

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

BOARD MEETING MINUTES: June 18, 2019
(Approved July 30, 2019)

The meeting of the Louisiana Behavior Analyst Board (Board) was noticed and called to order by Board Chair, Scott Williamson. at 9:40 a.m. on Tuesday, June 18, 2019 at 4334 S. Sherwood Forest Blvd., Suite C-150, Baton Rouge, Louisiana 70816. Present were board members: Scott Williamson, Lloyd Boudloche, Jr., Ed.D., Renee Cole, Calvin Cryer, Courtney Wright and Executive Director Rhonda Boe. Alfred Tuminello was absent. Alicia Wheeler from the Attorney General's office was also present.

A motion was made by Mr. Williamson to approve the agenda for the June 18, 2019 meeting. None opposed and the motion passed.

A motion was made by Mr. Williamson to change the order of the agenda as a convenience for the board's contracted general counsel for the Nobles hearing. None opposed.

Mr. Williamson moved to open Executive Session at 9:42 a.m. to review the Findings of Fact and Conclusions of Law for Order of Summary Suspension prepared and to be presented by Attorney Wheeler regarding the March 11, 2019 hearing which resulted in the summary suspension of Kristen Nobles' license. The motion passed unanimously by the members present as follows: Williamson, Boudloche, Cole, Cryer, and Wright. None opposed.

Mr. Williamson moved to close Executive session at 10:57 a.m. to vote on the ratification of the Findings of Fact and Conclusions of Law for Order of Summary Suspension as reviewed with Attorney Wheeler. The motion passed unanimously by the members present as follows: Williamson, Boudloche, Cole, Cryer, and Wright. None opposed.

Mr. Williamson moved in favor of ratifying the Findings of Fact and Conclusions of Law for Order of Summary Suspension from the March 11, 2019 hearing which resulted in the summary suspension of Kristen Nobles' license, as prepared by Attorney Wheeler. The board unanimously voted on each finding of fact. Dr. Boudloche had recused himself from the hearing and again today for the review and vote on each finding of fact. The Findings of Fact and Conclusions of Law for Order of Summary Suspension will be posted on the board website and reported to the BACB and NPDB as required.

Mr. Cryer made a motion to approve the May 14, 2019 minutes. None opposed.

Dr. Boudloche made a motion to resume the agenda in order. None opposed.

Pursuant to LSA R.S. 42:6.1(4), Mr. Williamson moved to re-enter Executive Session at 11:05 a.m. to review and discuss Credential Review files. None opposed and the motion passed.

Mr. Williamson closed Executive Session at 2:35 p.m. and reported the following:

Credentials Review Committee:

Behavior Analyst Applicants 6.19/A, 6.19/B, and 6.19/G were reviewed and approved for licensure.

State Certified Behavior Analyst Applicant 6.19/D was reviewed and approved for certification.

Behavior Analyst Applicant 4.19/J was reviewed and discussed. The request to apply as a SCaBA was delayed until the BACB audit process is complete. The board will invite applicant to be present at the July meeting.

Line Technician Applicants 6.19/9, 6.19/10, 5.19/4 and 5.19/8 were reviewed and approved.

Line Technician Applicants 6.19/7 was reviewed and approved upon receipt of requested documentation, if deemed sufficient.

Line Technician Applicants 6.19/8 and 6.19/11 were reviewed and approved if report matches information provided exactly.

Line Technician Applicant 6.19/2 and 6.19/3 were reviewed and additional documentation was requested to be reviewed at next meeting.

Line Technician Applicant 6.19/1 was denied.

Line Technician Applicants 6.19/4 and 6.19/5 were approved and require monthly updates to the board.

Line Technician Applicant 6.19/6 was reviewed and approved to continue registration uninterrupted.

Line Technicians 5.19/3 and 5.19/7 were revoked based on failure to reply to requests from board.

Line Technician 5.19/10 was reviewed and the administrative revocation was confirmed.

Line Technician 5.19/9 was reviewed and there was not enough information provided to reverse or confirm administrative revocation. The board approved the administrative revocation continue until official documentation requested is received and reviewed so a decision can be made.

Behavior Analyst 6.19/12 self-reported and was reviewed and discussed. The board requested a letter of education be mailed to include that if a complaint is filed the issue will be investigated further or if another violation in this same manner occurs, this will be reopened.

Behavior Analyst 11.18/4 was reviewed and approved to continue with monthly updates.

