

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

BOARD MEETING MINUTES: July 21, 2020
(Approved August 11, 2020)

CERTIFICATION

In accordance with Proclamation JBE2020 – 30, Section 4, the Louisiana Behavior Analyst Board hereby certifies it would have been unable to operate due to quorum requirements and therefore held this board meeting via Zoom. The public was invited to access the first few minutes of the meeting before the board moved to Executive Session.

The meeting of the Louisiana Behavior Analyst Board (Board) was noticed and called to order by Board Chair, Lloyd Boudloche, Jr. Ed.D. 9:05 a.m. on Tuesday, July 21, 2020 via Zoom. Participating were Board Members: Lloyd Boudloche, Jr. Courtney Wright, Calvin Cryer, Renee Cole, Alfred Tuminello, Jr., Executive Director Rhonda Boe and Compliance Officer, Justin Owens. The consumer member position remains vacant.

A motion was made by Mr. Tuminello to approve the agenda for the July 21, 2020 meeting. None opposed and the motion passed.

Pursuant to LSA R.S. 42:6.1(4), Dr. Boudloche moved to enter Executive Session at 9:10 a.m. for credential file reviews.

Dr. Boudloche closed executive session at 10:35 a.m.

A public Zoom code was posted and available to the public on the board website on May 25, 2020 and open meeting began at 10:40 a.m. with Dr. Boudloche calling the meeting to order.

Ms. Wright made a motion to approve the minutes from the June 1, 2020 meeting. None opposed.

Ms. Wright made a motion to approve the minutes from the June 16, 2020 meeting. None opposed.

The following was reported regarding the credential file reviews:

Licensure Applicants 7.20/C and 7.20/D were approved for licensure.

Licensure Applicants 7.20/A, 7.20/E, 7.20/F and 7.20/G were approved upon receipt of final document by mail.

Licensure Applicant 7.20/B will be reviewed again at the August meeting.

The administrative revocation of a line technician from April of 2018 reviewed at the last meeting was reviewed again after consulting with attorney. At the last meeting, the board decided to uphold the revocation but Ms. Boe inadvertently reported the revocation was in 2018. The

revocation was actually in 2019, therefore the board decision to uphold the revocation for two years and require board review if reapplying stands.

The board reviewed the administrative revocation of two line technicians issued May 26, 2020. The board decided to uphold the revocations until July 26, 2020 with stipulations for the two line technicians to return to work as registered line technicians. The stipulations would be sent to the line technicians and if agreed upon would be put in place beginning July 26, 2020.

The status of other applicants reviewed are contained in the attached report by compliance officer, Justin Owens.

Complaints Committee:

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

- 1) A Consent Agreement was offered, waiting on response.
- 2) Re-notice for additional allegations being considered.
- 3) A consent agreement was offered and is in negotiations.
- 4) Committee is requesting additional documentation.
- 5) Consent agreement is being negotiated.
- 6) Consent agreement is being considered by committee.
- 7) Documents, etc. reviewed. Complaint Coordinator opinion is board does not have authority over this matter. She requests closure of this complaint. Mr. Tuminello made a motion to close this complaint. None opposed and the complaint is closed.

The board was asked by Complaints Coordinator, Ellen Brocato, to open a board initiated investigation on a Licensed Behavior Analyst for failure to report unethical behavior of others after being made aware of and/or witnessing such actions. Dr. Boudloche made a motion to open this board initiated complaint. None opposed and the motion passed.

The open meeting had two members of the public. Mr. Tuminello made a motion to take the agenda out of order to discuss a question Ms. Boe has in her Executive Director's report. None opposed and the motion passed.

A question was received inquiring if there were requirements for a supervising LBA to report COVID cases of licensees, certificants, and or registered line technicians to the board. The board discussed and stated there is no requirement to report this information to the board but to follow official guidelines set by the Department of Health and CDC. Some clinics are not owned by licensees. A clinic intentionally putting individuals at risk by ignoring positive COVID cases are not under the authority of the board as the board only has authority over licensees and not organizations. Supervisors must also be aware of privacy protections of individuals diagnosed with COVID and should also consult an attorney if unsure. All are encouraged to pre-plan and seek information ahead of time on these topics.

DOH encourages all to minimize the impact of the virus and states those proven to be acting in good faith will not be considered in violation of any laws, etc.

Mr. Tuminello made a motion to resume the agenda in order at 11:06 a.m. None opposed and the motion passed.

Justin Owens left the meeting at 11:16 a.m.

Finance Committee:

Mr. Tuminello made a motion to pay the LSBEP July invoice if no discrepancies are noted. None opposed. The finances were not received in time for a thorough review. Mr. Cryer made a motion to review at next month's meeting. None opposed and the motion passed.

The board discussed salaries for the 20/2021 Fiscal Year. Dr. Boudloche made a motion that Ms. Boe's salary remain the same and an additional student worker be hired to fill the gap when the current student worker is unavailable. None opposed and the motion passed.

Ms. Boe reported the contract for the second Administrative Law Judge was approved and the contract for the CPA was being processed by the state. Ms. Boe still had not received a new contract from the Attorney General's office.

