

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

BOARD MEETING MINUTES: August 14, 2024
(Approved September 18, 2024)

The meeting of the Louisiana Behavior Analyst Board (Board) was noticed and called to order by Board Vice-Chair, Danielle Riofrio at 8:39 a.m. on Wednesday, August 14, 2024 at 4334 S. Sherwood Forest Blvd., Suite C-150, Baton Rouge, Louisiana. Present were Board Members: Daniela Riofrio, Angela Murray, Rebecca Mandal-Blasio, and Renee Cole, Executive Director Rhonda Boe and Executive Administrator, Krysta Babin. Board Member Alfred Tuminello, Jr. arrived at 9:13 a.m. Board Members Joseph Tuminello, III and Courtney Wright were absent.

A motion was made by Ms. Riofrio to approve the agenda for the August 14, 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 8:43 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 10:45 a.m.

Ms. Riofrio closed Executive Session at 12:10 p.m.

Ms. Riofrio began the Open Meeting at 12:20 p.m.

Lindy West entered the Open Meeting at 12:24 p.m.

Dr. Mandal-Blasio made a motion to approve the July 23, 2024 minutes. None opposed and the motion passed.

The following occurred regarding the credential file reviews:

Licensure Applicants 8.24/A, 8.24/B, 8.24/C, 8.24/D, 8.24/E, 8.24/G, 8.24/J and 8.24/L were reviewed and approved for licensure.

Daniela Riofrio abstained from the vote on 8.24/F.

Licensure Applicants 8.24/I and 8.24/K were approved for licensure upon receipt of final required documents by mail.

SCaBA Applicants 8.24/H and 8.24/M were reviewed and approved for certification.

Renee Cole abstained from the vote on 8.24/H.

The board reviewed the documentation requested for reinstatement of the license of CB. The submission was deemed sufficient. Ms. Riofrio moved to reinstatement of the license effective today. None opposed and the motion passed.

The board reviewed the documentation received for the late renewal of the license of EJA. The submission was deemed sufficient. Ms. Murray moved to renew the license effective today. None opposed and the motion passed.

The board reviewed the documentation received for the late renewal of the license of HB. The submission was deemed sufficient. Ms. Murray moved to renew the license effective today. None opposed and the motion passed.

The board reviewed the documentation received for the late renewal of the license of LP. The submission did not include the renewal late fee. Ms. Murray moved to renew the license once payment of the late fee is received. None opposed and the motion passed.

The board reviewed the documentation received for the late renewal of the certification of BB. The submission was reviewed. The CEU Report was 3 hours below the minimum. Ms. Boe was instructed to advise BB 3 additional hours must be reported. Ms. Murray moved to renew the certification once the remaining 3 hours are reported. None opposed and the motion passed.

The board held a third review on RLT applicant (6.24/9) after requesting and receiving additional documentation. Ms. Riofrio made a motion that in accordance with R.S. 37:3708 (D), this applicant be denied. None opposed and the motion passed. Mr. Tuminello abstained.

The board reviewed a self-report submitted by VT. The subsequent action taken by the individual who was self-reporting was deemed sufficient unless further information is received at which time this incident would be reopened for further review.

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

Complaints Committee:

Ms. Boe informed the board a Request for Investigation was received from an individual living in an out-of-state mental facility against an individual who was not licensed, certified, and/or registered with the board. The Complainant seemed to reference a nurse assistant or aide who used to be in Louisiana. Ms. Boe inquired of the board if they would like her to forward this complaint to the nursing board. The board asked Ms. Boe to reply to the Complainant that this was the incorrect board, and the Request for Investigation was being rejected on those grounds.

Ms. Riofrio made a motion to table the Complaints Update to next month's meeting. None opposed and the motion passed.

Finance Committee:

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

Financials for July would not be available until the September meeting. The accountant is revising the June financials for the outstanding invoices for the 2023/24 fiscal year.

The AFR is due August 31, 2024 and Ms. Boe usually prepares and the accountant reviews. Ms. Boe made a request to have the accountant prepare the AFR this year at their hourly rate. Ms. Murray made a motion to request the accountant prepare the AFR this year, which is outside their monthly service fee. None opposed and the motion passed.

