



*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.*

April 2, 2025, Board Meeting- **FINAL MINUTES**

1. The meeting was called to order by Dr. Fronapfel at 11:00 a.m. Members present: Dr. Fronapfel, Christy Fuller, Stephanie Huff, Dr. Saunders and Lynda Tache. DAG, Henna Rasul and Executive Director, Wendy Knorr were also present.
2. Mission Statement was read aloud by Dr. Fronapfel.
3. Public Comment:
  - 1) **Jan Crandy** presented information about a proposed amendment for SB380. She indicated she believes the proposed amendment will insure the protections for the concerns voiced during the hearing. She said the goal is to clarify in law and demonstrate with proof that the first background check done at certification is equal to the one required for state registration. “When I look at the national requirements, and we tried to use some of their language, and our amendment would go into Section 4 under number 2, the proposed amendment would read 2. An applicant for a registration as a registered behavior technician who has the qualifications prescribed by NRS 641D.310 may, after submitting an application pursuant to NRS 641D.300 and proof of a passed background check comparable to those required of home health aides, child care professionals, and teachers, in Nevada as required in NRS 641D.300 which includes fingerprinting and the FBI clearance and the fee required by NRS 641D.380, engage in the practice of applied behavior analysis under the direct supervision of a licensed behavior analyst who is professionally and legally responsible for the performance of the applicant until the Board issues a determination pursuant to NRS 641D.310.” The other change is in Section 3 under number 2, we added the word “state” and would read: “(2) If he or she is a person described in subsection 2, a registered behavior technician pending state registration.” Those are the changes to help the board. We heard that you are not trusting the signed attestation signed by the BCBA confirming that the background check has happened. This will make them send you proof that a passed background check has happened. We’ve had a provider company go to a livescan company and this is possible with a signed waiver that the employer will have to have the RBT sign to be able to share that passed background proof check with the board. Everything we are requiring in this law now is possible. And I think it does add the extra protections that the board was concerned about so I hope we are addressing your issues and look forward to hearing if this is not enough what else we can do in this bill to help you guys be neutral so we can get this bill passed and build our workforce.
  - 2) **Julie Ostrovsky** stated it is the first time attending an NVABA board meeting, and thanked the board for allowing her to speak. She said “I was on the Governor’s Commission for Autism Spectrum Disorders for almost 10 years and one of our biggest challenges was workforce development. We’ve come a long way with our staffing, we have insurance coverage and Medicaid coverage, but we can do better. My son is 27 and it was the wild west when he got ABA and we’ve done so much better thanks to this board and the providers. But I am here because of the proposed legislation SB380. With the amendment Jan just talked about, it insures that the best providers are hired, background checked – we gotta be safe, we have to protect our kids and families, that everyone is allowed to work in a timely manner, and those who provide ABA services and the kids that need ABA intervention, they

need to get together quickly, right? ASAP, early intervention, best outcome. So that's what 380 is trying to do. Offer support to the providers, to this board and to the families who need services. So Jan was hoping you all will come in as neutral, I'm hoping you'll come in support of this partnership on 380. Thank you for this opportunity to speak."

4. **Legislative Update-** information was provided to the board members and posted on the website. A quick review of the bills/BDRs impacting ABA were listed:
- AB 264 is proposing an additional legal review of license denials, does have a fiscal impact.
  - SB 78 is the consolidation effort through B&I. No new information is available. Still working with the "skeleton bill" – have not provided information about fiscal impact yet as the final bill has not been available. Proposed amendment has been presented.
  - SB 129 is proposing a prioritization of applications from underserved areas and endorsement of licenses. No fiscal impact. Our statutes already include endorsement language, but might require regulation review if passed. Not sure of what they are trying to accomplish with the bill.
  - SB 174 relates to ABA services in the schools. That will fall under the Department of Education and if passed we would want to review and coordinate once we understand the implications. Employees of school districts are outside of our regulations, so there may not be much of an impact. Wendy Knorr's initial concerns were related to potential complaint and disciplinary oversight/coordination.
  - SB 380 is predominately a law enforcement training bill, but does include regulatory changes impacting background clearance.
  - SB 425 is a second board consolidation/reorganization bill through DHHS. Proposal puts ABA as part of the Behavior Health Alliance under the department of Health and Human Services. Little is known as this was just introduced at the last moment and made it out of committee.
  - BDR 57-712 which could require regulatory review/update regarding specific discriminatory actions.