Ms. Boe received notice that CLEAR membership was due and asked the board if to continue this membership. Mr. Tuminello made a motion to renew the membership. None opposed and the motion passed.

Ms. Boe asked the board to reimburse her for lunches for day 2 of the hearing as she had to order that night and use her personal credit card. Ms. Cole made a motion to reimburse Ms. Boe. None opposed and the motion passed.

Jurisprudence Committee:

No new business.

Legislative Committee:

Ms. Boe has been reviewing emergency rules in the case of any future pandemics, etc. and will be working on a draft.

Ms. Wright left the meeting at 11:46 a.m.

Policies and Procedures Committee:

Updated policies and procedures for Criminal Record History Information were presented to the board. After review, Ms. Cole made a motion to approve. None opposed and the motion passed.

Continuing Education Committee:

No new business.

Ms. Wright rejoined the meeting at 12:05 p.m.

Supervision Oversight Committee:

The board received a question regarding original signatures on telehealth supervision. The board discussed and stated original signatures are still required on telehealth supervision. The initials and/or signatures can be done electronically at the time of supervision but the documentation must be followed up with original signatures. This means if a line technician quits or is discontinued, the LBA supervisor must be sure to have these documents signed before the line technician is unreachable.

Long Range Planning:

Required Sexual Harassment training will be conducted for employees and board members in the future. Ms. Boe will review the options available.

Discussion Items:

A question regarding BCAP certification being accepted by the board was discussed. Ms. Boe was directed to send a reply requesting more information.

Two universities requested confirmation from the board that their current curriculum did not fulfill the requirements for an individual to be licensed as a behavior analyst in Louisiana. Ms. Boe was directed to reply with the Board requirements for licensure and directing the universities to the BACB website for curriculum requirements.

The board reviewed the order for assignment of the new chair and vice-chair. Ms. Wright was nominated as board chair and Mr. Cryer as board vice chair by Dr. Boudloche. None opposed and the new assignments were approved.

The board reviewed and adjusted committee assignments to correspond with the new chair, vice chair and newest board member. These assignments will be reflected on the next agenda.

Executive Director Report:

Ms. Boe received a question concerning “QHP” and what it is in regards to ABA therapy. The board discussed and the board asked Ms. Boe to reply that the board cannot assume what the term “QHP” is used for as it is not terminology used in the laws and/or regulations of ABA in Louisiana.

Ms. Wright adjourned the meeting at 1:10 p.m.

**Louisiana Behavior Analyst Board
Credential Review Minutes
July 21, 2020
(Executive Session)**

Board Compliance Officer Justin Owens presented the following Line Technician applicants and registrants to the Board for initial or secondary consideration:.

5.20/1 – The applicant declined employment as a Registered Line Technician and requested that his application be withdrawn from consideration. The Board voted unanimously to accept his request and to require the applicant to submit to Board review again if he reapplies in the future.

6.20/1 – The Board unanimously moved to **approve** application and begin monthly updates.

6.20/2 – The applicant declined employment after submitting her application. Therefore, her application was withdrawn from consideration. The Board voted unanimously to require the applicant to submit to Board review again if she reapplies in the future.

6.20/3 - The Board moved unanimously to **approve** registration. Mr. Tuminello abstained.

6.20/4 - The Board moved unanimously to **delay** registration to allow the applicant an opportunity to **(a)** refute the charges listed within the Criminal Background Check report, or **(b)** submit information or documents which would indicate those charges have been resolved.

6.20/5 - The Board moved unanimously to **approve** registration

6.20/6 - The Board moved unanimously to **approve** registration. Ms. Cole abstained.

7.20/1 - The Board moved unanimously to **approve** registration

7.20/3 - The Board moved unanimously to **approve** registration pending receipt of application fee.

Board Compliance Officer Justin Owens presented the following Line Technicians, SCABAs and LBAs to the Board for ongoing monthly updates:

1.20/5 – The Board moved unanimously to **continue** registration uninterrupted with monthly updates. Mr. Cryer abstained.

6.7/B – The Board moved unanimously to **continue** registration uninterrupted with monthly updates. Mr. Tuminello abstained.

6.19/15 – The Board moved unanimously to **continue** registration uninterrupted with monthly updates.

1.19/4 – The Board moved unanimously to **continue** registration uninterrupted with monthly updates.

12.19/11 – The Board moved unanimously to **continue** registration uninterrupted with monthly updates. Mr. Tuminello abstained.

8.19/8 – The Board moved unanimously to **continue** registration uninterrupted with monthly updates.

2.20/5 – The Board unanimously moved to **continue** registration uninterrupted with monthly updates.

2.20/6 – The Board unanimously moved to **continue** registration uninterrupted with monthly updates.

Board Compliance Officer Justin Owens presented the following Line Technician registrants to the Board for ongoing quarterly updates:

2.18/4 – The registrant provided documentation indicating all of his charges have been completely resolved. The Board moved unanimously to **continue** registration uninterrupted and to end the requirement for the registrant to submit quarterly updates.