



August 19, 2025 10 a.m. Board Meeting- ***Draft Meeting Minutes***

1. **Call to Order- 10 a.m.** – Board members: Dr. Fronapfel, Christy Fuller, Lynda Tache, Dr. Saunders, Stephanie Huff; Henna Rasul, Counsel and Wendy Knorr, Executive Director.
2. **Mission Statement** – *Dr. Fronapfel read aloud.*
3. **Public Comment** – Samantha Lemons announced a NABA sponsored Town Hall meeting regarding AB7 (electronic health record regulations) will be held Sept. 23 at 9 a.m. via Teams.
4. **Approval of Board Meeting Minutes-** Christy Fuller made the motion to approve the June 17, 2025 Board meeting minutes as presented; Stephanie Huff seconded the motion. The motion passed unanimously.
5. **Disciplinary Matter – Complaint # NV01LBA25**

The Board members reviewed a proposed consent decree for this complaint involving Chason Robinson, LBA0900. Henna reviewed the document, process and procedure with the Board. Once the document is approved it will become public.

Mr. Robinson was present during the meeting and was invited to make a statement. He stated he appreciated the opportunity to speak to the Board; he acknowledged he made a mistake and is working to grow from this experience and become a better clinician; these are consequences of his own actions, but it has been difficult regarding the statements of his character. He said he felt a lot of the statements made and the timeline of events don't add up and feels like there was a lot of here say and retaliation for bringing concerns regarding the clinical efficacy of things going on in the clinic, but ultimately it falls on him personally. He acknowledged the message/s should not have been sent initially and it opened a can of worms and allowed other statements to be made. He expressed appreciation to Henna and Wendy for communicating with him during the process. He indicated that he understood he could not ask any questions about any of the clauses but needed clarification about the clause about informing employers, specifically about positions that don't require his LBA. Henna did clarify that this requirement would only apply to ABA-related positions.

Dr. Saunders made the motion to accept the Consent Decree presented for Chason Robinson; Christy Fuller seconded the motion; and the motion passed unanimously.

6. **Executive Director's Report**

Wendy reported that she did not attend the FARB conference and will not be attending the CLEAR conference this year due to time constraints. Will continue to take advantage of other available trainings.

An Investigator has been engaged- Thomas Sharkey has been hired per diem to assist as needed with investigations of complaints.

Business & Industry has begun the process of developing regulations and has put a workgroup together of representatives from several licensing boards to assist. A summary of bills related to ABA from the last Legislative session was requested by Deputy Director Haag and Wendy provided the information the Board reviewed at the June meeting.

The BACB sponsored a Chat on July 29th and Wendy provided an update regarding consolidation efforts of Legislative session from Nevada. The discussion included information about other efforts across the country and continuing efforts to shift authority from professional boards to state agencies; continued efforts to reduce barriers and increase flexibility for military members and spouses; interstate compacts/universal licensing, etc.; litigation trends around telemedicine, disciplinary vs criminal determinations; addressing Board failures and rejection of Board interpretations.

A cell phone has been obtained to assist with conducting business as it continues to increase – for use as a second line in the office and to provide better access while working remotely.

7. Legislative Update

Consider removing as a standing item from the agenda until next session begins. This will be added to next meeting's agenda for approval.

8. **NABA report/update-** Town Hall meeting Sept. 23 regarding AB7. Dr. Saunders shared she attended a CASP meeting where it was reported that there is zero electronic health record software approved in the state at this time, so it is impossible for any provider to be in compliance. 2030 is the deadline for organizations under 100 employees to become compliant. For now, waivers will be required for every individual with your organization. A company waiver is being investigated which would help streamline the process. There is no information yet about when compliant software will be identified and may become available/recommended for use. Right now, there is nothing more to do except complete the waivers. The situation will hopefully be addressed during the next legislative session, but right now, no one can be compliant in the state. Wendy clarified that the Board's responsibility will be accepting referrals for those who are determined to be out of compliance, once all the details are ironed out – after the 2030 deadline. The Board does not have the responsibility to determine compliance, monitoring compliance, etc.

9. Review, Discussion, and Possible Approval of Board Activities

Stephanie Huff provided an overview of the plan and timeline for the Executive Director's annual review. The hope is to complete the process before the end of the year. Stephanie will provide the tool for members to review and make recommendations for any changes. Once completed, the Board members will provide the feedback to Stephanie and the evaluation can be presented at a future meeting.

The Listserv currently available to us is managed through our website/email provider, DreamHost. We've been notified that DreamHost is discontinuing that option soon. Currently 199 individuals have subscribed. Wendy reviews the requests several times each month for new requests. The evolution to Constant Contact will help when this option is not available. Dr. Saunders confirmed the difference between the listserv – requiring someone to opt-in, but notices like renewals, etc. go to everyone. She asked if there are rules about what you can send to everyone, vs. what you send out on through the listserv. If the information is from the Board, shouldn't it go out to everyone every time? Wendy explained the limitation of sending mass emails through DreamHost and that there would more than likely be a listserv to allow non-licensed public to receive information. Christy Fuller supports finding a better system to support mass communication and agrees that a listserv option for non-licensed individuals remain available.

Reminder to all RBT's who've been registered for 6 or more years will be required by statute, to provide an updated criminal history report for renewal. Communication will go directly to those impacted to ensure the reports are provided prior to their expiration 12.31.26.