Wendy Knorr reported that 28 bills have been reviewed for fiscal impact; only 6 have been submitted, which would potentially have a fiscal impact on the board.

**Christy Fuller** asked to discuss SB380 in more detail. Understands there was a hearing for the bill; hearing there is a difference in proposed language; trying to review/understand the bill. She asked if additional information about this that could be shared. Wendy Knorr stated that the majority of the bill contains additional training for law enforcement officers. Awareness of autistic behaviors that law enforcement/first responders may encounter. She relayed that she has had experience with similar training for Alzheimer's disease, mental health, drug and alcohol so that we don't complicate those situations. The added regulatory change that is included in that bill, prior to any amendment, is what is of concern. It proposes a change in process for the RBT's, LaBA's were mentioned as well, but anyone who is required to have a background clearance, that there would be a provisional/temporary license/registration granted before the state receives the required background clearance report, and issues a license or registration. Concerns with the bill, which Dr. Fronapfel and Wendy Knorr presented in remarks opposing the bill include: inaccurate timelines – while there is history going back to the Psychology Board, FBI and ADSD did impact and delay the process, it has improved dramatically. There will be an impact on the application process if SB380 passes. It will require additional tracking of these applicants while their final approval is pending; the application itself and the database will need to be reconfigured to include this information. There will be a cost both in time and money. There were comments made that it will not impact the board and the reality is, it will. A fiscal note was provided to the legislative committee. Wendy Knorr stated that her biggest concern was the use of outdated information. Wendy spoke with Jan early on when this bill was being developed, but no one contacted the board for updated information or conversation. Wendy reached out to both of the bill's sponsors and did not hear back from either of them. She reached out to their offices when the BDR's first came out to offer

information and learn more details about the bills. When the bill dropped we became aware of the proposed changes to the current regulations and process. Wendy Knorr also addressed questions about the authority to respond to information, inaccuracies and clarify our regulations. The timelines related to the background reports have changed dramatically. Wendy Knorr provided specific information for the most recent 100 background reports received in the office. DPS will always be the wild card and admittedly there have been issues in the past, but currently the information shows there are no delays currently. The modernization efforts are scheduled by DPS to go into effect June 1, 2025 and they are indicating that reports will be available within 48-72 hours. The proposed legislation is a “workaround” for a need that isn’t really there. Wendy Knorr also confirmed that the office is not seeing extended delays and requested employers to contact the office if they feel an application is delayed. Dr. Fronapfel stated that the comments both Wendy Knorr and she provided at the hearing focused on the inaccurate information, lack of current data and communication with the board in general and the lack of understanding of our processes and the impact this bill would have. That was the driving force behind the comments made by Wendy Knorr and Dr. Fronapfel. The bill dropped on a Friday and the hearing was on the following Monday. Wendy Knorr stated that the comments reflected that there was support for the bill itself, but not the regulatory changes. She said it was unfortunate that it was included in one bill; should have been separate bills.

