

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

BOARD MEETING MINUTES: October 5, 2022
(Approved November 16, 2022)

The meeting of the Louisiana Behavior Analyst Board (Board) was noticed and called to order by Board Vice Chair, Joseph Tuminello, III, at 9:09 a.m. on Wednesday, October 5, 2022 at 4334 S. Sherwood Forest Blvd., Suite C-150, Baton Rouge, Louisiana. Present were Board Members: Joseph Tuminello, III, Daniela Riofrio, Alfred Tuminello, Jr., Renee Cole, Rebecca Mandal-Blasio, Executive Director Rhonda Boe and Executive Administrator, Krysta Babin. Angela Murray arrived at 9:12 a.m. Courtney Wright arrived at 10:10 a.m.

The board welcomed new member, Rebecca Mandal-Blasio, Ph.D.

A motion was made by Ms. Cole to approve the agenda for the October 5, 2022 meeting. None opposed and the motion passed.

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

Ms. Babin left the meeting at 11:20 a.m.

Ms. Murray closed Executive Session at 12:35 p.m.

Ms. Murray began the Open Meeting at 12:36 p.m.

Ms. Wright made a motion to approve the September minutes. None opposed and the motion passed.

LBA Tanisha Woods and Ms. Babin entered the Open Meeting at 12:53 p.m.

Ms. Cole made a motion to move the agenda out of order to discuss the agenda item of interest to Ms. Woods. None opposed and the motion passed.

Discussion item: RLT Applications and Self-Service Drop Off Concerns

As a new LBA, Ms. Woods had questions related to the CBC procedures and question 1 on the RLT application. It was explained by several members of the board and staff that if an applicant is unsure if an arrest was actually made, they had an expungement, the charges were dropped, etc. to check yes and err on the side of caution. There is no penalty for checking yes. If results come back clear the application is processed without waiting for board review. There is a penalty for falsifying the application if an applicant checks no and the results show arrest (s). She also asked what the applicant should provide if checking yes. Applicants should provide an explanation of circumstances that led to arrest (s) and any documentation, especially documents that show the status of the charges. Whatever the applicant provides is the voice for their file during board review.

Ms. Murray read aloud the comments received from LBAs regarding the reporting of the board by a LBA to a senator and representative with her concerns about board lobby etiquette and professionalism for application drop offs. Ms. Boe advised the board the business located next door

and the LSBEP board, with whom LBAB shares an office, are both being disrupted by applicants daily who want help completing their applications. They either go to the business next door even though their door has a sign stating THIS IS NOT THE LBAB or continually question the LSBEP employee whose desk is at the receptionist window of the shared office. In the lobby there are signs explaining how to complete an application, examples, and supplies. There is also a sign that states to call your employer with any questions. Comments received in favor of continuing to accept applications in the board lobby and comments in favor of discontinuing both agreed the disruption to other businesses/boards by applicants was unacceptable. The board was informed the staff has tried numerous methods to eliminate the misconception that the board is a help center for RLT applicants.

The board noted it is stated in the rules:

A Louisiana licensed behavior analyst must register with the board all line technicians functioning under their authority and direction. It is the responsibility of both the licensed behavior analyst and line technician to submit registration paperwork for each supervisory relationship. The registration must be completed on the form provided by the board along with payment of the appropriate fee pursuant to section 305.

The board discussed all the options and recognized the value of the convenience of allowing applicants to drop off their applications as a means to expedite services to clients. It states in board rules it is the responsibility of both the LBA and applicant to submit a completed application. It is also not ethical for a licensing board staff member to give advice on how to complete the application it is tasked with approving or preparing for approval.

After discussion, a motion was made by Ms. Wright to completely remove all instructions from the lobby concerning what to drop off, how to complete, etc., and post a sign next to the lock box stating this is a drop off location, not a help center and to call your supervisor for any questions as the front desk is staffed by another board who is unable to assist you. Additionally, a sign would be placed on the receptionist window stating if you are NOT here to drop off an application, please knock. None opposed and the motion passed. Ms. Boe was asked to report at next month's meeting if these changes are working.

