

Louisiana Behavior Analyst Board
4334 S. Sherwood Forest Blvd., Suite C-150, Baton Rouge, LA 70816

BOARD MEETING MINUTES: February 15, 2019

(Approved March 11, 2019)

The meeting of the Louisiana Behavior Analyst Board (Board) was noticed and called to order by Board Chair, Scott Williamson at 9:08 a.m. on Tuesday, February 15, 2019 at 4334 S. Sherwood Forest Blvd., Suite C-150, Baton Rouge, Louisiana 70816. Present were Board Members: Scott Williamson, Lloyd Boudloche, Jr., Ed.D., Renee Cole, Alfred Tuminello, Jr., Calvin Cryer, Courtney Wright and Executive Director Rhonda Boe. See attached for guests in attendance for public hour.

Mr. Williamson introduced himself as did other board members following by each guest introducing his/herself and where their practice was located. Many regions of the state were represented.

A motion was made by Ms. Wright to approve the agenda for the February 15, 2019 meeting, with None opposed and the motion passed.

Dr. Boudloche made a motion to move agenda out of order and review January 15, 2019 meetings later in the agenda. None opposed.

Long Range Planning:

All board members and the Executive Director would review the original rules and law, any changes that have been made, and then open the floor for comments. All suggestions would be reviewed and discussed by the board later in the meeting.

Ms. Boe reviewed items contained in the law. She also informed attendees of the current laws that changed the makeup of the board by adding a professional member, a consumer member and eliminating the Ex-Officio member from LSBEP. She added the new law inadvertently erased the term length for board members but she was working with the Governor's office and this would be rectified to set all future board member terms at 4 years. It was also noted the consumer member position has remained unfilled and this is possibly due to the stipulations of anyone associated with health care. The board and LaBAA agreed due to the large number of criminal background checks reviewed each month a retired law enforcement person would be a valuable consumer member in reviewing arrest records. This option will be explored. In the original law, the board's sunset was July 1, 2018 and recent legislation extended sunset to July 1, 2028. She said only recommendation changes she saw for changes in the law was to make clearer that RLTs are not licensed or certified. The law states RLTs can be denied or revoked by the board's discretion for protection of the public and are not entitled to the process of the Administrative Procedure Act. There has been some misunderstanding of this in the past because a certificate is issued to the supervisor of an RLT. The RLT thereby incorrectly assumes they are certified. The certificates design was changed for renewals and all registrations beginning 1-1-19 to make this clearer.

Comments from the public was why use a certificate, why not just send a letter or make registrations available to view on the website.

Mr. Williams reviewed the rules for Applications. He highlighted the requirements for licensure, certification and registration. He noted the change to line technician applications eliminating the notarization was a money saving item for applicants and not mandated by law like a licensure and certification application. Mr. Williamson stated he knew fees were of concern to many and the law mandated the fees when the board was established. Mr. Williamson told the audience the board was taking bids for licensure software to digitize the licensure process. The effects would reduce administrative time spent on application process as well as reduce time for licensees. Each licensee would have an account where they could update their address, email, etc. When a line technician was registered, transferred, renewed and/or discontinued it would be sent to their account upon completion. Licensees could upload their CEU certificates and add to the reporting form all year. This would eliminate CEU audit letters as the committee could access the accounts through the staff portal and review saving time and money for the licensees who are audited and need to copy and mail their documentation.

Mr. Williamson added the importance of the background check and how the board has denied individuals whose results showed it was not in the best interest of the public they work with such a vulnerable section of the population who are often unable to self-report and challenging to work which requires patience. He added the board is unable to inform LBAs why an applicant is being reviewed but they should advise their applicants to be candid on application as many answer no and actually have arrests. He told LBAs getting a Right to Review is a way for them to see what the results show. Dr. Boudloche added that after only one month on the board and reviewing files he now requests right to review on all his applicants. Mr. Tuminello added that the board has received letters of support for LBAs for a candidate being reviewed with a background that is very concerning and the LBA is aware of but the board will not approve someone who would be questionable in dealing with sometimes volatile situations. Mr. Tuminello and Dr. Boudloche also added our attorney is often consulted and sometimes research has to be done. This results in attorney's fees on line technician application reviews. Mr. Williamson shared he knows there have been questions about the necessity of registering line technicians and he understands all states do not but this vetting process proves the need is there to protect the public.