**Lynda Tache** commented as the community member on the board she stated while she is not licensed, she has been a client. She wasn’t there for the testimony but did watch it after and she wanted to clarify that there must have been miscommunication with the sponsors office because in another platform where she is not representing the Board, they checked and there must have been some miscommunication and she wanted to put that to the public that somehow the sponsors did not get the messages, from what she has heard. She also wanted to speak on behalf of a person who has benefitted from ABA therapy, and she wished that the board would have been apprised of the testimony that was going to be given, because as a person, she gave an opinion in support of the bill. She hopes that the one thing everyone will keep in mind, and that safety is number one. She would not want to put her son in a situation where he could be harmed, but she is hoping that we can come to a compromise because every week or every day that a child is not getting the interventions, and the professionals understand that, it really is hurting them and not helping them, so she wants people to keep that in mind. Again the provisional license, if approved, proving that they did go through the national board and got the background check, again, keeping that in mind, how can we keep it safe but then, not delay the service for these kiddos. Speaking as the community member she said she was voicing her opinion as a parent, what she’d like to see. And then to Christy, she stated that there are states that don’t have this extra layer, so seeing what they are doing and if there are safety issues if they are not doing this, just getting the full picture on both sides so that we can make an educated decision that does promote safety and allow for the earliest intervention possible for our families. She stated that she appreciates everyone on the board and understands that everyone is coming from the right heart and the right place and she wanted to give that perspective from what she has been experiencing.

**Dr. Fronapfel** responded, understanding Lynda Tache’s perspective but also reminded everyone of the overall mission of the board. She said that when a bill drops on a Friday and the hearing is scheduled on a Monday there is only so much time and the open meeting law does not allow for the board to meet. Things to consider, and there will be discussion later on the agenda, the legislative authority granted to Wendy and Dr. Fronapfel, good things to consider, but as a board and the chair of this board, Wendy and Dr. Fronapfel felt they had to go and give a response in the direction of consumer safety. Lynda Tache agreed.

**Dr. Saunders** commented that she did listen to the hearing and she said she heard Wendy state that she was in favor of the bill, yet both Wendy Knorr and Dr. Fronapfel testified in opposition. That might be what is being heard here, but that is not what the Legislative Committee heard. She stated that Dr. Fronapfel’s statement included “I’m here in opposition of the bill 380, particularly section 4,” however it was in opposition of the bill. She understood that there wasn’t time to meet, and she isn’t sure if an emergency meeting could be called, but “our opinions were not taken into account when this came out in representing the board and I felt like, yes, we are there to provide data and I completely understand that, but I would

assume that you'd be testifying under neutral – providing the information about what we are seeing rather than staunch opposition which is what I heard, you are in opposition of this bill. I know you both talked about Section 4 specifically, but the whole opposition was stated for SB380 in general.”

**Wendy Knorr** responded that you have to testify under one of the options, and neutral is not where we stand regarding the proposed changes to the regulations. The opposition was to those changes and the testimony was clear. This is not a new position of the Board, this has been the ongoing stance. The regulations were reviewed and discussed and voted into law in 2019. The current regulations are what the Board enforces and supports until they are officially changed. The testimony supported the current regulations and provided concerns regarding the proposed changes. Wendy Knorr stated that the process is not over and there is more to come through the session, but that she disagrees with the premise of this bill. There is no delay in approvals based on background clearance reports any more. The last 100 reports confirm it; it's been documented. Data will now be kept on the reports received in our office so that it is clear what the current timelines are for DPS and BACB credentials regarding approvals.

**Dr. Fronapfel** clarified information about emergency meetings – today's meeting is an emergency meeting she called. Open meeting laws require three days' notice of a meeting and it's agenda. So, given when that bill dropped and Wendy was able to see it, OML did not allow for a meeting.

**Lynda Tache** asked about the two reorganization bills and that information will be reviewed later on the agenda.

## 5. Review, Discussion, and Possible Approval of Board Activities

### **Legislative Authority-**

Wendy Knorr stated that there are 63 days remaining in the current legislative session, and things will continue to ramp up and move quickly as it gets closer to the end of the session. Previously, the last legislative session and going forward, the Board has discussed how to handle routine information – if it is within current regulatory confines – Brigid and Wendy have been authorized previously to communicate. Wendy stated she does it everyday when answering questions from applicants and others and how the regulations apply. She stated she is not an ABA professional and does not comment on professional questions, and reaches out to the Board members for assistance in those instances. Responding to issues related to the regulations is within our purview and the Board has provided Wendy and Brigid with that authorization. We can reauthorize that today with a motion if that is the Board's choice. Wendy apologized to Lynda and Dr. Saunders if they felt there was not enough notice given for the hearing.