Ms. Woods left the meeting at 2:05 p.m.

Dr. Mandal-Blasio made a motion to move the agenda back to order. None opposed and the motion passed.

The following was reported regarding the credential file reviews:

Licensure Applicants 10.22/A, 10.22/B, 10.22/C, 10.22/D, 10.22/F, 10.22/G, and 10.22/M were reviewed and approved for licensure.

Licensure Applicants 10.22/E, 10.22/H, and 10.22/I reviewed and approved for licensure upon receipt of the final documents by mail.

Certificant Applicant 10.22/K and 10.22/L were reviewed and approved for certification

Certificant Applicant 10.22/J was reviewed and approved for certification upon receipt of the final document by mail.

The status of other applicants reviewed are contained in the attached report.

Complaints Committee:

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

- 2021-014C Voluntary Surrender being reviewed by respondent.
- 2021-002B Consent Agreement signed to be reviewed by board at today's meeting.
- 2021-003B Consent Agreement signed to be reviewed by board at today's meeting.
- 2021-004B Consent Agreement signed to be reviewed by board at today's meeting.
- 2022-006C.A. Letter of Education to be reviewed by board at today's meeting.
- 2022-006C.B. Letter of Education to be reviewed by board at today's meeting.
- 2022-007C Complaint closure letter with no action to be reviewed by board at today's meeting.
- 2022-008C.A. Investigation ongoing.
- 2022-008C.B. Investigation ongoing.
- 2022-009C Investigation ongoing.

2021-002B Consent Agreement reached

After reviewing the Consent Agreement, Ms. Murray made a motion to approve said Consent Agreement and called the question. The results were as follows: Riofrio – yay; Dr. Tuminello – yay; Dr. Mandal-Blasio – yay; Mr. Tuminello – yay; Cole – yay; Wright – yay; and Murray – yay;. The vote passed and the Consent Agreement was approved.

2022-003B Consent Agreement reached

After reviewing the Consent Agreement, Ms. Murray made a motion to approve said Consent Agreement and called the question. The results were as follows: Riofrio – yay; Dr. Tuminello – yay; Dr. Mandal-Blasio – yay; Mr. Tuminello – yay; Cole – yay; Wright – yay; and Murray – yay;. The vote passed and the Consent Agreement was approved.

2022-004B Consent Agreement reached

After reviewing the Consent Agreement, Ms. Murray made a motion to approve said Consent Agreement and called the question. The results were as follows: Riofrio – yay; Dr. Tuminello – yay; Dr. Mandal-Blasio – yay; Mr. Tuminello – yay; Cole – yay; Wright – yay; and Murray – yay;. The vote passed and the Consent Agreement was approved.

2022-006C.A. Complaints Committee recommendation

The Complaints Committee reported that while there was not enough evidence to support the alleged ethical violations there were areas of concern. It was recommended a letter of education addressing these concerns and suggestions for best practices be issued and the complaint be closed with no reportable disciplinary action taken. Ms. Murray made a motion that one line from the letter be removed and the recommendation of the Committee for a letter of education and closure be approved. None opposed and the motion passed.

2022-006C.B. Complaints Committee recommendation

The Complaints Committee reported that while there was not enough evidence to support the alleged ethical violations there were areas of concern. It was recommended a letter of education addressing these concerns and suggestions for best practices be issued and the complaint be closed with no reportable disciplinary action taken. Ms. Murray made a motion that one line from the letter be removed and the recommendation of the Committee for a letter of education and closure be approved. None opposed and the motion passed.

2022-007C Complaints committee recommendation

The Complaints Committee reported no evidence of ethical violations were determined and recommended closing the complaint with no action. Notably, the issues in the complaint were never discussed with the LBA but instead the clinic owner over whom the board has no authority. Dr.

Tuminello made a motion to close the complaint with no action. None opposed and the motion passed. Ms. Murray abstained.