Mr. Williamson expounded on the software the board is seeking bids for and concerns had been expressed before because LBAs are not notified when discontinuations are received and this tool would remedy that concern. The costs of the software may be very expensive but the board has been frugal with funds and is at the point where this may be affordable. It is also important the board have funds on hand to cover expenses for disciplinary actions.

Comments from the public included the law mandates fees but states up to the amounts listed. There was also discussion of the benefits of the software.

Dr. Boudloche reviewed Renewal Process. The board is aware of fee concerns and assured that the board understands and pays the same fees as everyone else. He stated how important it is to adhere to the deadlines and how important it is to track your registered RLTs and make sure they are renewed. Some have been overlooked during renewal time and discovered later to be lapsed. The board has a remedy to these situations but it can be costly. Dr. Boudloche noted the online renewals which began in 2017 have been beneficial. Ms. Boe stated the fees charged by Paypal are not all passed on to those who renew and the board absorbs half those costs. Dr. Boudloche said the software the board is considering would be useful in tracking who has renewed and who has not. It would be extremely beneficial to larger companies who assume administration has sent in all RLT renewals submitted.

Comments from the public included a suggestion for rolling renewals. Dr. Boudloche replied the current law states renew by 12/31 annually and the board would have to open the laws to change the renewal date. Careful consideration will be made before opening the law. A suggestion was made to pro-rate renewal fees for those licensed, certified, or registered later in the year. Suggestion was made that a public registry of all RLTs be made available. A question was raised as to whether a renewal could be made available to all LBAs sharing a line technician. An answer was yes if you give them access to your account. It was explained that even when you share the LBA who the RLT is registered under is ultimately liable for that RLT. Dr. Boudloche stressed protect your license, through supervision, billing, etc. A comment from the public was the possibility of a company log in.

Mr. Tuminello reviewed current Supervision Guidelines. He told the public that changes were needed with the changing times, in particular, tele-health being covered by some insurance companies. Currently electronic supervision of any kind is not allowed in the supervision guidelines. It is not illegal to use electronic methods, even tele-health, it is not counted towards the 5% minimum supervision. Mr. Tuminello shared how the board previously had discussions on this topic and how this type of service is beneficial to the many in Louisiana who live in rural areas and are unable to obtain ABA services. This would present more opportunity for in home care for those individuals. Mr. Tuminello stated rule language currently prohibiting tele-health would change. Mr. Tuminello also added should any complaints arise where tele-health is provided by a Louisiana licensed out of state Behavior Analyst, jurisdiction would be in the state where the client resides. The rule changes would be posted on our website when the Notice of Intent is published in the state registry and then 30 days are allowed for comments. He asked Ms. Boe to share how the process for promulgating a rule has changed. Ms. Boe explained due to a new oversight committee being established during the last legislative session to review any rule a board is submitting for promulgation, the process is now longer. This committee meets monthly. If there are any concerns by the committee, someone from the board has to appear in person at their next meeting to answer questions. This is all prior to the previous process which could take approximately four to six months for the rule to be final.

Comments from the public included would the board take action in a supervision audit if tele-health is being used as part of the 5% supervision while the rule is in promulgation. It was understood it was not illegal to use tele-health but if not accepted by the board it presented insurance conflicts. The need to provide services to the rural areas by using tele-health but not being able to count towards supervision hours is not feasible. The board would have to consult their attorney about this question. Mr. Tuminello added all should utilize the ethical guidelines as the LBAB supervision requirements are the minimum and services should be sufficient to the individual needs of a client. A family has a right to file a complaint. Request was made that email blast be sent when rule promulgation begins. Question about supervision was if there was a limit to the number in a group session. Mr. Tuminello stated there is no limit on RLTs only on SCaBAs. The board also stated, depending on the cost of the software, there may be a feature where a standard supervision form report is created to be submitted monthly by LBAs. The staff would be notified automatically if the report was not submitted and a reminder would be sent to comply.

