the primary eligibility of autism and 327 students with a secondary eligibility of autism. Currently enrolled for a total of 8,162 students. Approximately 58% of their students with autism with either a primary or secondary eligibility, currently have speech language services in their IEP. 17% of students with autism currently have occupational therapy services in their IEP. About 15% of students with a primary or secondary eligibility with autism have both speech and OT services. 47 students are or will be turning 22 and transitioning from CCSD to the Nevada Workforce Pro Secondary Education, or other opportunities at the end of the school year. It is also anticipated that additional students will choose to transition to the workforce prior to turning 22 or graduate from high school with a standard diploma. Currently they have 391 students enrolled in their transition work readiness programs and 40% of which are students with an eligibility of autism.

Ms. Coyne continued, Clark County School District is committed to ensuring that students with autism have access to high quality instruction curriculum and behavioral supports. Students with autism can access the full continuum of placement options. Currently they have about 720 self-contained center-based classrooms specifically designed for students with autism. Applied Behavior Analysis is the evidence-based intervention model used throughout CCSD and self-contained autism programs are designed to provide ABA services within the classroom context. Autism program curriculum is based on ABA and addresses the Nevada academic content standards. Classroom resources include a work in progress, it's time for school, rethink Ed., unique learning systems and attainment. Additionally, through the IEP process students have access to speech language therapy, occupational therapy, adaptive PE, assistive technology, and school based individual intervention services. All staff working with students with autism can participate in district wide professional learning activities to enhance their knowledge of ABA, behavioral interventions, de-escalation strategies as well as curricular supports. The Links team provides consultation to school teams to assist classroom staff to design and implement an ABA program for their unique classroom needs. CCSD contracts with autism partnership to provide professional learning and consultation for the Links team as well as school teams to ensure they're providing quality services for the students. CCSD also partners with the Cleveland Clinic to implement their model of ABA instruction at Variety and Helen J Stewart schools. The Cleveland Clinic consultant provides monthly consultation and training to ensure school staff for implementing the program with Fidelity. Finally, a CCSD provides auxiliary services for their

students, including connections center, parent training and school based individual intervention services.

The Connection Center parent training is offered to parents of students with autism to assist parents to develop skills in ABA at home. The training is provided to individual families and designated to meet their unique needs. Families are supported and coached through hands on implementation of ABA strategies to assist with home and community behavioral concerns. These sessions are currently being offered in person and virtually. The staff facilitating the Connection Center training are their system intervention specialists. Basic qualifications include prior autism experience and training. Once AIS staff are hired, they receive ongoing training on applied behavior analysis from Department staff as well as autism partnership. The Autism Intervention Specialist 1 and 2 job descriptions can be found on the CCSD website under employment opportunities.

School Based Individual Intervention Services or School Based IIS is a short-term ABA supplementary service to increase learning to learn behaviors for students with autism. Services are provided by highly trained Autism Intervention Specialist staff and support the goals and benchmarks identified in the IEP relating to behavior communication and social skills. The program was designed after the traditional home program model for ABA service delivery and adapted to be implemented in the school setting. The focus is to help students gain or generalize learning skills that are needed and need less intervention in the future. Services maybe pull out, push in, or a combination of both. They are determined by an assessment and recommendations to the IEP team and the need for services reviewed yearly at the IEP. Currently, there are 78 students receiving SBIIS services. They currently do not have any rural school students accessing IIS services. However, rural schools do have self-contained autism programs as well as receive consultation from the Links team. On average, students receiving School Based IIS or provided 15 to 20 hours a month of face-to-face services. Students attending Nevada Learning Academy, the online option for CCSD, receive an average of 3 to 4 hours a month of virtual service and one hour a month of consultation with the teacher from the case supervisor.

CCSD has fully licensed teachers providing ABA instruction and autism programs. They are qualified to teach students with autism per the NAC 391.371. Additionally, they have a total of 135 ARL & ARC teachers that are working towards their certification and as previously mentioned in addition to basic licensure. CCSD provides ongoing professional learning opportunities and classroom consultation and ABA strategies to ensure AB methods or implemented consistently and with Fidelity. Links Itinerant Specialists are licensed teachers who received monthly consultation from autism partnership to enhance ABA skills. This team of teacher provides consultation modeling in coaching via our service request process for CCSD autism staff and students. School Based IIS supervisors are also licensed teachers who received monthly consultation from autism partnership to enhance their supervision and assessment skills as it relates to the School Based IIS program. The Autism Intervention Specialist 1 and 2 staff implement the connection center parent training and are the direct line staff for IIS cases. Basic qualifications include prior autism experience and training. Once hired they receive ongoing training and ABA from Department staff as well as autism partnership.

