

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

BOARD MEETING MINUTES: March 20, 2024
(Approved April 17, 2024)

The meeting of the Louisiana Behavior Analyst Board (Board) was noticed and called to order once a quorum was met by Board Chair, Dr. Tuminello, at 8:49 a.m. on Wednesday, March 20, 2024 at 4334 S. Sherwood Forest Blvd., Suite C-150, Baton Rouge, Louisiana. Present were Board Members: Joseph Tuminello, III, Rebecca Mandal-Blasio, Angela Murray, and Renee Cole, Executive Director Rhonda Boe and Executive Administrator, Krysta Babin. Board members Daniela Riofrio arrived at 9:18 a.m. and Alfred Tuminello, Jr. arrived at 9:08 a.m. Courtney Wright was absent.

A motion was made by Dr. Mandal-Blasio to approve the agenda for the March 20, 2024 meeting. None opposed and the motion passed.

Pursuant to LSA R.S. 42:6.1(4), Dr. Tuminello moved to enter Executive Session at 8:50 a.m. for credential file reviews, complaints, lapsed renewals submitted and any other items to be reviewed in executive session.

Ms. Babin left the meeting at 10:50 a.m.

Dr. Tuminello closed Executive Session at 12:09 p.m.

Dr. Tuminello began the Open Meeting at 12:10 p.m.

Lindy West entered the meeting at 12:12 p.m.

Ms. Murray made a motion to approve the February 21, 2024 minutes. None opposed and the motion passed.

The following occurred regarding the credential file reviews:

Licensure Applicants 3.24/A, 3.24/C, 3.24/D, 3.24/E, and 3.24/F were reviewed and approved for licensure.

Licensure Applicant 3.24/B was reviewed and approved for licensure upon receipt of a Jurisprudence Exam with a passing score.

Certificate Applicant 3.24/G was reviewed and approved for certification.

The board reviewed a discontinuation received on a RLT with concerns expressed. Ms. Murray made a motion not to require the individual have board review should an application be submitted in the future. None opposed and the motion passed.

A RLT who submitted 3 applications over the years and all photos look different was reviewed. The board instructed Ms. Boe to reach out to the supervisor for a current, unfiltered photo of the individual for the file. The board has been required in the past to identify RLTs for the Attorney General's office based on their photos. It was determined that could not be done with this applicant.

A question from a SCaBA about renewing a lapsed certification was discussed and Ms. Boe will respond with the requirements.

The status of other applicants reviewed and voted on at the March meeting are listed below in the Credential File Reviews.

Complaints Committee:

The board reviewed the February supervision report submitted in reference to a Consent Agreement. The board approved the report but reserved the right to request additional documentation in the future.

The board was informed a response was received from an unlicensed individual providing services. Our prosecuting attorney will review and update the board.

The board reviewed a response from a BACB alleged to be practicing in Louisiana without a license. The response was deemed sufficient and the misleading posts were removed from the internet.

Jatala missed the deadline to file her brief with the Court of Appeals, after requesting and being granted an extension.

Ms. Boe gave the following update on behalf of the Complaints Coordinator.

2023-021C	Informal meeting delayed
2023-022C	Investigation ongoing
2023-023C	Informal meeting being offered/Investigation ongoing
2024-025B	Investigation ongoing
2024-26B	Informal meeting being offered/Investigation ongoing
2024-27B	Informal meeting being offered/Investigation ongoing
2024-28C	Investigation ongoing
2024-29C	Response received/Investigation ongoing
2024-30C	Investigation ongoing
2024-31B	Response received/Consent Agreement being considered
2024-32B	Notice letter mailed

Finance Committee:

Ms. Tuminello made a motion to approve the LSBEP invoice for February if no apparent discrepancies noted. None opposed and the motion passed.

Financials for January were reviewed and discussed. Ms. Riofrio made a motion to approve the checking reconciliation, Ms. Cole made a motion to approve the savings reconciliation and Ms. Murray made a motion to approve the ICS Reconciliation. None opposed and the motions passed. The board reviewed the Balance Sheet, General Ledger, Monthly Profit and Loss and Profit & Loss Budget vs. Actual for January. Dr. Mandal-Blasio made a motion to approve the full financials for January. None opposed and the motion passed.