Ms. Cole reviewed the rules on Continuing Education requirements. The CEU reports are every two years during renewals. The requirement contains types and percentages allowed. The requirements are similar to the regulations of the BACB. Ms. Cole acknowledged some changes to the BACB rules have been changed and are being reviewed to possibly align with their requirements. There is review to limiting the number of podcasts submitted. Ms. Cole added the

new software would be beneficial to both LBAs and the board as you could store your certificates and update your form as your credits are earned.

Comments from the public included limiting podcast could affect some individuals both geographically and financially. Another requested it be considered allowing you to enter a conference as opposed to each session. Several board members commented they were audited the first reporting period for the same issue and to be assured the rules apply to all. A question was asked if RLTs would have a requirement similar to RBTs and the answer was not at this time. It was also asked that the board consider rolling CEUs and renewals similar to the BACB. A question was asked about timeline on the software. Ms. Boe stated we were still waiting on bids Mr. Tuminello added larger companies likely get preferential treatment over a single board and it is not uncommon to wait for bids but we will push to try to do this as soon as possible.

Ms. Wright reviewed Complaints and Disciplinary Action rules. She informed the public the board has hired a Complaint Coordinator who reviews all complaints properly submitted. If the complaint requires an investigation, it is handled by the board investigator. The board is not aware of the complaints unless it results in a Consent Order or proceeds to a hearing. Ms. Wright stated anonymous complaints are not accepted, unless there are unusual circumstances. Ms. Boe shared BACB sent an email this week stating they would accept anonymous complaints if there is a public document supporting the complaint. Ms. Wright said this would be an unusual circumstance. The rule also allows board initiated complaint such as knowledge of someone practicing without a license. Many complaints deal with supervision and ethical issues. A complaint can only be withdrawn by the complainant with a written request which would be granted except if the matter is a matter of public safety.

A question from the public was if there were only 3 disciplinary actions listed why was this process so expensive. The answer was there were more than 3 complaints which did not result in disciplinary actions. Some receive letters of education which state if another complaint of the same nature arises that complaint would also reopen. The board protects the public and this includes clients not losing services unless warranted. All these complaints are investigated and there are costs involved. Another question was if the board has no knowledge how do you know the costs. The answer is they are briefed at every meeting on the number of open complaints and where they are in the process. Also, several of the RLTs being reviewed require legal costs. The board is notified by rap back for the following 2 years if an RLT has an arrest. The board contacts them directly as it is confidential and handled without the LBA's knowledge. Again this is why it is important to think about obtaining a Right to Review. The LBA only becomes aware if a revocation occurs and the board can still not reveal why the individual was revoked. The board approve financials at every meeting so they are aware of the costs but not per case or name. Other discussion was if necessary report to police, if a 3rd party is requiring you to do something unethical protect yourself. Always remember it is your license on the line. A question was if a letter could be attached to a discontinuation as to why the person was terminated and the answer was yes. A question was raised concerning company policy and the answer was the board has no jurisdiction over individual company policies.

Mr. Cryer reviewed the Ethical Standards rule. He stated the board adopted the BACB Ethical Code. Mr. Cryer told everyone if they were not aware these standards were recently updated. The wording of our rule follows these updates as it was the same rules approved by the BACB on August 7, 2014, with an effective date of January 1, 2016. They did not adopt new rules only made revisions.

Mr. Williamson thanked everyone who took the time to come to the meeting and expressed on behalf of the board how their participation was appreciated and it was exciting to see so many representing several areas of the state. He added anyone is welcome to attend the board meetings each month during public hour and maybe some would consider self-nominating during elections.

Public hour ended at 11:21 a.m. and the board took a break to personally thank everyone for attending and participating in the Long Range Planning Meeting.

Committee meetings began at 12:10 p.m.

Dr. Boudloche made a motion to approve the January 15, 2019 minutes. None opposed.

