

Louisiana Behavior Analyst Board

IN THE MATTER OF

COMPLAINT NUMBER: 2019-002C

KHYLEE MILLER (EGASTI)

LICENSE NO. L-211

ORDER OF SUMMARY SUSPENSION

Pursuant to La. Rev. Stat § 3704 (9), the Louisiana Behavior Analyst Board (“LBAB”) summarily suspends LBA License number L-211, issued to Khylee Miller (Egasti), pending an administrative hearing scheduled for July 22, 2019 at 9:00 a.m.

This Order of Summary Suspension is effective July 16, 2019. Upon execution of this Order, Khylee Miller (Egasti) is not authorized to engage in the practice of applied behavior analysis services and must immediately cease and desist the provision of applied behavior analysis. Further, Khylee Miller (Egasti) must cease and desist from referring to herself as a Licensed Behavior Analyst.

I. INITIAL FINDINGS

To protect public health, safety, and welfare, emergency action is required due to the nature of the complaints against Khylee Miller (Egasti). Based upon an event that occurred at the office of her previous employer on May 21, 2019, which incident shall be addressed herein below, Khylee Miller (Egasti) was terminated from her employment. Subsequently, the Louisiana Behavior Analyst Board received a complaint, containing allegations of negligence, incompetence, misconduct, or malpractice in professional work, regarding the May 21, 2019 incident, on June 17, 2019, with a Request for Investigation. The initial complaint alleged that respondent, Khylee Miller (Egasti), while providing Applied Behavior Analysis services on May 21, 2019, physically struck a client’s arm repeatedly.

The Louisiana Behavior Analyst Board began its initial investigation and conducted interviews regarding the allegations contained in the complaint. During the course of the initial investigation, additional allegations against Khylee Miller (Egasti) were reported. The additional allegations include the following: implementation of a behavior treatment plan that included physical intervention to a degree line technicians were uncomfortable with implementation; failure to follow established behavior plans; instructing line technicians to provoke behaviors in a particular client; prioritizing certain clients and ignoring others; failing to respond to complaints of bullying to and by clients that was reported to her by Registered Line Technicians; creating a toxic work environment by criticizing and belittling staff, and only providing negative feedback; producing artificial client data to inflate client progress and complete personal target goals related to her performance; insisting that line technicians work “off the clock”; using harsh language with clients; put a client in an unapproved care hold; and the improperly modifying of treatment plans. On July 15, 2019, the Louisiana Behavior Analyst Board was made aware Khylee Miller (Egasti) was employed with a new employer to provide Applied Behavior Analysis services to minor children, who are considered a vulnerable section of the

population. Based on this fact, and the numerous allegations provided against the respondent, the Louisiana Behavior Analyst Board deemed the allegations warrant an immediate summary suspension.

In this regard, it has been alleged that Khylee Miller (Egasti) committed the following violations, as set forth in La. R.S. 37:3712(B): (2) Practicing behavior analysis in such a manner as to endanger the welfare of clients or patients, including but not limited to: (a) Harassment, intimidation, or abuse, sexual or otherwise, of a client or patient; (c) Gross malpractice, repeated malpractice, or gross negligence in the practice of behavior analysis; and (12) Violation of the code of ethics adopted in the rules and regulations of the board or other immoral, unprofessional, or dishonorable conduct as defined in the rules and regulations of the board; which rules and regulations are addressed below.

The foregoing actions are a violation of the following statutes, Licensed Behavior Analyst Rules and the BACB Professional and Ethical Compliance Code for Behavior Analysts:

BACB – Professional and Ethical Compliance Code for Behavior Analysts:

- 1.0 Responsible conduct of Behavior Analysts – Behavior analysts maintain the high standards of behavior of the profession.
- 1.01 Behavior analysts rely on professionally derived knowledge based on science and behavior analysis when making scientific or professional judgements in human service provision, or when engaging in scholarly or professional endeavors.
- 1.04(a) Behavior analysts are truthful and honest and arrange the environment to promote truthful and honest behavior in others.
- 1.05 Behavior analysts provide behavior analytic services only in the context of a defined, professional or scientific relationship or role.
- 2.0 Behavior Analysts' responsibility to Clients – Behavior analysts have a responsibility to operate in the best interest of clients.
- 2.05 Rights and Prerogatives of Clients (a) The rights of the client are paramount and behavior analyst support clients' legal rights and prerogatives.
- 2.09 Treatment/Intervention Efficacy (a) Clients have the right to effective treatment (i.e., based on the research literature and adapted to the individual client). Behavior analysts always have the obligation to advocate for and educate the client about scientifically supported, most-effective treatment procedures. Effective treatment procedures have been validated as having both long-term and short-term benefits to clients and society. (b) Behavior analysts have the responsibility to advocate for the appropriate amount and level of service provision and oversight to meet the defined behavior-change program goals (d) Behavior analysts review and appraise the effects of any treatments about which they are aware that might impact the goals of the behavior-change program, and their possible impact on the behavior-change program, to the extent possible.
- 4.01 Behavior analysts design behavior-change programs that are conceptually consistent with behavior analytic principles.
- 4.03(a) Behavior analysts must tailor behavior-change programs to the unique behaviors, environmental variables, assessment results, and goals of each client.
- 4.04 Behavior analysts must obtain the client's written approval of the behavior-change program before implementation or making significant modifications.
- 4.08 Considerations Regarding Punishment Procedures (a) Behavior analysts recommend reinforcement rather than punishment whenever possible. (b) If punishment procedures are necessary, behavior analysts always include reinforcement procedures for alternative behavior in the behavior-change program. (d) Behavior analysts ensure that aversive procedures are accompanied by an increased level of training, supervision, oversight. Behavior analysts must evaluate the effectiveness of aversive procedures in a timely manner and modify the behavior-change program if it is

ineffective. Behavior analysts always include a plan to discontinue the use of aversive procedures when no longer needed.

- 4.09 Behavior analysts review and appraise the restrictiveness of procedures and always recommend the least restrictive procedures likely to be effective.
- 4.10 Behavior analysts minimize the use of items as potential reinforcers that may be harmful to the health and development of the client, or that may require excessive motivating operations to be effective.
- **Title 46 Professional and Occupational Standards Part VIII. Behavior Analysts:**
 - Chapter 10. Ethical Standards (as specified above)

II. DECISION AND ORDER

To maintain public health, safety, and welfare, emergency action is required given the nature of the complaints filed against Khylee Miller (Egasti). See La. Rev. Stat. § 3704 (9). Accordingly, summary suspension of LBA license number L-211, issued to Khylee Miller (Egasti), is ordered, effective immediately, pending proceedings for a revocation of licensure or other action as the Louisiana Behavior Analyst Board deems fit.

Proceedings before the Louisiana Behavior Analyst Board shall be promptly instituted and determined. Accordingly, an administrative hearing before the Louisiana Behavior Analyst Board is scheduled for Monday, July 22, 2019 at 9:00 a.m. at the Louisiana Behavior Analyst Board Office, 4334 S. Sherwood Forest Boulevard, Suite C-150, Baton Rouge, Louisiana. The hearing panel will consist of current Louisiana Board Members and an Emergency Member appointed by the governor for this hearing. The hearing will be conducted in accordance with the Administrative Procedure Act and the Louisiana Behavior Analyst Board Act.

Khylee Miller (Egasti) will be given a full opportunity to appear and be heard, with or without counsel, and is entitled to hear a statement of what accusations have been made against her, to present evidence, to cross-examine witnesses, and to have witnesses subpoenaed. Khylee Miller (Egasti) may request that subpoenas be issued by the Louisiana Behavior Analyst Board and must request to the Louisiana Behavior Analyst Board's office at least 5 days prior to the hearing, listing the names and addresses along with a brief summary of what the individual will testify to, along with payment of \$50.00 per subpoena. The testimony will be under oath and a court reporter will record the proceedings at the hearing, and any party wishing to obtain a transcript of the hearing may do so at their expense.

July 16, 2019



Alfred Tuminello, Jr., Chair
Complaints Committee
Louisiana Behavior Analyst Board