



July 16, 2024, Board Meeting DRAFT minutes

1. The meeting was **called to order** at 1 p.m. by Dr. Fronapfel. Members in attendance: Dr. Fronapfel, Christy Fuller, Lynda Tache, Stephanie Huff, and Courtney LoMonaco. Executive Director Wendy Knorr was present. DAG Henna Rasul joined the meeting at 1:04 p.m.
2. **Mission Statement** was stated by Dr. Fronapfel.
3. **Public Comment-** There was no public comment
4. The **meeting minutes** for the June 18, 2024, meeting were reviewed. Courtney LoMonaco made the motion to approve the minutes as presented; Stephanie Huff seconded the motion; and the motion passed.

5. **Executive Director's Report:**

Wendy met with Deputy Director Haag regarding ongoing issues with DPS support and potential legislative repercussions. She wanted to be sure DD Haag was aware of the issues experienced by NV ABA as well as other licensing boards. Haag indicated that she would look into it, and she did report back with a referral to the Nursing Board for suggestions/directions regarding provisional licensing options. She indicated that there were no additional updates regarding DPS's modernization plans.

Board Collaborative meeting was held July 25 and confirmed similar issues with DPS experienced by other boards. Dr. Fronapfel clarified and stressed that the DPS requirement is in statute and is absolutely required. The delays reported by applicants and employers are related directly to DPS operations and not the NV ABA approval process.

Wendy met with BACB staff regarding recent complaints and reviewed how the two organizations should work together to be most effective, efficient and fair for any investigations or disciplinary actions resulting from complaints received by NV ABA. Efforts continue to improve policies and procedures.

A Language Access Plan for our agency is required by the state. Wendy is working on the plan and a draft will be available in August for review and consideration by the Board. She has been in contact with the Governor's Office of New Americans staff regarding the progress of the plan which is due Aug. 1, 2024.

6. Dr. Fronapfel requested to take the **NABA report** out of order of the agenda. Molly Halligan reported that they are aware several bills (BDR's) have been granted that involve autism related issues and they will be learning more about specific details and following the progress through the session.
7. **Legislative Update-** The board is aware of one BDR related to ABA services provided in schools. Sam Lemons provided an overview of the proposed legislation and history related to it. The bill is



intended to support allowing outside ABA services into the classroom. The practice is inconsistent across the state and is of great concern to advocates in Clark County. Senator Orhenschall is sponsoring the bill which is in the early stages of development. Ms. Lemons indicated that information is still being gathered; surveys will be conducted, and the information will be shared with the board. Wendy asked how the efforts would impact current ABA regulations; school district employees not required to be licensed through the ABA office and potential conflicts with the complaint process. The board would like to see the information gathered from districts across the state to help understand the concerns along with the bill as it is developed.

8. During the meeting Wendy had with Deputy Director Haag, she asked the Board to review the possibility of issuing temporary/provisional registrations/licenses to address the DPS delays. DAG Henna Rasul confirmed that the NV ABA board does not have the authority in regulation to issue such licenses. Christy Fuller added that most funding sources don't accept temporary/provisional licenses, so it would not be helpful in addressing employer's concerns. Dr. Fronapfel also stressed that the background clearance requirements are tied directly to consumer safety. Wendy shared that since the federal government reports have been included the number of positive reports for applicants has increased 3-fold.

Wendy reported that the Licensing Assistant has increased hours to approx. 30/wk. The approved budget allows for 40 hours per week. She is now eligible for benefits. The financial statements will begin showing those expenses beginning in July.

9. **Complaints-** Total number in process – 32 after the receipt of 1 new complaint in July.
10. **June financial reports** were available for review and there were no questions. Wendy reminded the board that while June is the fiscal year-end these numbers are drafts. Carol and Wendy are working on ensuring all FY23-24 expenses are accounted for and the year-end report will be available at the next meeting.

The board discussed the possible need of hiring a lobbyist for the next legislative session. Wendy has been inquiring about recommended agencies and the possibility of partnering with another agency. A proposal of costs and details of potential RFP will be available at the next meeting. Courtney LoMonaco made the motion to allow Wendy to review the potential of engaging a lobbyist including RFP requirements and costs; Christy Fuller seconded the motion and the motion passed.

11. In June, a total of 74 registrations were issued; 45 to date in July for a total of 2607 RBT's in the state.
In June and to date in July, no LaBA licenses have been issued. The state total remains 46.
In June, a total of 7 LBA licenses were issued; 5 have been issued to date in July for a total of 627 in the state.
3,280 ABA professionals are licensed or registered as of today.



Renewals will begin Oct. 1, 2024. All renewals submitted prior to this date will be rejected, so please don't apply until you receive notification.