**Dr. Saunders** asked if that authorization was in writing. Dr. Fronapfel said it was a motion from the board and it authorized the Executive Director and the Board Chair to have those conversations specific to those legislators, again due to the short timeframes and open meeting laws. The best decisions are made based within the realms of that authority and the purview of implementing our regulations. She also noted that there will be differences of opinions of the board members but at that point and with limited time, we can respond. Dr. Saunders asked that in a situation with limited time, and Dr. Fronapfel and Wendy state you represented “the board” is it not the wise choice to present the data under neutral rather than picking one that maybe the board does not have a quorum of agreement.

**Wendy Knorr** stated that she stands by the statement she made – that she represented that the Board supported the bill, but not the regulatory changes. Whether it shows as in support or opposition, it's included in the records of the hearing for the bill. It's not the only forum that information is shared. Again, it isn't because the Board is against the bill, the data and the premise is wrong, and that is what the bill was built upon. That's all we opposed.

**Dr. Saunders** commented that she is aware that there will be support and opposition from other people and she hopes that the committee will look at all of that. But from the Board itself, where it would impact it, they would really be listening to that opinion. She said that she was sure that was the intent of the testimony in opposition to let them know it would have an impact on the Board.

**Wendy Knorr** responded that a response was needed as the Board had no voice up until that moment and between Dr. Fronapfel and her testimony there was a total of nine minutes to speak so there needs to be some follow up with it. Wendy Knorr stated that the premise of the proposed regulatory changes is based on old data is not happening at this time. She plans to follow up with those who are publicly stating incorrect information – it is not accurate, and the regulations do not need to be changed based on that inaccurate information. That was what was presented in the testimony.

**Dr. Fronapfel** added that ethically the Board is obligated to use the data we have available and present it for those considering making these changes. She stated that her testimony was clear that the opposition was for the specific section of the bill and Wendy made it clear as well in her testimony that the opposition was to the regulatory change. She added that going back to the ethics and state that it is incorrect data; the Board was not approached for any data and were not provided with a voice, so there was a need to be heard. The Legislative Committee needed to know the data was inaccurate and there was no collaboration with the board, one, and two, the failure to obtain that correct data.

**Dr. Saunders** asked if the incorrect data was the timeline from DPS? Or what was the incorrect data?

**Dr. Fronapfel** stated that it was the DPS timeline information, there was a fiscal note and the impact on the process. The process would require additional time for processing by Wendy and Annette in the office and there is a fiscal impact – so all that information.

**Wendy Knorr** relayed that there are statements that the Board is holding up approvals for months and the reason people are leaving the profession is because of the time it takes to get a background clearance. That is not the case. There were issues previously – during COVID, their whole process was impacted and changed. The early days of the Board, there were huge issues with DPS and we worked with them to try and resolve them. There was one point where the Board did not receive any reports for an entire month; so we acknowledge there have been issues. Wendy reported updates regarding DPS timelines, issues and updates at each Board meeting. The application process has been revised to help improve the process and it is working. The data is confirming it and if applicants and employers will follow the process- the wait is now for the BACB credentials and not the DPS reports.

**Dr. Saunders** asked if the information presented at the hearing was accurate. Wendy explained that the information presented by those in support of the bill and written testimony was not accurate. There were statements that the approval process was delaying applications by months.

**Dr. Fronapfel** stated that the information presented at the hearing was not provided by the board and was at most anecdotal. That's why Wendy began providing current information about the timelines for the process to point out the inaccuracies of the data being presented as fact. There was no contact with the Board about the process, timelines or issues that Wendy and Annette are quite familiar with.

