

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

**BOARD MEETING MINUTES: February 9, 2023**  
***(Draft March 2, 2023)***

The meeting of the Louisiana Behavior Analyst Board (Board) was noticed and called to order by Board Chair, Angela Murray at 8:52 a.m. on Thursday, February 9, 2023 at 4334 S. Sherwood Forest Blvd., Suite C-150, Baton Rouge, Louisiana. Present were Board Members: Courtney Wright, Renee Cole, Rebecca Mandal-Blasio, Daniela Riofrio, Executive Director Rhonda Boe and Executive Administrator, Krysta Babin. Angela Murray arrived at 9:12 a.m. Board Members Alfred Tuminello, Jr. and Joseph Tuminello, III were absent.

Note: Alfred Tuminello, Jr. arrived at 12:22 p.m. for a vote as noted in the Credential File Reviews listed below and left the meeting at 12:30 p.m.

A motion was made by Ms. Cole to approve the agenda for the February 9, 2023 meeting. None opposed and the motion passed.

Pursuant to LSA R.S. 42:6.1(4), Ms. Murray moved to enter Executive Session at 8:53 a.m. for credential file reviews, complaints, lapsed renewals submitted and review CE Reporting forms.

Applicant, KM, entered the meeting at 10:25 a.m. for an in-person interview.

Applicant KM, left the meeting at 11:10 a.m.

Ms. Cole made a motion at 11:57 a.m. to extend Executive Session to continue reviewing credential files and for the complaints committee report, unless a member of the public arrives for the Open Meeting. None opposed and the motion passed.

Ms. Babin left the meeting at 11:57 a.m.

Ms. Murray closed Executive Session at 1:11 p.m.

Ms. Murray began the Open Meeting at 1:13 p.m.

Ms. Riofrio made a motion to approve the December minutes. None opposed and the motion passed. Dr. Mandal-Blasio made a motion to approve the January minutes. None opposed and the motion passed.

The following was reported regarding the credential file reviews:

Licensure Applicants 2.23/B, 2.23/C, 2.23/D, 2.23/E, 2.23/F, 2.23/G, 2.23/H, 2.23/J, 2.23/K, 2.23/L, 2.23/M, 2.23/O, 2.23/P, 2.23/R, and 2.23/S were reviewed and approved for licensure.

Licensure Applicant 2.23/T was reviewed and approved for licensure upon verification from two references about question left blank.

Licensure Applicants 2.23/A, 2.23/I, 2.23/N and 2.23/Q were reviewed and approved for licensure, upon receipt of the final required documents by mail.

Certificant Applicants 2.23/U and 2.23/W were reviewed and approved for certification.

Certificant Applicant 2.33/V was reviewed and approved for certification upon receipt of the final requested document by mail.

The board reviewed information received with a discontinuation on an applicant and after an in-person interview discussed the matter. Ms. Cole made a motion to approve registration of the applicant. None opposed and the motion passed.

The board reviewed information received with a discontinuation and discussed the matter. Dr. Mandal-Blasio made a motion to require the applicant to have an in-person interview should he/she reapply.

The board reviewed 3 lapsed licenses for reinstatement.

Reinstatement 1 – Ms. Riofrio made a motion to approve reinstatement effective 2-9-23. None opposed and the motion passed.

Reinstatement 2 – Ms. Murray made a motion to approve reinstatement effective 2-9-23. None opposed and the motion passed.

Reinstatement 3 – Ms. Wright made a motion to approve reinstatement effective 2-9-23. None opposed and the motion passed.

Ms. Cole reviewed the CE submissions from the licensees/certificants who were audited. Ms. Cole made a motion that all submissions submitted were reviewed and made a motion that all be found in compliance. None opposed and the motion passed.

The remaining audits will be reviewed at the March meeting.

The status of other applicants reviewed at the February meeting are listed below in the Credential File Reviews.

#### Complaints Committee:

Ms. Boe presented the following report on behalf of Complaints Coordinator, Ellen Brocato:

2021-014C The board reviewed a signed Voluntary Surrender of License. After review, Ms. Murray initiated a call to question if to accept and approve the Voluntary Surrender. The vote results were as follows: Riofrio – yay, Cole – yay, Mandal-Blasio – yay, Wright – yay and Murray – yay. The Voluntary Surrender of License was accepted and approved and will be signed at the March meeting.