Dr. Fronapfel asked how those requiring the Federal Background clearance is going. Wendy reported that there seems to be a good response. The office is not tracking the approx. 1800 individuals in detail. Those impacted received 3 notifications and all LBA's were asked to check with their supervisees to ensure they completed the process prior to renewals.

12. Courtney LoMonaco made the motion to include the Annual review process for the Executive Director on the **August meeting agenda**, in addition to the standing items. Christy Fuller seconded the motion; the motion passed.
13. **Public Comment:**
Jan Crandy provided written comments and presented them publicly during the meeting. She outlined the plans for a bill to change the existing statute involving background clearance requirements to address the length of time to approve RBT's applications. See attached comments.
14. The meeting was **adjourned** at 1:54 p.m.

From: information@nvababoard.org
Sent: Tuesday, July 16, 2024 12:43 PM
To: 'executivedirector@nvababoard.org'
Subject: FYI just received this -
Attachments: RBT Handbook (dragged).pdf; Untitled attachment 00737.htm

Nevada Applied Behavior Analysis Board
6170 MaeAnne Avenue, #1
Reno, Nevada 89523

775.746.9429 *phone*
775.746.4105 *fax*
www.nvababoard.org

From: Jan Crandy <jcrandy@thelovaascenter.org>
Sent: Tuesday, July 16, 2024 12:36 PM
To: information@nvababoard.org
Cc: Michelle Scott-Lewing <michelle@aconv.org>; Jon Paul Saunders <jpsaunders@autismcarewest.com>
Subject: Testimony July 16

Members of the Board,

My name is Jan Crandy I am the former chair for the Autism Commission. I appreciate this opportunity to address our concerns and to make you aware of our intentions to proceed with a BDR as a solution.

Goal: To address the delay between national certification and state registration of RBT. We understand the boards necessary timeframe to register RBTs, however... This delay is contributing to the RBT shortage and a lack of prescribed treatment hours being delivered. Once national Certification is received an RBT must currently wait up to 8 weeks or more to begin providing billable treatment hours, this often leads to the RBT leaving the field for available employment. Or costing the provider company non reimbursement \$\$\$ to ensure the RBT continues to wait for employment. The current situation is cost prohibited to all providers.

We know the majority of state do not require a state registration at all. Most states recognize the National certification only and most states the RBT is working immediately upon receiving their national certification.

Nevada BCBA's and provider companies are running a background check independently for submission for the RBT national certification. See links for commonly used sites for background checks.

<https://www.fingerprintingexpress.com/fbi-express/>

<https://www.lvmpd.com/about/bureaus/records-and-fingerprint-bureau/background-checks>

We plan to gain more options and information to confirm background checks are occurring via a provider survey completed prior to legislation.

THE National board requires background check.

The suggested language to be added to the current NRS to allow trainees and certified RBTs to work while waiting for state registration. This is in the section addressing the practice act exemptions. Highlighted and in blue are my suggested additions. This has not been seen by the legislative bureau to confirm we are adding to the correct NRS.

NRS 641D.130 Student, intern, trainee or fellow authorized to practice applied behavior analysis under supervision.

1. A person who has matriculated at an accredited college or university and is not licensed or registered pursuant to this chapter may practice applied behavior analysis under the direct supervision of a licensed behavior analyst as part of:

(a) A program in applied behavior analysis offered by the college or university in which he or she is enrolled; or

(b) An internship or fellowship.

(c) A trainee receiving direct Training and Supervision from a licensed Behavior Analyst to increase proficiency to meet national certification requirements of Behavior Analyst Certification Board and state registration for the Registered Behavior Technician (RBT).

or

(c) A national Behavior Analyst Certification Board certified Registered Behavior Technician (RBT) who has submitted all required documentation, and fees to the Nevada State Board of Behavioral Analysis and is pending state registration may practice billable applied behavior analysis under the direct supervision of a licensed behavior analyst pending registration.

2. A person described in subsection 1:

(a) Shall clearly identify himself or herself to any person to whom he or she provides applied behavior analysis services as a student, intern, trainee or fellow; and

(b) Shall not identify himself or herself as a behavior analyst, assistant behavior analyst or registered behavior technician, or represent or imply that he or she is licensed or registered pursuant to this chapter.