Commissioner Kryk asked if they require staff to have a Registered Behavior Technician Certification or happen to have BCBA's overseeing staff?

Ms. Coyne answered, not at this time. It is something CCSD is looking into, however, it is not something that will be happening quickly as it is going to require a lot of research, job descriptions and financial impact. CCSD are not currently billing for ABA services. If they are to start billing under Medicaid, they will need to fall underneath the licensure certifications for those ABA services.

#### **10. For Information: Presentation from Washoe County School District Related to Individuals Diagnosed with Autism Spectrum Disorders (ASD) and Applied Behavior Analysis (ABA) in the Schools**

Ms. Chalupnik informed the Commission that Washoe County School District was unable to attend this meeting.

#### **11. For Information: Vocational Rehab Updates as it Relates to Individuals Diagnosed with Autism Spectrum Disorder (ASD), to Include Information Regarding the Types of Work Programs in Northern Nevada Available for These Individuals**

Ms. Varshabi, a representative for Voc. Rehab (VR), had an entire PowerPoint presentation created but is having technical difficulties accessing it. So, she updated the commission on what VR offers in Northern Nevada. With Vocational Rehabilitation, each case is very individualized. Depending on who applies and what their needs are, and it is very individual case by case basis on what is provided, so it is hard to give a general overview on specifically what is available for individuals with autism. Autism is one of the primary disabilities that VR works with. Starting at age 16, if there is an individual with autism that is enrolled in high school, VR has a pre-employment transition services that is available to them. On the adult side of things, for individuals with more significant needs, VR has supported employment services. Since the chat is turned off right now, Ms. Varshabi wanted to be able to provide her contact information and send out her presentation to whoever is interested in seeing all the detailed information on how to apply, what is available for those with more significant needs and different services that are available for those with a wider range of needs.

Ms. Frischmann asked Ms. Varshabi to send all the information to her and/or Ms. Chalupnik, to get it sent out to the commission members and to even get it posted.

Ms. Varshabi continued, on the higher end of the spectrum if going into college training, VR has a lot of support. Counselors work very closely with the Disability Resource Center of both TMCC and UNR. Any college, VR is supporting any individual going through. VR also has something that is a little bit newer called Career Connect. This is a vendor that VR works with that provides very hands on training with individuals with disabilities.

For supported employment, another thing VR has is job development. With that is very intensive hands-on support for finding employment that includes resume development, working with a hands-on advocacy right from the beginning to do job carving. Job carving makes sure

that individuals not just applying, but a Job Developer is there to work with the supervisor or the employer to make sure that it's really catered to the individual's needs.

After Covid, VR went to an online only application model. The application can be found on the DETR website, under Vocational Rehabilitation. Under the application it is requested to complete a short questionnaire, which is only a request for the application. Ms. Varshabi stated that some people that complete this questionnaire think that was the end of the line, but it is not. Again, this is only a request for an application. A full application to apply will be sent to the email address provided in the short questionnaire.

Ms. Varshabi stated that everything is still primarily done virtual at this time, although there is a small percentage of reasons that they can get people into the building physically which is usually only on an emergency basis. VR has a video chat system that is specific for them called ODIN in which they handle a lot of video meetings over, however, some individuals prefer zoom meetings and that is fine, VR will adapt.

Commissioner Lozano would like to hear more about the Career Connect.

Ms. Varshabi apologized for saying Career Connect as Career Connect does not exist anymore, it is actually call Bloom Consulting. This is a more hands for any individuals with VR with more attentive needs through their schooling. Bloom Consulting gives extra guidance through the semester.

Commissioner Lozano asked if there is a deadline to complete the full application when emailed over?

Ms. Varshabi answered, not necessary, but everything will be on hold until VR receives the completed application back.

Commissioner Lozano asked with the covid increases if the VR counselors are still going to job sites and supporting individuals?

Ms. Varshabi answered, it depends on the office. Some offices are currently shut down due to Covid. However, VR still interacts as much as they can via virtual phone calls. There is still a lot of employer engagement and advocacy even if it is not physically showing up to sites.

Commissioner Gratrix mentioned the Sephora program in the south and asked if there is one in the north available?

Ms. Varshabi answered no. The closest thing in the north was the Starbucks training program but that no longer exists. VR does have a lot of a transition services for those who are considered youth that includes different summer training camps and something they call crave.

Commissioner Ostrovsky asked how they work with individuals where English is their second language and/or individuals who are not technology savvy?

Ms. Varshabi answered that the initial application can be requested in Spanish. As far as technology, it has been challenging, but the best they can offer at this time is to suggest a support person. A family member or Regional Center support, to walk them through the process.

