



MINUTES

Name of Organization: Nevada Commission on Autism Spectrum Disorders

Date and Time of Meeting: October 12, 2021 3:30 p.m.

Location of Meeting: Aging and Disability Services Division

Teleconference:

Microsoft Teams Meeting

OR

Physical Location:

3811 W. Charleston Blvd.
Suite 209
Las Vegas, NV 89108

Call to Order/Roll Call

The meeting for the Nevada Commission on Autism Spectrum Disorders was called to order at 3:41 pm.

Members Present: Trisha Lozano, Julie Ostrovsky, Lenise Kryk, Korri Ward,

A quorum was declared.

Public Comment

Ms. Indara Carroll is a BCaBA from Creative Behavioral Connections and she wanted to discuss the ABA board and their inability to process background checks at this moment. She stated how this is a hinderance for the services that they provide within the community of autism. The children that need services are not able to get the services because the background checks are being held and putting hiring at a standstill for RBT's. People are ready and willing to work but are unable to which is really frustrating for Ms. Carroll's agency because they do complete background checks for these individuals, and they're cleared and show no criminal history but waiting to get certified through the ABA board. Now, these individuals are going to go out and look for other jobs because it is going to take a year before they're able to work. Ms. Carroll continued, that the biggest part of this is not just the impact on the agencies, but the impact on their clients and families that are waiting for services.

Ms. Gwen Johnson understands that the reason updated regarding the hold on fingerprinting at the Nevada ABA board will be discussed today and she would like to

stress on the potential impact this will create access for clients, families and the limitations and strains on providers, especially small businesses such as where she is at, and the community. A delay in the credential to an already critical workforce shortage will compound access in service delivery well past the expected 4 months that it is currently stated. These impacts will be felt by Medicaid, who is supposed to be increasing rates in January and this will make it impossible for providers to process RBT's, BCBA's or BCaBA's, as well as being felt by commercial providers and families we serve. Any outside thinking allowance for a waiver or a temporary certification issuance will greatly reduce the impact that this would have on us and if there is any way to help consider this, it will help. 4 months with a question mark will realistically be closer to 5 or 6 months and is not sustainable for several companies, the community, and the kids we serve.

Approval of the Minutes from the September 28, 2021 (For Possible Action)

Ms. Ostrovsky made a motion to approve the minutes from September 28, 2021. Ms. Kryk seconded the motion. The motion passed.

Autism Treatment Assistance Program (ATAP) Updates (For Possible Action)

Ms. Jayme stated that her presentation is on the ADSD website for the commission members to review and gather questions for her next time since there is a very robust agenda today.

Discuss ATAP Budget and the Commissions Objectives as it Relates to Insurance Assistance Distribution, Policy on Supervision, and Impacts of SB96 to the ATAP budget

Ms. Kryk sent over updated documents last week for the commission members to review.

Ms. Chalupnik sent these documents to the commission members now.

Nevada Department of Education updates on individuals diagnosed with Autism Spectrum Disorder (ASD) in the School Districts

Ms. Julie Bowers with the Nevada Department of Education shared some data with the Commission. This data can be found on the ADSD website.

The commission members have expressed interest in the following:

- The number of teachers that have, and working on, their autism endorsement in Nevada. Also, if possible, to have this information broken down into counties.
- The number of teachers that have their Generalists
- The number of students with autism eligibilities.
- The number of students post high school and graduation programs that have autism as their primary or secondary disability in their IEP.

- The exit numbers of students with autism eligibility. Whether graduating or not.
- Things the districts are currently doing for ABA in schools and certification requirements.

Ms. Bowers will try and get these answers and data for the commission and asked if someone can email her the list of questions as well.

Discuss the Current Status of the Applied Behavior Analysis Board – Registered Behavior Technician (RBT), State Registration Barriers and Potential Shortage of Registered Behavior Technicians

Ms. Wendy Knorr stated that they became a separate entity as of October 1st and has been working with ADSD to transition as soon as possible from the old website to the new one. Ms. Knorr has been in touch with all the applicants that were in the process towards the end of September to alert them that after October 1st, there is going to be a delay in processing fingerprints. Ms. Knorr explained where this came from, because they are a new entity of Department of Public Safety and the FBI, they are a new account and new regulations haven't been codified yet. The FBI must review those and establish a new account and give permission to process the fingerprints. Everyone up to the end of September was notified to get their prints in as of the 30th because it is unsure how long it will take to get that FBI clearance. DPS is aware of the possible delay and impact of that and been working together to help minimize. Ms. Knorr said at this point of time, they do not have specific numbers but since the 1st of October there may be less than 10 individuals who have applied for the RBT and may be 1 LBA in which they have been notified of the delay.