**Dr. Saunders** clarified if that data is available – Wendy said it wasn't available? Wendy and Brigid both confirmed the information is in the database, but a report must be requested to access it. Wendy stated that the historical information isn't really needed now. It's been acknowledged and verified that there have been DPS delays in the past, but that is not the case now.

**Dr. Saunders** stated that if the data presented was anecdotal, we should have the data to counter that.

**Wendy Knorr** stated that what has happened previously doesn't merit a regulatory change when it isn't occurring now. She asked why change something that is based on old information and isn't happening now, especially in light of the documented improvements in turnaround times from DPS and the planned modernization going live in June. She stated that background clearances have never been popular but they were discussed and approved and are now in regulation and that is our job to enforce that. What other states do is not our concern- we are charged with enforcing the Nevada regulations. The Board is charged with overseeing the safety of the public through enforcement of the regulations. Wendy said there is another statement that needs to be clarified. She shared several recent conversations where the caller accused the Board of not supporting the ABA business and that the Board "works for them." Wendy said that is not her job. She said she feels that she and Annette do try to support the employers, listening and

educating them. But the Board does not have a responsibility to the businesses. The role of the Board is to make sure that qualified, safe individuals are available. All healthcare providers are expressing a shortage of employees. Wendy Knorr said she agrees – there are not enough employees. One of the statements made during the hearing the Board was responsible for 1,000 RBT's not renewing their registrations. That's how she interpreted that statement – that it was due to the application process. She is looking into conducting a survey of those who did not renew to find out why. The Board successfully licensed them. Why did they choose to leave? That would be good to know. She could share, anecdotally, why people are leaving, but doesn't feel that is helpful, so a survey might help provide that information. She said you must be careful with anecdotal evidence as it isn't representative of the whole situation.

**Dr. Saunders** thanked everyone for the conversation and clarification but stated that if the Board is going to say that their testimony had anecdotal data about the amount of time and we are anecdotally going to say that's not happening... Wendy Knorr stated that the information is not anecdotal, it is current information. But Dr. Saunders insisted that the information is only going forward, but from the whole past they are living and talking about their past experiences anecdotally, we cannot say anecdotally that it isn't happening.

**Wendy Knorr** responded that she had not denied it. She said "I know it happened, I lived it. I took the angry phone calls from the angry applicants and employers. I spoke to the RBT's asking where the reports were; We followed up with DPS, assisted in tracking them down."

**Dr. Saunders** said she understood, but again that is just now- she hopes it continues but everyone testifying was sharing their past experiences. We need to provide data to show the trends.

**Wendy Knorr** stated that the data is potentially available but not from Friday to Monday. It's unfortunate there wasn't more conversation when the bill was developed, because this portion really needed to be a separate bill. If data is needed, it will take some time. It would have been nice to have a conversation 3 months ago, because additional information could have been provided. Not being at the table to have the conversation, to hear where it is coming from, we can't have all the answers.

**Lynda Tache** offered a suggestion, understanding that there is limited time constraints, but the testimony presented it was "my board" and "the Board is on board with this" and what is challenging with this is that we didn't have that discussion to talk through it so how do we, do you represent then just the Executive Director and the Chair, because we haven't discussed, I just am trying to make sure that all of us have our voices heard.

**Dr. Fronapfel** said she wanted to pause the discussion right now, as there is another agenda item that will provide additional information.