2020-001B Question regarding Consent Agreement

The board reviewed a request asking if the Board is willing to allow a supervisor who is licensed in another state. The board discussed and all members were open to approving an out-of-state supervisor who meets the qualifications set forth in the Consent Agreement and upon submission of a signed Supervisory Agreement for the board to review. They also stated the potential supervisor must be from a state requiring licensure and said license must be in good standing. Ms. Boe will respond to the inquiry with this reply. Dr. Mandal-Blasio recused herself from this discussion.

Finance Committee:

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

Financials for August were reviewed and discussed. Dr. Mandal-Blasio made a motion to approve the checking reconciliation for August. None opposed and the motion passed. Ms. Murray made a motion to approve the savings reconciliation for August. 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 August. The board also reviewed and discussed the actuals compared to the budget projections. Discrepancies were noted in the coding of RLT Applications and Transfers. The board tabled approval of the full financials until the November meeting with a request the CPA review the figures.

Ms. Boe presented the findings of the SAUP financial audit. Based on an observation in the audit, Ms. Boe asked the board to consider raising the purchase amount the Executive Director can approve to \$1000.00 with a second approval on the purchase from the Executive Administrator. Mr. Tuminello made a motion to increase the purchase amount the Executive Director can approve to \$1000.00 with a second approval on the purchase from the Executive Administrator. None opposed and the motion passed. A finding in the audit was deposits should be made daily but due to limited staff this was not always possible. Ms. Boe stated making more frequent deposits would be a goal for this year.

The board reviewed the draft of the Fiscal Year 23/24 Projected Budget. The board discussed the permanent decrease in renewal fees for licensees and certificants reflected in this budget. Raises previously discussed and on the agenda for approval later in the year were also reviewed. It was noted even with these changes the board would still be in a stable financial position. Ms. Wright made a motion to approve the Fiscal Year 23/24 Projected Budget. None opposed and the motion passed.

Mr. Tuminello left the meeting at 2:07 p.m.

Jurisprudence Committee:

The board tabled this item until next month's meeting.

Legislative Oversight Committee:

Ms. Boe advised the board the deadline to submit comments on the 4 proposed rule changes was Friday, October 7, 2022 and that to-date no comments had been received. If no comments are received, Ms. Boe will proceed with submission to OLRC for final approval. The next meeting of the OLRC is scheduled for November 3, 2022

Policies and Procedures Committee:

The board reviewed the ADA policy and forms. Ms. Cole made a motion to adopt the policy and forms. None opposed and the motion passed.

The board reviewed the Pre-Eligibility Determination Policy and form. The board approves the policy but before adopting asked for a legal review as to whether or not the board reviews for Pre-Eligibility could be done through Zoom with a quorum. This may be necessary to meet the deadlines.

Continuing Education Committee:

Ms. Wright made a motion to approve the new continuing education reporting form and legend. None opposed and the motion passed.

Supervision Oversight Committee:

No new business

Long Range Planning:

Review and update Policy and Procedures (ongoing).

Discussion Items:

Executive Director's Report:

Ms. Boe presented discrepancies on a RLT form submitted and the board asked her to reach out to the applicant for more information.

Ms. Boe advised the board an individual licensed several months ago never received her original certificate of licensure and it was never returned. Ms. Boe asked if the fee for a duplicate could be waived. Ms. Cole made a motion to waive the fee. None opposed and the motion passed.

Ms. Boe gave the board information on a Regulatory Academy Workshop being held on February 10, 2023 in Baton Rouge. Ms. Boe and Ms. Babin will attend. Board members need to let Ms. Boe know at the November 16th meeting if they plan to attend to meet the registration deadline of November 30th.

Ms. Boe shared with the board information regarding prosecution of Imposter Provider Fraud of Autism Services in other states.

Committee Assignments:

This item is tabled until next month's meeting.

Future Meetings:

The board scheduled the following meeting dates:

Wednesday, November 16, 2022

Tuesday, December 6, 2022

Wednesday, January 4, 2022

Ms. Murray adjourned the meeting at 2:51 p.m.

CREDENTIAL FILE REVIEWS:

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

10.22/1 Ms. Riofrio made a motion to not require board review if reappplies. None opposed.