**12. For Information: Regional Center Updates as it Relates to Service Utilization for Individuals Diagnosed with Autism Spectrum Disorder (ASD), or Multiple / Dually Diagnosed Individuals Accessing Services, to Include Data and Information Regarding the General Population Service Utilization**

Mr. Caver, Clinical Program Manager with DRC shared and presented some data. This information is posted and can be found on the ADSD website.

Mr. Caver stated that the Regional Centers are trying to hire more staff, it's complicated by covid complications, but they are trying to staff their programs as much as possible.

Specifically for Desert Regional Center, they met with an agency called Grant a Gift Foundation, who was referred by ATAP. They met and discussed potentially being a behavioral consultant provider, which essentially would allow this agency to support both children and adults with dual diagnosis; could be autism, behavioral plans, training on plans and positive behavioral support. So, all are hopeful that relationship can be developed between the Regional Center and Grant a Gift Foundation.

Commissioner Ostrovsky asked how long is it taking right now from the time somebody applies, on average, until the time they are approved?

Mr. Caver answered, no matter what their staffing situation is, they have an obligation to open cases if they meet the eligibility criteria. It really depends, but if someone completes an application and they have all the supporting document to justify an IDD or related condition, he will say they would probably have the case open under 30 days. Some that have less documentation or must get some secondary testing from specialists in the Psychology Department, those are the applications that take the longest and they are trying to open applications within 90 days.

Commissioner Ostrovsky asked how long does it take for a program to get approved?

Mr. Caver answered, depending on what type of supports they want to provide. The SLA and JDT modules are a little bit more complicated because it is going to involve Nevada Medicaid, them getting a Medicaid number, them working with the fiscal office and QA office that process. There is not an exact answer, because it varies from potential providers depending on how much information they provide.



**13. For Possible Action: Approve Subcommittee Roles and Responsibilities as it Relates to the Current Community Strategic Plan, Including Approval of Public Entities and/or Members to be Contacted to Participate in Each Subcommittee, in Preparation for Upcoming Strategic Report**

This agenda item was skipped due to time.

**14. For Information: Workforce Development Subcommittee Updates and Funding and Insurance Subcommittee Updates**

This agenda item was skipped due to time.

**15. For Possible Action: Discuss and Approve Agenda Items and Discuss Future Commission Meeting Dates**

Commission members agreed they need to get the subcommittee up and running.

Commissioner Kryk stated that she had emailed out a few times to try to schedule something and did not get a response back. She emailed possible dates to meet, hoping to meet prior to this meeting but did not hear back.

Ms. Chalupnik apologized and suggested the second week of February. She reminded that she would like the agenda to her 10 days before the scheduled meeting.

Commissioner Kryk will email Ms. Chalupnik dates to schedule the Insurance and Funding Subcommittee meeting.

On motion by Commissioner Ostrovsky, seconded by Commissioner Gratrix, and approved with a unanimous vote, the next meeting will be February 22nd, 2022, at 3:45pm

On motion by Commissioner Ostrovsky, seconded by Commissioner Ward, and approved with a unanimous vote, the next meeting agenda will have the following:

- For Information: Discuss ATAP Budget and the Commissions Objectives as it Relates to Insurance Assistance Distribution, Policy on Supervision, and Impacts of 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), to the ATAP Budget
- For Information: Nevada Department of Education Updates on Individuals Diagnosed with Autism Spectrum Disorder (ASD) in the School Districts
- For Information: Presentation from Washoe County School District Related to Individuals Diagnosed with Autism Spectrum Disorders (ASD) and Applied Behavior Analysis (ABA) in the Schools
- Subcommittees
- ATAP

## **16. Public Comment:**

Commissioner Ostrovsky stated several people have been applying for our vacancy on the Commission and if there are any updates on where the governor is? And can we find out without making it an agenda item?

Ms. Frischmann stated she can look into it, but she knows from other appointed positions from the governor 's office, it is taking an extraordinarily long time sometimes.

Commissioner Ward stated last time they shared about the Home and Community Based Waiver programs and their providers, and sadly announced they have had a local provider that is shutting their doors. This makes it harder for people to access services. She knows somebody that has received a letter of termination from that company, so it is very real.

Commissioner Kryk piggybacked on what Commissioner Ostrovsky had said. She has had several people say they are not able to apply for it and are not able to find it. It is not showing as an open position or whatnot. So, Jennifer, if you were going to check into how long it is taking the governor, maybe we could get some information on how people can more easily access that and ability to apply.

## **17. Adjourn**

Adjournment was unanimously approved at 5:18 p.m.