Pursuant to LSA R.S. 42:6.1(4), Mr. Williamson moved to enter Executive Session at 11:00 to review and discuss Complaint Committee and Credential Review files. None opposed and the motion passed.

Mr. Williamson closed Executive Session at 12:52 p.m. and reported the following:

Complaints Committee:

Ms. Boe presented the following report for Ellen Brocato, complaints coordinator:

- 1- An informal meeting will be scheduled between the respondent and respondent's attorney, and Complaints Coordinator, Executive Director, and board attorney.
- 2 – Respondent is being re-noticed.
- 3 – No change in the complaint where a compromise was reached and the board completed its portion but is still waiting on respondents to complete their portion.
- 4 - New complaint received and further information is being sent.
- 5 - Complaint is being reviewed at this time.
- 6 - Lawyer is reviewing board initiated complaint.

Credentials Review Committee:

Behavior Analyst Applicants 2.19/A, 2.19/B, 2.19/E, 2.19/F, 2.19/G and 2.19/H were reviewed and approved for licensure.

Behavior Analyst Applicants 2.19/C and 2.19/D were reviewed and approved for licensure upon receipt of all reference letters by mail with original signatures.

State Certified Behavior Analyst Applicant 2.19/I was reviewed and approved for certification.

Line Technician Applicants 2.19/1, 2.19/3, 2.19/5, 2.19/7, 2.19/8, 2.19/10, 2.19/12, 2.19/13, 2.19/14, and 1.19/10 were reviewed and approved.

Line Technician Applicants 2.19/4, 2.19/11 and 2.19/15 were approved on the condition the results match exactly.

Line Technician Applicants 2.19/2 was reviewed and approved on receipt of last document requested.

Line Technician Applicant 1.19/11 was reviewed and documents were deemed sufficient to approve registration to continue without interruption.

Behavior Analyst 11.18/4 was reviewed and approved to continue with monthly updates.

Line Technician Applicants 1.19/4, 2.18/4, 6.19/10, 5.17/8 and 12.18/10 were approved to continue registration uninterrupted and continue sending updates. Emails will be sent requesting specific information the board is requiring or the board could revoke at the next meeting.

Line Technician Applicant 2.19/6, 2.19/9, and 12.18/9 were denied.

Line Technician Applicant 6.19/12 previously closed until a matter could be resolved was reviewed as the document was received showing it was resolved. The applicant is cleared to re-apply.

Finance Committee:

Mr. Williamson made a motion to pay the LSBEP January invoice. The Reconciliations for December and January were reviewed. A motion was made by Renee Cole to approve December reconciliations, and Ms. Wright made a motion to approve January reconciliations. None opposed. The Reconciliations were dated and signed by preparer and dated and signed by Finance Committee Chair, Dr. Boudloche, indicating board approval. The full board reviewed the Balance Sheet, and Profit and Loss for December and January. No apparent discrepancies were noted. Ms. Wright made a motion to approve all the financials. None opposed.

Discussion was held on getting bids for licensure software for applications, etc. online. Dr. Boudloche made a motion for Ms. Boe to begin securing bids for the software. None opposed.

Jurisprudence Committee:

No new business.

Legislative Committee:

Work will begin on legislation to set board member term lengths inadvertently erased in legislation passed in the last session.

Policies and Procedures Committee:

Ms. Boe will begin rule promulgation for supervision requirements to clarify the section on using electronics for supervision as telehealth is proving to be a geographically and financially feasible way to provide services, especially to clients in rural areas. Rule promulgation procedures have changed and will take months longer than before. Ms. Boe was directed to consult with attorney to see if Opinion or other document can be posted online by the board interpreting the supervision rules until promulgation can be finalized clarifying said rules. Mr. Tuminello will assist Ms. Boe with promulgation drafting.

Continuing Education Committee:

Continuing Education audits were reviewed. Ms. Boe was directed on who to send compliance letters to as well as non-compliance letters.

Supervision Oversight Committee:

Discussed earlier during Policies and Procedures.

Long Range Planning Committee:

All the information shared and commented on during the Long Range Planning meeting will be reviewed by the board.