Financials for February were reviewed and discussed. Ms. Riofrio made a motion to approve the checking reconciliation, Ms. Cole made a motion to approve the savings reconciliation and Ms. Murray made a motion to approve the ICS Reconciliation. None opposed and the motions passed. The board reviewed the Balance Sheet, General Ledger, Monthly Profit and Loss and Profit & Loss Budget vs. Actual for February. It was noted that a \$15,000.00 transfer from the savings account to the checking account was required. The board is at 45% of projected income and should be a little over 50% at this point in the fiscal year; however, renewals were moved from November/December to May/June. Dr. Mandal-Blasio made a motion to approve the full financials for February. None opposed and the motion passed.

Ms. Boe will present the draft for the amended budget at next month's meeting. None opposed and the motion passed.

The board reviewed an updated attorney fee schedule for legal contracts received from the Attorney General's Office.

Mr. Tuminello made a motion to increase attorney fees for all legal contracts to:

\$280 per hour for 10+ years experience

\$225 per hour for 5-10 years experience

\$175 per hour for 3-5 years experience

\$150 for less than 3 years experience

\$70 for paralegal services

None opposed and the motion passed.

Mr. Tuminello made a motion to offer contracts with these terms to prosecuting attorney, James Raines, board counsel, Stephanie Laborde, and Administrative Law Judge, Larry Roedel. None opposed and the motion passed.

Ms. Cole made a motion to offer a contract to Faulk & Winkler for CPA services at the rate of \$1450.00 per month. None opposed and the motion passed.

Ms. Boe reported Investigator and Complaints Coordinator contracts are not expiring this fiscal year.

Dr. Tuminello made a motion to grant contract signature authority to Executive Director Boe for the upcoming fiscal year contracts. None opposed and the motion passed.

Ms. Boe informed the board that Ms. Babin was reimbursed her mileage for the APBA conference as previously voted on in another meeting.

Jurisprudence Committee:

No new business.

Board General Counsel, Stephanie Laborde entered the meeting at 1:11 p.m.

Legislative Oversight Committee:

Ms. Boe informed the board that a comment was received from ATA Action, a national organization, supporting the board's adoption of telehealth rules recently published as a Notice of Intent. A request was made to review and consider revising the rule to align with the Louisiana Telehealth Access Act, more specifically, to include asynchronous modality as a method of telehealth delivery. No request was made for a hearing on the comment. A review of the Louisiana Telehealth Act with attorney Laborde and board members led to several discussions. The act states the following regarding asynchronous technology: (underline added)

(6)(a) "Telehealth" means healthcare services, including behavioral health services, provided by a healthcare provider, as defined in this Section, to a person through the use of electronic communications, information technology, asynchronous store-and-forward transfer technology, or synchronous interaction between a provider at a distant site and a patient at an originating site, including but not limited to assessment of, diagnosis of, consultation with, treatment of, and remote monitoring of a patient, and transfer of medical data. The term "telehealth" shall not include any of the following:

(i) *Electronic mail messages and text messages that are not compliant with applicable requirements of the Health Insurance Portability and Accountability Act of 1996, as amended, 42 U.S.C. 1320d et seq.*

(ii) *Facsimile transmissions.*

The act also defines asynchronous store-and-forward transfer technology as follows: (underline added)

(1) *"Asynchronous store and forward transfer" means the transmission of a patient's medical information from an originating site to the provider at the distant site without the patient being present.*

The board discussion led to a decision to incorporate the telehealth act into the rule since it does not appear to be in conflict. A draft revision that only provides technical changes to the rule will be presented at next month's meeting.

The board also asked board counsel if the LBAB sunsets with the Department of Health, why does a separate sunset date exist for LBAB? Ms. Laborde researched the issue and LBAB does sunset with DOH and DOH sunsets every 4 years. The next DOH sunset will be 2028 which is the same year for LBAB sunset. We will work to resolve this issue closer to that time.

Ms. Laborde, Board General Counsel, left the meeting at 2:15 p.m.

Policies and Procedures Committee:

No new business.

Continuing Education Committee:

Ms. Boe presented a Continuing Education Reporting Log for renewals for the board to review. Ms. Murray made a motion to approve the Continuing Education Reporting Log. None opposed and the motion passed.

Supervision Oversight Committee:

The committee chair will begin reviewing the documents received for the Supervision Audits and report back to the board at the March meeting.

Long Range Planning:

No new business.