Dr. Brigid Fronapfel stated that this was in discussion since June and Ms. Knorr, prior to her presence, Ms. Frischmann, have been actively working with DPS to attempt to remove as many barriers as possible. The hopes were to have the FBI review it before the transition date of October 1st, unfortunately that did not happen. Dr. Fronapfel has been in contact with Senator Gansert, who is the sponsor of this bill, and she is also working with DPS to expedite the review if possible.

Ms. Kryk thanked them for all their work as she knows this is not an easy transition and asked if December 1st was still the possible date?

Dr. Fronapfel answered that the information that DPS was given was anytime between the point of passage and December 1st. The estimated time for approval that was given was based on a previous FBI approval on regulations.

Ms. Kryk drafted a letter for the commission to review, edit and submit.

Dr. Fronapfel stated that DPS is aware of the issue and the impact of consumers, however, paramount concern is the protection of the consumers and that is what this language in the bill/law guarantees in which the background checks are going through. Dr. Fronapfel stressed that it is very important and very necessary at this point.

Ms. Ostrovsky understands the importance of background checks but stated that if they knew this around legislation time, they may have been able to do things to help, because as a member of the commission, Ms. Ostrovsky is receiving an email a day from providers saying they have number of applications sitting out there.

Ms. Ostrovsky asked what the difference is between a provider's background check and theirs?

Ms. Knorr said that if providers have been emailing Ms. Ostrovsky about pending applications, it may be the ones that have already been submitted and they are just waiting for approval which takes up to 6 weeks normally. The number of applicants Ms. Knorr mentioned previously are ones that were submitted after October 1st.

Ms. Frischmann answered Ms. Ostrovsky's question on how the background checks defers for licensure/registration versus employment: There are many employers that use many systems that are non-fingerprint based which is based solely on public record and not as robust and thorough as the state and FBI.

Dr. Fronapfel mentioned that Ms. Molly Halligan is the representative that participated in the legislation process and may be on this call. There was an attempt of a stop gap, however, Dr. Fronapfel believes it was LCB with issues writing in the language. So, there was an attempt made to prevent all this per the regulations, but it was unable to get into the law.

Ms. Kryk stated that as a commission member she would like to be proactive with this and do whatever she can to help, which is why she drafted a letter to be reviewed, edited, and sent to the Governor.

Unfortunately, this agenda item is not an action item, so the commission members can not review and edit this letter today.

Ms. Kryk is frustrated because she specifically stated that she would like this letter as an action item.

Updates from ADSD Regarding Subcommittees Rules and Laws

Attorney General, Ms. Sliwa was on to answer any questions the commission members have.

Does a subcommittee have two or three commissioners?

- A subcommittee consist of at least two persons who are appointed by the members of the public body. A subcommittee can be comprised of commissioners, staff and other interested parties or a combination.

Ms. Sliwa will need to double check but she believes a subcommittee can be two co-chairs.

How many members from the commission can be on the subcommittee?

- Ms. Sliwa answered that there is not a prescribed maximum, however, if most of the commission members want to be on particular subcommittee then this would probably be best addressed at a commission meeting.
Subcommittees are made for looking at issues, narrowing them down, do research and then bringing it back to the commission. Or even drafting a letter, then coming to the commission for approval.
- If two commission members on a subcommittee and other commission members wanted to join the meeting, they can discuss things and give input, as long as they follow the OML, they just can not vote if they are not on the subcommittee.

Ms. Chalupnik stated that it is always best to go through her for all things to avoid any OML issues.

How does the chair of a subcommittee get started?

- Proceed with the same steps in scheduling a meeting as this commission, with Ms. Chalupnik.

Can Chair and Co-Chair communicate outside of subcommittees?

- Ms. Sliwa said it is always best to go through staff when communicating to prevent breaking any OML.