The board recently learned the following from a circular (General Circular Number 2024-12) received from State Civil Service:

(a) Compensatory leave earned hour for hour may be accrued in excess of 360 hours, but not more than a total of 360 such hours shall be carried forward from one fiscal year to the next. However, an appointing authority may request an exception to this subsection to maintain essential services necessary to preserve the life, health, or welfare of the public. This exception may ask that up to a total of 540 such hours be carried forward to the next fiscal year. Such a request is subject to approval by the Commission. (See Civil Service Rule 21.11(a)).

21.9 Compensation Rate – Exempt Employees

The appointing authority shall compensate exempt employees in accordance with one of the following options:

(a) No overtime compensation

(b) Compensation at the straight (hour for hour) rate

(c) Overtime performed during official closures due to emergency situations may be compensated at the time and one-half rate.

(d) Compensation at the time and one-half rate may be granted to exempt employees upon Commission approval.

(e) Overtime performed related or responsive to a disaster, emergency or health pandemic declared by the governor may be compensated at the time and one-half rate.

21.5 Basis for the calculation of hourly rate of pay for overtime

(a) The hourly rate of pay for State Overtime earned at the hour-for-hour rate shall be calculated using the employee's base pay plus base supplement.

The board verified Ms. Boe is an exempt employee who is entitled to pay for her compensatory hours over 360 for this year. This must be paid by 90 days after the fiscal year ended, September 30, 2024, or the time is cancelled. (See General Circular Number 2024-12: "Payment for hour-for-hour compensatory leave in excess of 360 hours may be paid. If the agency elects to pay the excess leave, it must be paid no later than September 30, 2024, in accordance with CSR 21.11(c). If the agency chooses not to pay this compensatory leave balance, the leave must be canceled." Ms. Boe has earned 313 compensatory hours over the maximum 360 compensatory hours cap for this last fiscal year (23-24). Mr. Tuminello made a motion to pay Ms. Boe at the straight rate (hour for hour) the 313 hours of compensatory time earned over the maximum allowed carry over amount by September 30, 2024. None opposed and the motion passed.

The board pledged their support and asked Ms. Boe to continue to explore any avenues which allow her to receive compensation for her 1538.50 hours earned and carried over since 2016. The board noted time sheets were reviewed in the yearly audit by an independent auditor and this was never brought to the board's attention. The board only recently began receiving circulars from State Civil Service and was unaware of this maximum carry over. It should also be noted Ms. Boe was the only full-time employee of the board until 2022, resulting in the high number of compensatory hours. Due to the board's limited finances in the first few years, Ms. Boe was either to be compensated when she retires or use the hours to buy time when she retires. It was never the intention of the board that her hours be cancelled.

Jurisprudence Committee:

No new business.

Legislative Oversight Committee:

The OLRC meeting for review of the Final Rules was held July 31, 2024. Ms. Boe reported that Chapter 1 Board did not require review, and she proceeded with the submission to OSR for publication in the September register. Chapter 2 Behavior Analysis was reviewed and discussed at the OLRC meeting. The change the board made in response to a comment was received and the

committee also requested removal of line 3 from §202. Professional Standards. When submitted to OSR for publication, this was considered substantive changes which require publication of a Potpourri advising of a hearing for public comment. The board decided to hold the public hearing on October 23, 2024 at 2:15 p.m. The Potpourri notice will be submitted to OSR for publication in their September edition.

Policies and Procedures Committee:

No new business.

Continuing Education Committee:

The board reviewed CEU Reporting logs submitted with renewals and those with questions.

Supervision Oversight Committee:

The board reviewed the CE Audit letters. After approval, Ms. Boe was instructed to send the letters.

Long Range Planning:

The board discussed hosting a CEU Event and discussed potential speakers, topics, and logistics. This would be a free event to licensees and possibly others. The board will continue to discuss at their next meeting.

Discussion Items:

The new CBC procedure was discussed.

The board brainstormed about the topics to be covered in their presentation at the Gulf Coast Conference.

Executive Director's Report:

Ms. Boe did not have statistics for the month of July due to renewals but hopes to resume reporting statistics for August. She also plans to have renewal statistics at next month's meeting.

No updates have been received on appointment of the two new board members which were submitted to the Governor's Office by LaBAA. Ms. Murray's and Mr. Tuminello's seats are considered expired but not vacant and they continue to serve until their replacements are appointed.

The next board meeting is scheduled for September 11, 2024 from 8:30 to noon.

Ms. Riofrio adjourned the meeting at 1:54 p.m.

