

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

BOARD MEETING MINUTES: April 17, 2024
(Approved May 14, 2024)

The meeting of the Louisiana Behavior Analyst Board (Board) was noticed and called to order once a quorum was met by Board Vice-Chair, Daniela Riofrio, at 8:55 a.m. on Wednesday, April 17, 2024 at 4334 S. Sherwood Forest Blvd., Suite C-150, Baton Rouge, Louisiana. Present were Board Members: Daniela Riofrio, Alfred Tuminello, Jr., Angela Murray, and Renee Cole, Executive Director Rhonda Boe and Executive Administrator, Krysta Babin. Board members Rebecca Mandal-Blasio arrived at 9:04 a.m. and Courtney Wright arrived at 9:06 a.m. Board Chair Joseph Tuminello, III was absent.

A motion was made by Ms. Riofrio to approve the agenda for the April 17, 2024 meeting. None opposed and the motion passed.

Pursuant to LSA R.S. 42:6.1(4), Ms. Riofrio moved to enter Executive Session at 8:56 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 10:46 a.m.

Ms. Riofrio closed Executive Session at 11:20 a.m.

Ms. Riofrio began the Open Meeting at 11:21 a.m.

Lindy West entered the meeting at 11:27 a.m.

Ms. Murray made a motion to approve the March 20, 2024 minutes. None opposed and the motion passed.

The following occurred regarding the credential file reviews:

Licensure Applicants 4.24/D, 4.24/E, 4.24/F, 4.24/G, 4.24/H, and 4.24/J were reviewed and approved for licensure.

Licensure Applicants 4.24/B, 4.24/C, 4.24/I, and 4.24/M were reviewed and approved for licensure upon receipt of a Jurisprudence Exam with a passing score.

Licensure Applicants 4.24/A, 4.24/K, and 4.24/N were reviewed and approved for licensure upon receipt of the final documents required by mail.

The application of Licensure Applicant 4.24/L was deemed invalid as it contained white out and a new application was requested. Two of the reference letters did not meet the qualification of professionals acquainted with you and your work so two additional reference letters were requested. Board will review again at next month's meeting.

Licensure Applicant 4.24/A is also required to provide monthly updates to the board.

The board reviewed a revocation issued for failure to respond to board requests for information. The individual requested the board consider reversing the revocation. The board was informed the individual was discontinued from their supervisor when the revocation was issued. The board asked that the file be flagged for board review should another application be submitted in the future.

The board reviewed a revocation issued for failure to respond to board requests for information. The individual requested the board consider reversing the revocation. Ms. Wright made a motion that the revocation stand and allow the individual to submit the requested information to the board by the next meeting where the decision to reverse the revocation will be reconsidered. None opposed and the motion passed.

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 March 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 reviewed a letter sent by our prosecuting attorney to an unlicensed individual providing services who had previously replied they were operating within the law by doing ABA contract work and was in the process of renewing their RBT license. The letter cited the Board's Practice Act and Rules and advised it is a misdemeanor to engage in practice of behavior analysis unless you are credentialed with the board. The letter further stated if the conduct continues the matter would be referred to the District Attorney.

Jatala filed her brief very late with the Court of Appeals after being granted an extension. Board filed a Motion to Strike.

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

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| 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 held/Information under review |
| 2024-27B | Informal meeting held/Information under review |
| 2024-28C | Investigation ongoing/Waiting on response from subpoena to school district |
| 2024-29C | Response received/Investigation ongoing |
| 2024-30C | Informal being offered/Investigation ongoing |
| 2024-31B | Consent Agreement has been reached/will review at next month's meeting |
| 2024-32B | Notice letter mailed |
| 2024-33C | Notice letter mailed |
| 2024-34C | Notice letter mailed |

Finance Committee:

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

The March financials were not complete and will be reviewed at next month's meeting.

Ms. Boe presented a draft amending the budget for FY 2024/25 to address some of the changes that occurred during the year. After review, Dr. Mandal-Blasio made a motion to approve the amended budget. None opposed and the motion passed. Ms. Boe will submit to the board CPA, Legislative

Fiscal Office, Joint Legislative Committee on the Budget and Senate and House Health & Welfare Committee Chairs. The budget will also be updated on the Boards and Commissions' website.