Ms. Sliwa stated that the Open Meeting Laws (OML) were formed for the protection of the public, so the public can see what their government is doing, how they are doing it and participate if they would like to.

How is voting done in a subcommittee and does it need to be brought back to the commission for final voting?

- Depends on what type of subcommittee they choose. Whether they want to be a voting subcommittee or a non-voting subcommittee that just gathers information to bring back to the commission to vote on. This decision is based on the commission members.

Can the commission give the subcommittees the authority to do different tasks?

- Yes. The commission can assign and give authority for subcommittees to do certain tasks, draft letters, gather information and things like that.

Ms. Sliwa is happy to come back in the future for any other questions the commission members may have.

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 (For Possible Action)

Ms. Ostrovsky reminded everyone that the commission decided to have two Subcommittees, Insurance/Funding and Workforce Development.

Ms. Chalupnik stated that this agenda item is for the commission members to choose their chairs and co-chairs for the subcommittees.

Ms. Ostrovsky moved for Ms. Kryk and Ms. Ward to be co-chairs for the Insurance and Funding subcommittee. Ms. Kryk seconded the motion. The motion passed.

Ms. Ostrovsky and Ms. Lozano are still working together on the public resources.

Ms. Ostrovsky is reaching out to groups to see what is updated with UNLV, so she would like to complete this project before committing to a subcommittee. While doing this project, Ms. Ostrovsky will reach out to see if anyone is interested to be a chair or co-chair for the Workforce Development subcommittee.

Ms. Lozano was apart of the Workforce Development Workgroup and stated that there was already a lot of work that has been done before with this committee, so if the commission can get access to all that has been done, it wouldn't be such a heavy lift.

Ms. Kryk mentioned a public comment from a previous meeting, it was from Mr. Brian Hager who is with the Akerman Center & Grant a Gift. He said that they had a resource guide from 2018 that is updated on their website and the commission can use.

Ms. Kryk asked if there was any conflict or issue with collaborating with the Nevada ABA board as she thinks it can be useful for the subcommittees.

Ms. Frischmann will send Ms. Chalupnik the information for the Executive Director so the commission members can work directly with her.

Ms. Kryk also knows of someone on this call that would like to join the Workforce Development subcommittee as a chair or co-chair, Ms. Gwen Johnson.

Ms. Gwen Johnson stated that she is willing to help wherever sha can. Chair or co-chair, she is in.

Ms. Ostrovsky moved for Ms. Johnson to be added as a co-chair for the Workforce Development subcommittee until the next meeting to see if anyone else is interested in participating with her. Ms. Kryk seconded the motion. The motion passed.

With the next commission being scheduled 2 weeks from today, Ms. Chalupnik asked that the subcommittee does not schedule a meeting until November.

Ms. Frischmann said that they met as an executive team today and ADSD is down so many resources and current staff are very busy with their workload. Ms. Frischmann stated that ADSD does not have the resources to continue doing every 2 weeks, especially when adding the new subcommittee meetings on top of that. The recommendation from Ms. Frischmann and Ms. Rique Robb is having a monthly standing meeting and possibly meeting earlier. Same goes for the subcommittees.

Discuss and Approve Agenda Items and Discuss Future Commission Meeting Dates (For Possible Action)

Ms. Ostrovsky moved for the next commission meeting to be on October 26, 2021, at 3:30pm. Ms. Kryk seconded the motion. The motion passed.

Ms. Ostrovsky will send Ms. Chalupnik additional questions for Voc. Rehab.

Public Comment

Ms. Linda Stevens with Creative Behavioral Connections said that if the background checks start on December 1st, then we are not looking until mid- January or February before a new RBT or licensure can hopefully practice. This will cause a deficit to the autism community receiving access to care and continuity of care. Currently, Ms. Stevens has eight new onboarding RBT's in the process who will not be able to work until at least February and to keep them is going to be an issue because they cannot legally work. Furthermore, for businesses, she understands that not all utilize DPS/FBI backgrounds, however, what about businesses that do, like Creative Behavioral Connections? Being able to provide an attestation to a new RBT or licensure employee passing a clear background, this could help streamline the deficit of paraprofessionals and access to care in our community.

Adjourn

Ms. Kryk motioned to adjourn the meeting. Ms. Ward seconded the motion. The motion passed.

Ms. Lozano adjourned the meeting at 5:08 pm.