CREDENTIAL FILE REVIEWS:

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

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| 8.24/1 | Ms. Cole made a motion to request additional information and if provided approve but will require to provide monthly updates. None opposed. |
| 8.24/2 | Ms. Cole made a motion to approve. None opposed. |
| 8.24/3 | Ms. Cole made a motion to approve. None opposed. |
| 8.24/4 | Ms. Cole made a motion to approve. None opposed. |

- 8.24/5 Ms. Murray made a motion to approve. None opposed.
- 8.24/6 Ms. Murray made a motion to approve. None opposed.
- 8.24/7 Ms. Murray made a motion to approve. None opposed.
- 8.24/8 Ms. Murray made a motion to approve. None opposed.
- 8.24/9 Ms. Murray made a motion to approve. None opposed.
- 8.24/10 Dr. Mandal-Blasio made a motion to approve but will require monthly updates. None opposed. Mr. Tuminello abstained.
- 8.24/11 Ms. Riofrio made a motion to approve. None opposed.
- 8.24/12 Ms. Riofrio made a motion to approve. None opposed.
- 8.24/13 Ms. Riofrio made a motion for RLT to continue registration without interruption but will require monthly updates. None opposed.
- 8.24/14 Ms. Riofrio made a motion to approve. None opposed.
- 8.24/15 Ms. Riofrio made a motion to approve. None opposed.
- 8.24/16 Mr. Tuminello made a motion to approve. None opposed.
- 8.24/17 Dr. Mandal-Blasio made a motion to approve. None opposed. Ms. Riofrio abstained.
- 8.24/18 Mr. Tuminello made a motion to request additional information and will review at the next board meeting. None opposed.
- 8.24/19 Dr. Mandal-Blasio made a motion to approve if results match exactly when results received. None opposed. Mr. Tuminello abstained.
- 8.24/20 Dr. Mandal-Blasio made a motion to approve. None opposed. Mr. Tuminello abstained.
- 8.24/21 Mr. Tuminello made a motion to request additional information and will review at the next board meeting. None opposed.

The following applicants required a 2nd Review:

- 7.24/1 Mr. Tuminello made a motion to deny registration. None opposed.
- 7.24/2 Mr. Tuminello made a motion to approve. None opposed.

The following applications are to provide monthly updates for review.

10.21/7	Ms. Murray made a motion to allow updates to be moved from monthly updates to quarterly updates. None opposed.
10.23/F	Ms. Cole made a motion to allow updates to be moved from monthly updates to quarterly updates. None opposed.
4.22/8	Ms. Riofrio made a motion to allow updates to be moved from monthly updates to quarterly updates. None opposed.
10.22/7	Ms. Murray made a motion to allow updates to be moved from monthly updates to quarterly updates. None opposed. Mr. Tuminello abstained.
4.23/4	Update received.
6.23/7	Ms. Cole made a motion to allow updates to be moved from monthly updates to quarterly updates. None opposed.
9.23/20	Update received.
11.23/15	Ms. Murray made a motion to allow updates to be moved from monthly updates to quarterly updates. None opposed.
2.24/6	Update received.
3.24/2	RLT Registration discontinued. Ms. Riofrio made a motion to require monthly updates if registered again.
4.24/5	Dr. Mandal-Blasio made a motion if no update is received in 10 days, registration will be revoked. None opposed.
5.24/1	Dr. Mandal-Blasio made a motion if no update is received in 10 days, registration will be revoked. None opposed.
5.24/6	Update received. Ms. Murray abstained.
5.24/12	Update received.
5.24/23	Dr. Mandal-Blasio made a motion if no update is received in 10 days, registration will be revoked. None opposed.
6.24/2	Ms. Cole made a motion to allow updates to be moved from monthly updates to quarterly updates. None opposed.
6.24/8	Update received. Ms. Riofrio abstained.
6.24/16	Dr. Mandal-Blasio made a motion to discontinue requiring updates as final disposition has been received. None opposed.

- 6.24/26 RLT Registration not renewed. Ms. Murray made a motion to require monthly updates if registered again.
- 6.24/28 Ms. Cole made a motion if no update is received in 10 days, registration will be revoked. None opposed.
- 6.24/29 Ms. Riofrio made a motion if no update is received in 10 days, registration will be revoked. None opposed.
- 6.24/30 Update received.
- 7.24/18 Update received.
- 7.24/21 Update received.
- 7.24/22 Ms. Cole made a motion to allow updates to be moved from monthly updates to quarterly updates. None opposed.
- 7.24/23 Update received.