2022-009C An informal (Bertucci) meeting was held. Respondent indicated interest in a Consent Agreement. Attorney Raines will prepare a draft based on the committee's recommendations for respondent's review.

2023-010B Notice letter being drafted.

2023-011B Notice letter mailed.

2023-012B Notice letter mailed.

2023-013B Notice letter mailed.

2023-014B Notice letter mailed. – Response received and documents provided to support licensee and committee made a recommendation for dismissal. Ms. Wright made a motion to dismiss and close this complaint with no action. None opposed and the motion passed.

2023-015B Notice letter mailed.

2023-016C Notice letter being drafted.

2023-017C Review of complaint ongoing.

2023-018B Notice letter being drafted.

2023-019C Review of complaint ongoing.

2023-020C Notice letter being drafted.

The board reviewed a Confidential Memorandum Disciplinary Determination self-reported by a licensee. The board asked Ms. Boe to inquire of the agency if our board would be notified in the event of non-compliance of the terms.

Ms. Boe reported the discovery of an individual who was never registered with the board and was providing services. Ms. Murray made a motion to open a board initiated complaint. None opposed and the motion passed.

Ms. Boe reported receipt of a discontinuation of a line technician that had not been renewed to work in 2023. Ms. Murray made a motion to have Ms. Boe notify the licensee of the Renewal/Late Fee Policy which applies to individuals properly registered but not renewed. None opposed and the motion passed.

#### Finance Committee:

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

Financials for November were reviewed and discussed. Ms. Cole made a motion to approve the checking and savings reconciliation for November. None opposed and the motion passed. The board reviewed the Balance Sheet, General Ledger, Monthly Profit and Loss and Profit & Loss Budget vs. Actual for November. The Contract Labor payment of \$10,472.00 was questioned. Ms. Boe informed the board this is the annual payment to Certemy on the contract for the online licensure software. Ms. Murray made a motion to approve the full financials. None opposed and the motion passed.

Financials for December were reviewed and discussed. Ms. Riofrio made a motion to approve the checking and savings reconciliation for December. None opposed and the motion passed. The board reviewed the Balance Sheet, General Ledger, Monthly Profit and Loss and Profit & Loss Budget vs. Actual for December. The board noted the LBA renewals were only 72% of what was projected in the budget. Ms. Boe stated when the projected budget was prepared the renewal rate for licensees was still \$400.00. The rule promulgation amended that amount to \$300.00 for this year and \$200.00 beginning in June of 2024 and every year thereafter. The board also noted the RLT renewals were 166.4% of the projected budget which balanced out the projected income for all renewals to 95.6%. Ms. Wright made a motion to approve the full financials. None opposed and the motion passed.

#### Jurisprudence Committee:

Tabled to March.

#### Legislative Oversight Committee:

Ms. Boe reported no pre-filed bills for the upcoming legislative session have been filed that would impact the board.

Policies and Procedures Committee:

Drafts of updated policies and procedures to reflect the amended rules needs to be prepared.

Continuing Education Committee:

The board reviewed Continuing Education Reporting Forms received with renewals for approval and/or auditing during Executive Session.

Supervision Oversight Committee:

No new business

Long Range Planning:

Review and update Policy and Procedures (ongoing).

Discussion Items:

The board reviewed your question at the February 9th meeting regarding what is acceptable for tech shadowing prior to registration. The board discussed a similar question at the July 28, 2021 board meeting and requested the same reply be sent. The minutes read as follows:

*After thorough discussion, no formal motion or opinion was offered or entertained with regard to changing the current understanding by the Board and its Executive Staff that unless licensed, certified and/or registered an individual cannot implement ABA services directly with a client, including telehealth services, unless they qualify for the current student exemption.*

During that discussion, some questions concerning public perception were brought up which may be helpful to you. These questions are:

***Does it look like ABA? Does the individual think they are performing ABA services? Do you have informed consent from the parent/guardian? Do you have background checks on individuals taking clients to the bathroom and/or changing diapers? What insurance covers non-employees? Is it compliant with HIPAA laws?***

An inquiry was received concerning whether journal reviews through an ACE coordinator would be accepted by the board. The board discussed and agreed it would.