**Christy Fuller** stated that she is hearing that the board has some differing opinions and that is fine and generally on the Board we've had differing opinions and when our individual opinions are not aligned with how the Board has voted and chosen to move forward, or if the Board hasn't made a motion for someone to represent the Board, then generally they don't. In this case, we have voted in the past, multiple times to have Dr. Fronapfel, who happens to be the Board Chair, to keep an eye these legislative initiatives and represent the Board as long as the representation is aligned with our statutes, unless we voted otherwise. "So, I actually want to thank Wendy and Brigid for representing the Board on such short notice and being aligned with our statutes. This situation was quick, we didn't have additional time to meet, that is what we are doing now to vote on that, but our statute was represented and what we have discussed in previous meetings." "Lynda, I appreciate your perspective as our community member and so when you're present and contribute and state how our practice has impacted you personally, I think the history of our Board has always appreciated that and we do defer to our community member for that. I have also been a provider for more than 20 years and I've been on the Board since it was created with Dr. Fronapfel. I know a lot of the regulatory issues and the differences across states- we are one of 3 states who do regulate the practice of RBT's. We have a statute and we are here to help enforce it, help create regulations around it

and continuing to protect consumers. I am a provider. I have been impacted by these delays; my organization has been impacted at times by these delays and since the role of the Board is consumer protection we have taken into account the lack of thorough background checks and the lack of people's ability to practice and we have shown some flexibility with that and I think the renewal process is a good example of that – where we've looked at that." She expressed concerns about SB380 and some of the language and a work around of a number of issues. She thinks that some of the questions that BCBA's and RBTs are sending to Wendy when they are trying to apply indicate that BCBA's are not following the language in the attestation of what is required for background checks in order for the person to be eligible to sit for the examination and apply for the RBT registration through our national certification board. There is some onus on the providers as well, and then thinking of what does a temporary registration for an RBT provide. As far as for the Board, it does allow someone to practice legally- like it will open that up, and it will also create a whole lot of administrative work and how we are going to designate those people and continue to insure they do complete a background clearance and rather than a temporary, a full registration or license as it is applicable to the LaBA's as well. From a provider though, most funders are not going to recognize this. We had this before when we had the old CABI credential while under the Psych Board and even a temporary license- funders don't recognize that T-license or T-registration including Nevada Medicaid and a number of others. She said she was just curious as a provider how this is actually beneficial outside of someone who is private pay. So, are we coordinating on this end? Those are some of the thoughts and I think it sounds great on paper, but I am not sure if we've thought about some of the other issues. Wendy, I thought you brought up a wonderful point. So, the BACB requirement for the supervisor or the HR representative is that they can produce documentation of a background clearance report. That is clear from the BACB yet from DPS standard, Wendy can not keep the background check file; she must review it and then destroy it. So where is the proof and are the supervisors actually able to attest and produce what they need to be compliant with the national regulatory board? Wendy added that there are limitations on sharing reports- it is not allowed. She added that there was a reason temporary licenses/registrations were not included in the statutes initially. Until someone is licensed, I don't believe we have any authority over them. Dr. Saunders stated that the supervising BCBA would maintain the authority.

**Wendy Knorr** stated there is a difference between supervising and being responsible for an individual. Might need additional discussion but supervising an RBT would mean ensuring their paperwork is complete, they are being encouraged and mentored, but not sure if a BCBA would be responsible for an individual's criminal history. Very different roles. The background clearance reports themselves can vary. Our clearance is different than the one conducted for employment.

### **Request for Financial Reporting to B&I**

The requests from B&I continue to increase and now there are two proposed reorganization bills in play. Wendy stated that she does not believe B&I has the authority to request what they are requesting. The regulations have not changed. The last request for information was over the top. They requested our financial data for the current fiscal year and entered into a specific spreadsheet they provided. I am proposing that I provide them with our current YTD financial information and let them format it. Christy Fuller made the motion: The Executive Director will provide information as requested according to reasonable timelines and in our current format to avoid additional administrative time. Lynda Tache seconded the motion; motion passed.

### **Legal Counsel support/collaborative/shared cost**

Wendy would like to discuss the possibility of engaging an outside legal counsel as we continue to move through the session and potential need in the future as related to the numerous potential issues related to the reorganization efforts. Dr. Saunders made the motion to allow Wendy to explore the legal options available related to potential issues related to the reorganization efforts. Stephanie Huff seconded the motion; the motion carried.