Discussion Items:

Ms. Boe reported the clerical WAE position has been filled. The new hire is Odessa Toma and she has already begun working so she can be trained for renewals.

Ms. Boe reported the renewal forms are being drafted and will soon be posted on the website and emailed to all licensees.

The board scheduled the following future meeting dates:

April 17, 2024 (Wednesday)

May 14, 2024 (Tuesday)

June 11, 2024 (Tuesday)

Executive Director's Report:

Ms. Boe reported she and Ms. Babin attended the Regulatory portion of the APBA Conference and gained very informative and useful information and insight.

Ms. Boe reported the following statistics for the month of February:

382 Line Technicians Registered
7 Behavior Analysts Licensed
6 State Certified Assistant Behavior Analysts Certified
159 Transfers
243 Discontinuations

Dr. Tuminello adjourned the meeting at 2:29 p.m.

CREDENTIAL FILE REVIEWS:

After review of the reports, explanations, and documents, the following votes occurred:

- 3.24/1 Dr. Tuminello made a motion to approve. None opposed.
- 3.24/2 Dr. Tuminello made a motion to approve registration but will require monthly updates. None opposed.
- 3.24/3 Dr. Tuminello made a motion to approve. None opposed.
- 3.24/4 Mr. Tuminello made a motion to approve if results match exactly when results received. None opposed.
- 3.24/5 Mr. Tuminello made a motion to approve. None opposed.
- 3.24/6 Ms. Murray made a motion to approve. None opposed.
- 3.24/7 Dr. Mandel-Blasio made a motion to approve. None opposed. Mr. Tuminello abstained.
- 3.24/8 Ms. Murray made a motion to request additional information and if provided, approve. None opposed.
- 3.24/9 Dr. Mandel-Blasio made a motion to approve. None opposed. Mr. Tuminello abstained.
- 3.24/10 Ms. Murray made a motion to approve if results match exactly when results received. None opposed.
- 3.24/11 Ms. Murray made a motion to approve. None opposed.
- 3.24/12 Mr. Tuminello made a motion if no information is received in 10 days, registration will be revoked. None opposed. Ms. Cole abstained.
- 3.24/13 Mr. Tuminello made a motion to approve. None opposed. Ms. Cole abstained.

- 3.24/14 Applicant no longer required review.
- 3.24/15 Dr. Mandel-Blasio made a motion to deny. None opposed. Mr. Tuminello abstained.
- 3.24/16 Ms. Riofrio made a motion to request additional information and if provided, approve. None opposed.
- 3.24/17 Ms. Cole made a motion to approve. None opposed. Mr. Tuminello abstained.
- 3.24/18 Ms. Riofrio made a motion to approve. None opposed.
- 3.24/19 Dr. Tuminello made a motion to approve. None opposed. Mr. Tuminello abstained.
- 3.24/20 Ms. Cole made a motion to approve. None opposed.
- 3.24/21 Ms. Cole made a motion to approve. None opposed.
- 3.24/22 Ms. Cole made a motion to approve. None opposed.
- 3.24/23 Mr. Tuminello made a motion to approve. None opposed.
- 3.24/24 Mr. Tuminello made a motion to approve if results match exactly when results received. None opposed.

The following applications are to provide monthly updates for review.

- 10.21/7 Update received.
- 3.22/C Update received.
- 10.23/F Update received.
- 4.22/8 Ms. Murray made a motion if no update is received in 10 days, registration will be revoked. None opposed.
- 6.22/10 Update received.
- 10.22/2 Update received. Mr. Tuminello abstained.
- 10.22/7 Update received. Mr. Tuminello abstained.
- 4.23/4 Update received.
- 6.23/7 Update received.
- 9.23/20 Update received.

- 10.23/7 Update received.
- 11.23/15 Update received.
- 1.24/6 RLT Registration discontinued. Dr. Mandel Blasio made a motion to require monthly updates if registered again.
- 1.24/8 Update received.
- 2.24/2 Ms. Riofrio made a motion if no update is received in 10 days, registration will be revoked. None opposed.
- 2.24/6 Ms. Cole made a motion if no update is received in 10 days, registration will be revoked. None opposed.
- 2.24/12 Ms. Cole made a motion if no update is received in 10 days, registration will be revoked. None opposed.
- 2.24/14 Dr. Tuminello made a motion if no update is received in 10 days, registration will be revoked. None opposed.