Executive Director's Report:

Ms. Boe shared information she received from the FARB conference. Discussion was held and all agreed this was a very useful conference.

Ms. Boe informed the board the Self-Evaluation Report was completed and submitted to the governor's office on February 12, 2019. Numerous other reports were also completed and submitted. The FY 19/20 budget was also completed and submitted.

Ms. Boe informed the board she made an inquiry to the governor's office concerning a present or retired law enforcement officer applying as the consumer board member. She was advised this would be allowable if the individual met all the requirements. Discussion was held concerning how this type of consumer member would be beneficial to board reviews in understanding some of the background check results reviewed. Ms. Boe would reach out and if anyone wanted to apply, the individual (s) would be put in touch with the association for a recommendation.

Ms. Boe reminded board members to file Tier 2.1 report and to take required Ethics course once per calendar year.

Mr. Williamson adjourned the meeting at 3:52 p.m.

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VISITOR SIGN IN SHEET

Time	Name	Organization/ Individual	Address	Phone Number	Do you wish to comment? On what agenda item?
8:30	Taylor Rane	Autism Spectrum Therapies West	5700 Citrus Blvd St. Am New Orleans, LA 70123	(504) 820-1005	
8:30	Lindy West	Behavioral	611 N. State St. Jennings LA 70546	(337) 246-7525	
8:39	Addie Andrus	Emerge Center	7784 Innovation Baton Rouge, LA 70800	(225) 343-482	
8:39	Deilah Mendes de Gouveia	Emerge center	7784 Innovation Park Dr. BR, LA 70820	225-343- 4232	
8:40	Hannah Lattaye	TCA	300 Parkview St Scott, LA 70583	(337) 257- 5704	
8:40	Jessica Doll	TCA	300 Park West Dr. Scott, LA 70583	(337) 831- 0253	
8:40	Izzy Riofrio	Children's Autism Center	1215 Prytanica St, Suite 511, New Orleans, LA	(216) 670- 1891	
8:40	Trematrice Duncan	Merakey	9150 Belford Dr Baton Rouge, LA 70809	(225) 245- 0334	

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Time	Name	Organization/ Individual	Address	Phone Number	Do you wish to comment? On what agenda item?
	Amanda Coffey	ShineThru ABA Therapy	5701 Soleson St Alex 71303	337-282 41275	
	Sara Manselle	ShineThru ABA	3731 Jackson St. Alexandria, LA 71303	504-884- 2679	
	Jalissa Green	ShineThru ABA	5781 Jackson St Alexandria, LA	337-718 1539	
	Tiffany Bonds	CARD	11555 Southfork Ave. #3002, Baton Rouge, LA 70816	225-747 0008	
	Brian Esteva	Leaf of South	7252 Lake Shore Dr. New Orleans, LA 70125	504-323-3450	
	Katie Barlow	LYANE Rehab		504-800-0990	
	Mary Johnson	Touchstone	8130 Kelwood Dr. BR, LA. 70806	225-270-2974	
	Kate Pape	Merakey	7556 Denham Dr Denham Springs, LA 70126	281-794-4359	

Emily Pellaci Within Reach 1515 Demosthenes St. 504-885-4527
Metairie La 70005

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Time	Name	Organization/ Individual	Address	Phone Number	Do you wish to comment? On what agenda item?
	Melissa Gonzalez	OLOL Children's Health Pediatric Dev. & Therapy Center	4815 Goodwood Blvd. Baton Rouge LA	225-803-6011	
	Therik Oland	Touchstone	1000 Invention Rd Tibolaux, LA 70301	985 757-6783	
	Janece Huber	La BAA	4215 Beau Chene LC LA 70605	337 526-5231	
	Melissa Raymond	Milestones Behavioral Services	2016 Oak Park Blvd. Lake Charles, LA 70601	337-424-5248	
	Megan Perkins	Behavior Teaching Concepts	1024 N. Atlanta St Metairie, LA 70003	504 517 4282	
	Tia Lamb	Butterfly Effects	4201 N-I 10 Service Rd W Metairie LA 70006	(855) 550-5308	
	Rachel Huckfeldt	Butterfly Effects			