**SB 78** is the reorganization proposal of all Title 54 Boards. Last legislative session, SB431 was approved that established the office and approved a Deputy Director position. That has been accomplished. What

hasn't happened is the critical processes, procedures, regulations, etc. also required in that statute. What B&I is proposing is dramatically different from what was presented and approved in SB431. That bill proposed coordination, support and a more efficiency. There were no discussions about the concept since it's approval. Boards were summoned to meet with B&I and instructed on how things were going to go and to basically stand aside and do not oppose their efforts. The proposal is to consolidate the independent boards into "super boards" grouping similar professions together; eliminate all the individual boards and combine all the money and operations, under the idea of becoming more efficient. There are many concerns with how the information has been or has not been provided, no details have been provided so it is difficult to determine much. Until the bill draft is available it is all speculation.

**SB425** just dropped from DHHS. No discussion or information. It is proposing that just the behavioral boards: Social Work, Psychology, MFT, Drug/Alcohol Counselors and ABA would be combined and placed under DHHS as a department – essentially becoming a state agency. This plan appears to be more thoughtful with plans for transition and evolution.

Dr. Saunders asked what B&I's authority is over the board currently – referencing the mandate to use B&I's letterhead. Wendy explained that is the big question. SB431 started it all, but regulations have not changed and there is a big question about the interpretation of the original statute giving B&I "purview" over the licensing boards. But ABA's regulations have not changed, and so Wendy believes that there have been no changes in the authority. Lynda Tache asked if under either reorganization plan, will the current regulations remain. Wendy responded that the DHHS plan states that the regulations would remain as they are currently, but the boards and staff would be eliminated under both plans. B&I will assume the regulations as well but under a different structure. Christy Fuller also reminded everyone about the resources available to support legislation review and guidance. Dr. Saunders inquired if there could be more frequent meetings because so much is going on in the session. Lynda Tache asked if NABA was another potential resource? Wendy indicated that NABA is present at the meeting and there have been discussions about the legislation and how NABA could assist in communicating with licensees. Gwen Johnson confirmed that the NABA board is aware and are meeting and discussing and will assist as they can.

## **6. Discussion of Current Status of Applications and other Licensing Activities-**

The day after the legislative hearing for SB380 our office received 65 DPS reports, and they were reviewed for timeliness in greater detail. Of the 51 reports received on 4/26 for RBT applicants, 43 applicants were still awaiting BACB certification and were not approved on that day; 7 did have BACB certifications, issued between March 3-24, resulting in a wait time of 2-20 days. Right now, 80-85% of applications are waiting on BACB credentials for approval. This is where the discrepancies of reported wait times and delays come from. This directly counters statements made in the SB380 hearing that applicants are waiting an additional 12 weeks after being BACB certified is not accurate. There may have been extended delays previously and there may be future issues, but we ask employers or applicants to contact us if there are delays for assistance. Annette and Wendy are constantly reviewing outstanding applications and are contacting applicants to review and assist in the process proactively. Applications do not remain open for more than 90 days. Of the reports we determined that preprinted forms are still be provided, - one applicant submitted prints 5 weeks before they started an application with the Board. In that instance, when we received a background report, we had no applicant, and the report would have been destroyed. This is an example as to why some applicant's processes might take longer – they aren't following the process. In our experience, most of the delays are caused by other factors than just DPS processing. The most concerning issue was that 11 reports came back with positive criminal histories- that's 18% of those reports ranging from DUI to Felony drug convictions, battery, domestic violence, parole violations and forgery. Of those 11, six were approved – did not have disqualifying convictions and properly disclosed in their applications. One was denied due to 2 felony convictions that were not disclosed. On Monday morning, an additional 21 reports were received. Only 1 needed additional review, and these reports were received between 17-26 days after submission. Of those, 3 had their BACB credentials and were approved, the other 18 awaiting BACB. Dr. Saunders asked if the 11 applicants needing review had their BACB credentials yet, and Wendy confirmed that none had them at that time.