Ms. Boe advised the CLEAR membership renewal was due and asked if the board wanted to renew for \$260.00 annually. Mr. Tuminello made a motion to renew the CLEAR membership. None opposed and the motion passed.

Jurisprudence Committee:

No new business.

Legislative Oversight Committee:

After determining at last month's meeting that the comment received on the Notice of Intent regarding delivery of telehealth was not in conflict with the proposed rule, the board reviewed several drafts with technical changes that did not substantially change the rule. Ms. Riofrio requested a call to question vote on the version the board decided contained the most appropriate wording, which reads as follows:

B. Applied behavior analysis delivered through telehealth between a licensee and client, separated by distance shall be in compliance with R.S. 40:1223.1 et seq., known as the "Louisiana Telehealth Access Act", including any amendments thereto. Applied behavior analysis via electronic means shall be held to the same accepted standards as those in traditional (face-to-face) settings. Utilization of interactive audio without the requirement of video must be determined by the licensee to meet the same standard of care and not be compromised by the use of telehealth or violate R.S. 40:1223.1.

The vote resulted as follows:

Mr. Tuminello – yay, Ms. Cole – yay, Ms. Wright – yay, Ms. Murray – yay, Dr. Mandal-Blasio – yay and Ms. Riofrio – yay.

Ms. Boe will have the two rules submitted for the next meeting of the OLRC for final approval.

Policies and Procedures Committee:

No new business.

Continuing Education Committee:

The board will begin reviewing CEU Reporting logs submitted with renewals at the next month's meeting.

Supervision Oversight Committee:

Three supervision audits were reviewed. All 3 licensees will receive letters stating their submissions for the audit were deemed sufficient in addition to some comments for improvement to be more in line with the laws and rules governing supervision.

Long Range Planning:

No new business.

Discussion Items:

Ms. Boe reported the renewal forms and instructions have been emailed to all LBAs and posted on the website.

Ms. Boe reported that all qualifying for licensure in May or June will be offered the option to defer licensure to July 1, 2024 so they will not have to renew by June 30, 2024.

Ms. Boe reminded all board members to file their Tier 2.1 by May 15, 2024.

Executive Director's Report:

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

301 Line Technicians Registered
5 Behavior Analysts Licensed
1 State Certified Assistant Behavior Analysts Certified
133 Transfers
220 Discontinuations

Ms. Riofrio adjourned the meeting at 1:59 p.m.

CREDENTIAL FILE REVIEWS:

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

- 4.24/1 Ms. Murray made a motion to request additional information and if provided, approve. None opposed.
- 4.24/2 Applicant no longer required board review.
- 4.24/3 Ms. Wright made a motion to approve. None opposed. Mr. Tuminello abstained.
- 4.24/4 Ms. Cole made a motion to approve. None opposed.
- 4.24/5 Ms. Wright made a motion to approve if results match exactly when results received. None opposed. Dr. Mandal-Blasio abstained.
- 4.24/6 Ms. Murray made a motion to approve. None opposed.
- 4.24/7 Ms. Cole made a motion to request additional information and will review at the next board meeting. None opposed.
- 4.24/8 Ms. Riofrio made a motion to approve. None opposed.
- 4.24/9 Ms. Riofrio made a motion to approve. None opposed.
- 4.24/10 Applicant no longer required board review.
- 4.24/11 Dr. Mandal-Blasio made a motion to request additional information and if provided, approve. None opposed.
- 4.24/12 Dr. Mandal-Blasio made a motion to approve. None opposed.
- 4.24/13 Mr. Tuminello made a motion to request additional information and will review at the next board meeting. None opposed.

The following applications are to provide monthly updates for review.

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| 10.21/7 | Update received. |
| 3.22/C | Update received. |
| 10.23/F | Update received. |
| 4.22/8 | Update received. |
| 6.22/10 | RLT Registration discontinued. Ms. Wright made a motion to require monthly updates if registered again. |
| 10.22/2 | Ms. Riofrio made a motion to discontinue requiring updates as final disposition has been received. None opposed. 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. |
| 1.24/8 | Update received. |
| 2.24/12 | Update received. |
| 3.24/2 | Update received. |