Executive Director's Report:

Ms. Boe asked approval to pay for dinner for herself and board members who were staying in Baton Rouge for the conference tomorrow, as well as lunch for board members and staff attending the conference on Friday. Ms. Cole made a motion to approve dinner and lunch related to conference attendance. None opposed and the motion passed.

The next meeting is scheduled for Wednesday, March 8, 2023.

Ms. Murray adjourned the meeting at 2:30 p.m.

**CREDENTIAL FILE REVIEWS**

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

2.23/1 File was tabled until Board Member A. Tuminello arrived at 12:22 p.m. to establish a quorum for the vote. Ms. Cole made a motion to approve, but

require quarterly updates. None opposed. Ms. Wright and Ms. Riofrio abstained.

- 2.23/2 Ms. Cole made a motion to approve if results match exactly when results received. None opposed. Dr. Mandal-Blasio abstained.
- 2.23/3 Ms. Riofrio made a motion to approve. None opposed.
- 2.23/4 Ms. Riofrio made a motion to approve. None opposed.
- 2.23/5 Ms. Riofrio made a motion to approve, but will require quarterly updates. None opposed.
- 2.23/6 Ms. Cole made a motion to request additional information, and review at next board meeting. None opposed. Dr. Mandal-Blasio abstained.
- 2.23/7 Ms. Riofrio made a motion to approve if additional information matches results received. None opposed.
- 2.23/8 Ms. Cole made a motion to approve. None opposed. Dr. Mandal-Blasio abstained.
- 2.23/9 Ms. Riofrio made a motion to approve. None opposed.
- 2.23/10 Ms. Wright made a motion to approve if additional information matches results received. None opposed.
- 2.23/11 Ms. Wright made a motion to approve if results match exactly when results received. None opposed.
- 2.23/12 Ms. Wright made a motion to approve. None opposed.
- 2.23/13 Ms. Wright made a motion to approve, but require quarterly updates. None opposed.
- 2.23/14 Ms. Wright made a motion to approve. None opposed.
- 2.23/15 Ms. Murray made a motion to approve. None opposed.
- 2.23/16 Ms. Murray made a motion to email again and require registered line technician to respond to board's request in 10 days. Failure to do so will lead to registration being revoked. None opposed.
- 2.23/17 Ms. Murray made a motion to approve if additional information matches results received. None opposed.
- 2.23/18 Ms. Murray made a motion to request additional information and review at next board meeting. None opposed.

- 2.23/19 Ms. Murray made a motion to approve. None opposed.
- 2.23/20 Dr. Mandal-Blasio made a motion to approve. None opposed.
- 2.23/21 Dr. Mandal-Blasio made a motion to approve. None opposed.

The following applicants required a 2<sup>nd</sup> Review:

- 1.23/1 Dr. Mandal-Blasio made a motion to email again and request additional information, and review at next board meeting. Failure to respond will lead to registration being denied. None opposed.
- 1.23/6 Dr. Mandal-Blasio made a motion to email again request additional information, and review at next board meeting. Failure to respond will lead to registration being denied. None opposed

The following applications are to provide monthly updates for review.

- 8.19/8 Update received.
- 10.21/7 Update received.
- 3.22/C Update received.
- 9.22/35 Update received.
- 4.22/8 Update received.
- 5.22/20 Discontinuation received. Ms. Murray made a motion to close file with notation stating applicant requires review if reapplies. None opposed.
- 5.22/21 No update received. Dr. Mandal-Blasio made a motion if no update is received by March meeting, registration will be revoked. None opposed.
- 5.22/28 No update received. Ms. Cole made a motion if no update is received in 10 days, registration will be revoked. None opposed.
- 6.22/1 No update received. Ms. Wright made a motion if no update is received by March meeting, registration will be revoked. None opposed
- 6.22/10 Update received.
- 10.22/2 Update received.
- 10.22/7 Update received.

- 10.22/13 Ms. Riofrio made a motion to close file as case has been completed. None opposed.
- 11.22/23 Update received.
- 11.22/24 Update received.
- 11.22/25 Update received.

NOTE: All individuals required to provide monthly/quarterly updates are informed it is their responsibility to check the board website for meeting dates and report as required.