10.22/2 Ms. Murray made a motion to approve but must provide quarterly updates. None opposed. Mr. Tuminello abstained.

10.22/3 Ms. Riofrio made a motion to approve. None opposed.

- 10.22/4 Ms. Cole made a motion to approve. None opposed.
- 10.22/5 Ms. Riofrio made a motion to require board review if reappplies. None opposed.
- 10.22/6 Ms. Murray made a motion to approve. None opposed. Mr. Tuminello abstained.
- 10.22/7 Ms. Murray made a motion to allow registered line technician to continue uninterrupted and require monthly updates. None opposed. Mr. Tuminello abstained.
- 10.22/8 Ms. Riofrio made a motion to approve. None opposed.
- 10.22/9 Ms. Riofrio made a motion to approve. None opposed.
- 10.22/10 Dr. Tuminello made a motion to approve. None opposed.
- 10.22/11 Dr. Tuminello made a motion to approve. None opposed.
- 10.22/12 Dr. Tuminello made a motion to approve. None opposed. Mr. Tuminello abstained.
- 10.22/13 Ms. Cole made a motion to allow registered line technician to continue uninterrupted and require monthly updates. None opposed.
- 10.22/14 Ms. Cole made a motion to approve. None opposed.
- 10.22/15 Ms. Cole made a motion to allow registered line technician to continue uninterrupted and require monthly updates with the first update including explanation and documents. None opposed.
- 10.22/16 Ms. Cole made a motion to approve. None opposed.
- 10.22/17 Ms. Cole made a motion to table until next meeting as background check results are not received. None opposed.
- 10.22/18 Mr. Tuminello/Dr. Mandal-Blasio made a motion to approve if results match exactly when results received. None opposed.
- 10.22/19 Mr. Tuminello/Dr. Mandal-Blasio made a motion to not require board review if reappplies. None opposed.
- 10.22/20 Ms. Murray made a motion to request an explanation, and table until next meeting. None opposed. Dr. Mandal-Blasio abstained.
- 10.22/21 Mr. Tuminello/Dr. Mandal-Blasio made a motion to approve. None opposed.

- 10.22/22 Mr. Tuminello/Dr. Mandal-Blasio made a motion to approve if results match exactly when results received. None opposed.
- 10.22/23 Ms. Wright made a motion to approve if results match exactly when results received. None opposed. Mr. Tuminello abstained.
- 10.22/24 Dr. Tuminello made a motion to approve. None opposed. Mr. Tuminello abstained.
- 10.22/25 Dr. Tuminello made a motion to approve if results match exactly when results received. None opposed. Mr. Tuminello abstained.
- 10.22/26 Mr. Tuminello/Dr. Mandal-Blasio made a motion to approve. None opposed.
- 10.22/27 Ms. Murray made a motion to request explanation and approve if matches results. None opposed. Dr. Mandal-Blasio abstained.

Update: The following applicants previously approved upon receipt of CBC Results.

- 9.22/4 CBC Results Not Received
- 9.22/6 CBC Results Not Received
- 9.22/23 CBC Results Not Received
- 9.22/28 CBC Results Not Received

The following applications are to provide monthly updates for review.

- 8.19/8 Update received.
- 6.21/8 Update received.
- 10.21/7 Update received.
- 3.22/C Update received.
- 9.22/35 Update received.
- 11.21/10 Update received.
- 11.21/6 Ms. Murray made a motion to require no further updates. Documents provided verifying case is closed. None opposed.
- 3.22/14 Update received.
- 4.22/8 Update received.

- 5.22/20 Update received.
- 5.22/21 Update received.
- 5.22/28 Ms. Riofrio made a motion to remind RLT requirements of monthly updates. If no update provided by next meeting, will revoke. None opposed.
- 6.22/1 Update received.
- 6.22/10 Update received
- 6.22/12 Mr. Tuminello made a motion to remind RLT requirements of monthly updates. Must provide an official update on the case by next meeting. Failure to provide will revoke registration. None opposed.
- 9.22/9 Update received.