With hope & gratitude

ELIGIBILITY REQUIREMENTS



Eligibility Requirements

The following eligibility requirements must be met before applying for RBT certification:

| Requirement | How to Demonstrate This Requirement |
|--|--|
| <p>Age: You must be at least 18 years old when you submit your RBT certification application.</p> | <p>Have your RBT Supervisor or RBT Requirements Coordinator confirm your age as part of your RBT certification application. Please note that your RBT Supervisor/Requirements Coordinator is not required to confirm your age via documentation if such a review has been conducted by the organization employing you that proves you are at least 18 years of age.</p> |
| <p>Education: You must have at least a high school-level education or the equivalent when you apply for RBT certification.</p> | <p>Upload a high school diploma or transcript that reflects a graduation date with your RBT Certification Application. You may also submit a transcript from a post-high-school institution (e.g., a university) demonstrating that you have been able to enroll in at least one course.</p> <p>If you completed your education in a country that does not offer a high-school-equivalent diploma, you must provide documentation that shows you remained in full-time education for your country's required duration. This documentation must be translated into English using an official translation service.</p> |
| <p>Background Check: Within 180 days of paying for your RBT certification application, you must complete and pass a criminal background check and an abuse registry check comparable to those required of home health aides, child care professionals, and teachers in the community where you will provide services. Please note that fingerprinting is not required by the BACB, but this requirement may vary by state and organization.</p> | <p>Have your RBT Supervisor or RBT Requirements Coordinator confirm that you passed a criminal background check and an abuse registry check as part of your RBT certification application. Please note that if passing a background and abuse registry check was required by your organization within 180 days of your application, your RBT Supervisor/Requirements Coordinator must confirm this with the organization. In the event of an audit, your RBT Supervisor/Requirements Coordinator must provide documentation to support their attestation.</p> |
| <p>Training: You must complete a 40-hour training that meets the requirements outlined in the RBT 40-Hour Training Packet. To learn more about the 40-hour training and where to complete it, review the RBT 40-Hour Training Fact Sheet.</p> | <p>Include a copy of your 40-hour training certificate with your RBT certification application. Your training provider will provide this certificate when you complete a 40-hour training program. Check with your instructor to confirm that your course was designed to meet this requirement. Previously completed 40-hour trainings may be eligible for submission but must meet all current requirements.</p> |
| <p>Initial Competency Assessment: After you complete the required 40-hour training and no more than 90 days before you submit an RBT certification application, you must demonstrate that you can competently perform the tasks outlined on the RBT Initial Competency Assessment. Learn more about the assessment in the RBT Initial Competency Assessment Fact Sheet.</p> | <p>Complete the RBT Initial Competency Assessment with your assessor and upload the completed assessment with your RBT certification application.</p> |



Mission Statement: Upholding ethical standards of practice and conduct, the Nevada Board of Applied Behavior Analysis licenses and registers trained professionals, prioritizing consumer protection through regulatory oversight.

Agenda:

July 16, 2024, Board Meeting

1. Call to Order, Roll Call of Members, and Confirm Quorum

2. Mission Statement- See Statement above

3. Public Comment

(No action may be taken upon a matter raised under the public comment period unless the matter itself has been specifically included on the agenda as an item. Comments will be limited to three minutes per person. People making comments 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. Persons wanting to make comments during the public comment period, now or in a later public comment period, can participate via the Zoom link or by telephone by calling 1-253-215-8782. Please note these links and numbers change for each meeting.)

4. Approval of Board Meeting Minutes: (For possible action)
June 18, 2024

5. Executive Director's Report:
Meeting with Deputy Director Haag regarding ongoing issues with DPS support and potential legislative repercussions.
Collaborative meeting scheduled for July 25th
Meeting with BACB regarding recent complaints

6. Legislative Update
BDR related to ABA services in schools

7. Nevada Applied Behavior Association (NABA) Report (For possible action)

8. Review, Discussion, and Possible Approval of Board Activities (For Possible Action)
Request to issue provisional/temporary license/registration due to DPS delays
Licensing Assistant position status/benefits

9. Complaints

10. Financial Update (For Possible Action)
June Financial Reports
Budget discussion/approval for Lobbyist support

11. Discussion of Current Status of Applications and other Licensing Activities (For Possible Action)

12. Determine Future Agenda Items (For Possible Action)

13. Public Comment

(No action may be taken upon a matter raised under the 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. People making comments 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.)

14. Adjournment

NOTE: We are pleased to provide 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 Wendy Knorr at (775-746-9429) as soon as possible and at least one **business** day in advance of the meeting. If you wish, you may e-mail her at executivedirector@nvababoard.org. Supporting materials for this meeting are available at 6170 MaeAnne Ave., Suite 1, Reno, NV 89523 or by contacting Wendy Knorr at 775-746-9429, or by email executivedirector@nvababoard.org. **Agenda and supporting materials posted at these locations and online on the following sites:** <https://notice.nv.gov/> www.nvababoard.org and NVABA Office.