Wendy is going to continue to track the details of DPS reports to assist in confirming current timelines and issues related to any delays. Information was sent to Sen. Ohrenschall to Julie and Jan and Wendy would like to start providing the information on a regular basis. How that will work will be determined, but it would be good to communicate with stakeholders. In addition, there has been discussion about wanting to learn why RBT's aren't renewing, so would like to make plans for a survey.

Christy Fuller made the motion to include data review information as a regular agenda item; Stephanie Huff seconded the motion, the motion passed.

## 7. Public Comment-

- 1) **Jeff Gesick**, thanked the Board for providing and monitoring the legislative issues. Based on my reading of SB78, I strongly encourage the Board to oppose it at every possible turn. It seems like a frightening way to consolidate power under one person who is likely appointed by the Governor, thereby politicizing all of the boards and it would move us out of practicing within our scope of competence if we are supposed to help other board of other specialties and I don't think we are going to increase consumer protection by what is more of a dilution of the service. In addition, thank you for your work on SB380 and the clarification provided. I agree with the opposition. I would be highly suspect of any organization what is trying to work around a background check process as it is there to protect our consumers. An RBT cannot be registered by BACB without a background check- so any organization that is trying to get the state to register them or provide a provisional in the absence of a background check is highly suspect. I thank the Board for taking that stance.
- 2) **Jan Crandy**- After listening to the comments here today I believe our proposed amendment addresses that and will provide consistency across the state by requiring, by putting it in statute, that our background check that our providers are supposed to be doing, based on what the national board states- they actually state: must complete and pass a criminal background check and an abuse registry check comparable to those required by home health, child care professionals and teachers in the community where you will provide services. Fingerprinting is not required by the BACB but this requirement may vary by state and organization. Our state requires it so our BCBA's and providers should be doing that same exact one for registration and it sounds like it isn't consistent so by putting it in statute it will make all providers do it. So by the time you do your background report, there should be no reason for any of these fails that you are talking about happening. I too want to protect consumers and I think every BCBA that is supervising an RBT for certification should do what they are supposed to do for the background check, so our proposed amendment is actually protecting the consumers at the certification level at the national level which they should be doing anyway. So this is actually putting it in statute to require them to do so. And the attestation, and with proof when they submit their state registration it will be done, you'll have the proof that the provider will have signed a waiver, the RBT will have signed a waiver that they can share it. And we did talk with a LiveScan provider and they said it can all be done. And I want to make a comment about the 1051 RBT's that didn't renew, when I testified I did not say that it was your fault. I know there are many reasons why – burnout, pay or getting promoted, I was just stating the fact that there aren't enough RBTs to provide treatment and any delays in getting them out there working is sad because we are not meeting treatment hours for all these kids. Anything we can do to fix that, streamline the process, I want to do. I want us to be able to serve these kids and build our workforce. The providers are not building RBTs and our workforce like we thought they would- they are hiring them away from other providers instead of building RBTs. Anything we can do to promote that process is what I am about. I appreciate this board, and I understand what you do, and I am grateful that the board is there so don't think that I am against the board because I am not. I love the idea of doing an outcome survey as to why they don't renew. We did a small one and there are a number of reasons and one is the hiring process for losing RBTs. I did come to the board at least six months ago and brought this issue to the board and said that we would try to address it legislatively, so you could have started collecting data then when I had mentioned it then. The idea of this bill has been out there for a while.
- 3) **Jon Paul Saunders** – Adding to what Jan Crandy just stated and how this actually creates a more background and more safeguards for a vulnerable population, so I wanted the board to know that I for this bill.

8. Dr. Fronapfel adjourned the meeting at 12:43 p.m.