2027-28 CEU requirements for renewing LBA/LaBA's now only includes 6 units of Cultural Competency/DEI. Suicide prevention and awareness requirements expired and will no longer be required for state licensure renewals. Christy Fuller asked that we clarify the requirements for CEU's. The six state required are not the only CEU's licensees need – they still need to meet the BACB requirements and remain in good standing.

10. Review of Complaint process- Henna summarized the complaint process: an informal complaint is received from the public, most frequently. Occasionally, an administrative informal complaint will be filed. In that case, Wendy is filing a complaint based on information she has been made aware of without having a public complainant, but there is enough evidence to move forward. The informal complaint received, is confidential. Wendy and/or investigator review and investigate the complaint. If there is substance to the allegations made in the complaint, she will send out a 233b letter to the licensee who is being accused in the complaint. It is called a 233b letter because that is the NRS statute that details the initial notification. The letter is not detailed- complainant name is not included, nor are the names of employees, clients, etc. With the factual information presented, the alleged violations of the laws are then detailed, including the BACB Code of Ethics as included in the ABA regulations. The 233b letter provides the licensee the opportunity to provide a response. That response is then weighed against the allegations, verifying jurisdiction based on the practice act and reviewed together for determining how to proceed. The complaint could be dismissed and would be brought before the Board in a meeting. Only a case number, no names or details of the complaint would be made public, just a vote of the Board to dismiss based on the recommendation of the DAG and ED after review/investigation. If it is determined that there is substance to the complaint the licensee is notified by the DAG that process is moving forward. The options for the licensee are to agree to a Consent Decree, which was presented to you today, or to proceed to a hearing. Henna shared that her experience has been that 85-90% of the complaints are settled through a Consent Decree. For those who choose to go to a hearing, a formal complaint is filed. That document is a public document. Henna shared that if any of the Board members are contacted about any complaint to please refer them back to Wendy or Henna and do not discuss a complaint with anyone to avoid having to recuse yourself from anything related to the complaint. This can complicate things and potentially result in appealable conditions. Up until the date of the hearing, a licensee can change their minds and agree to a Consent Decree and avoid a public hearing. When a hearing is scheduled evidence from the investigation is compiled for use and becomes public information. Information gathered during the investigation but not presented as part of the hearing remains confidential. Henna becomes the prosecutor for the hearing and the AG's office provides another attorney to advise the Board Chair who presides over the hearing. It's informal, but mirrors a trial, with each side presenting opening statements, witnesses, evidence, etc. The Board members are not involved in the process unless there is a Consent Decree to review and approve or until a complaint goes to a hearing. Dr. Saunders asked about a complaint that might not be legal in nature, but just ethical issues related to the BACB code, not that the law was violated, but an ethical code was violated. How does that play out? Henna confirmed that Nevada statutes incorporate the ethics codes, so it is law. Dr. Saunders asked who decides whether a complaint is worth looking at or not? And then, how do we notify people? Henna explained that Wendy reviews complaints with her along with the investigator as needed. Dr. Saunders asked if a complaint is meritless, how are people notified? She stated that a dismissal has not been presented to the Board that she is aware of. Henna explained that some allegations are meritless or are not within the jurisdiction of the Board. If a complaint is not going to be pursued, it won't be given a case number and not presented to the Board. Dr. Saunders asked if there is a timeline for the process and Henna said there is none. Dr. Saunders asked if complaints are ever pushed through if they are dangerous in nature. Henna said that Boards do prioritize cases- the most egregious and that can contribute to the backlog of complaints. Christy Fuller added that the Decree approved today included a number of deadlines and she wants to be sure we have a process in place to track those timelines to assist the licensee to meet them and move forward to successful completion of the disciplinary process. She offered her assistance to develop/support that process. Henna explained that she is also involved in the process if deadlines are missed or the licensee is non-compliant. Christy Fuller also confirmed that NVABA reports information to the BACB in addition to the responsibility of the licensee to report as required.

11. Financial Update

Financial Reports – FY25 Year-End and July 2025 were reviewed

Biennial Financial Audit, Due Dec. 1, 2025, will be conducted by Christiansen Accounting Network

12. Discussion of Current Status of Applications and other Licensing Activities

DPS has successfully transitioned to the FlexCheck process effective July 16, 2025. We have been receiving information within 5 days. The process for out-of-state applicants remains at the 45 days. Christy Fuller asked about any breakdowns in the process with the changes? Wendy discussed monitoring of the required waiver and impact on receiving the criminal history reports. Wendy and Annette reach out to applicants, supervisors, employers and even the fingerprinting establishments to review the process and avoid issues related to circumventing the process and causing issues/delays.

License/registrations issued:	June	July	Aug. to-date	Total
RBT's	116	187	52	2898
LaBA's	4	0	0	38
LBA's	17	20	6	697
			State total	3633

A reminder that Background Clearances are required by BACB, separate and in addition to the required reports by NVABA. Anyone with questions about their process should contact BACB for assistance. Christy Fuller indicated that there is guidance in the RBT handbook, through Medicaid and other accrediting bodies. NVABA's process is separate and to be eligible for state registration an applicant must complete the BACB process and receive that credential, including the background clearance as defined in their requirements.

13. Determine Future Agenda Items – Christy Fuller made the motion to remove the Legislative update as a standing agenda item and add the Executive Director's annual review discussion process as a standing item, as a possible action item until that process is completed. Stephanie Huff seconded the motion and the motion passed unanimously.

14. Public Comment – none

15. Adjournment- the meeting was adjourned at 11:20 a.m.