Line Technicians 2.18/4, 6.19/10, 5.17/8, 12.18/10, 1.19/4, 2.19/3, 5.19/2 were approved to continue registration uninterrupted and continue sending monthly updates.

Complaints Committee:

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

- 1) Complaint still not closed, waiting on respondent.
- 2) The Findings of Fact and Conclusions of Law for Order of Summary Suspension were ratified at today's meeting.
- 3) Documents being reviewed from voluntary request.
- 4) Attorneys corresponding at this time.
- 5) Informal meeting offered but not accepted as of this date. Attorney will proceed.
- 6) No hearing date yet on the lawsuit filed against the board.
- 7) New Complaint received this week.

Finance Committee:

Dr. Boudloche made a motion to pay the LSBEP May invoice. None opposed. Dr. Boudloche made a motion to approve the May reconciliations. None opposed. The reconciliations for May were reviewed. A motion was made by Dr. Boudloche to approve the May reconciliations. None opposed. The reconciliations were dated and signed by preparer and dated and signed by Finance Committee Chair, Dr. Boudloche, indicating board approval. The full board reviewed the Balance Sheet, and Profit and Loss for May and no apparent discrepancies were noted. Ms. Wright made a motion to approve all the financials. None opposed.

Ms. Boe presented a letter to contract with the law firm of Taylor, Porter, Brooks & Phillips to serve as Administrative Law Judge/Hearing Officer for the board. Ms. Wright made a motion to approve the contract. None opposed.

Ms. Boe advised the board the other contracts, including the one for the new licensure software, are in the process of being approved by the state.

Jurisprudence Committee:

The board discussed if a licensee whose license has been lapsed for more than two years requests reinstatement should he/she be required to retake the Jurisprudence Exam to be up-to-date on new and/or rule changes. The item was tabled until the next meeting.

Legislative Committee:

Bills that passed during the legislation session that directly affect boards was reviewed.

Ms. Boe informed the board she submitted to the newly formed Oversight Committee the proposed changes to rule promulgation for supervision. She is still waiting on a hearing date from the committee. The person previously in charge is no longer an employee of the state so there may be a delay.

Policies and Procedures Committee:

Ms. Boe presented the draft of a policy and a draft of a revised line technician application including the specifics of said policy. These were all in accordance with a rule already in place which states the board may revoke an applicant who has false information on their application. The board instead will automatically suspend a registered line technician for three months if they answer no to any arrests and when the report is received it shows that was untrue, unless the severity of the charges warrant an immediate revocation. The person can reapply three months after the suspension with a new application, fee, explanation of the circumstances surrounding the arrest (s) and official documentation showing the status of the charge (s). Re-application does not guarantee registration. Mr. Williamson moved to approve the new policy and application, pending review by board counsel, to be effective July 1, 2019. None opposed. Mr. Williamson

also moved to authorize Ms. Boe to make any revisions, advised by counsel, that do not affect the intent of the policy. None opposed.

Ms. Boe informed the board of the mandate that all boards create a Sexual Harassment Policy. She showed the board the policy that is already included in the Employee handbook. Mr. Cryer moved this policy is sufficient for the limited staff and remain in effect and as the staff grows the policy be reviewed. None opposed.

The policy regarding reinstatement of licensees lapsed for over two years was tabled until the next meeting.

Continuing Education Committee:

Mr. Cryer informed the board of the BACB Continuing Education changes that will become effective in January of 2020. The board will review at the following meeting.

Supervision Oversight Committee:

The board discussed at the last meeting the need for a supervision reporting form to be included in the new licensure software. Ms. Boe advised the board she is discussing this with inLumon and will move forward as soon as the contract is approved by the state.

Long Range Planning:

The board was informed CLEAR Investigative training courses will be presented in Baton Rouge in December or January. Ms. Boe, the complaints coordinator, complaints committee chair, investigator and attorney are some of the individuals who the board may want to attend.

FARB will conduct a board member training at the board's office for LBAB and LSBEP. Ms. Boe asked members to keep November 15th and January 10th open until the date could be confirmed.

New Business:

No new business.

Executive Director Report:

Ms. Boe informed the board she is on call for jury duty from July 15th to July 26th and the July meeting should not be scheduled during that time.

The board scheduled their future board meetings for 2019 as follows: July 30th, August 20th, and September 17th.

Mr. Williamson adjourned the meeting at 3:11 p.m.