

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

BOARD MEETING MINUTES: November 15, 2023
(Approved December 13, 2023)

The meeting of the Louisiana Behavior Analyst Board (Board) was noticed and called to order once a quorum was met by Board Vice-Chair, Daniela Riofrio at 8:49 a.m. on Wednesday, November 15, 2023 at 4334 S. Sherwood Forest Blvd., Suite C-150, Baton Rouge, Louisiana. Present were Board Members: Daniela Riofrio, Courtney Wright, Angela Murray, Alfred Tuminello, Jr. and Renee Cole, Executive Director Rhonda Boe and Executive Administrator, Krysta Babin. Joseph Tuminello, III and Rebecca Mandal-Blasio were absent.

A motion was made by Ms. Riofrio to approve the agenda for the November 15, 2023 meeting. None opposed and the motion passed.

Pursuant to LSA R.S. 42:6.1(4), Ms. Riofrio moved to enter Executive Session at 8:50 a.m. for credential file reviews, complaints, lapsed renewals submitted and any other items to be reviewed in executive session.

Ms. Babin left the meeting at 10:08 a.m.

Ms. Riofrio closed Executive Session at 11:02 a.m.

Ms. Riofrio began the Open Meeting at 11:03 a.m.

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

The following was reported regarding the credential file reviews:

Licensure Applicants 11.23/A, 11.23/B, and 11.23/D were reviewed and approved for licensure.

Licensure Applicants 11.23/C and 11.23/E were reviewed and approved for licensure upon receipt of final required documents by mail.

Certificant Applicants 11.23/G and 11.23/H were reviewed and approved for certification.

Certificant Applicants 11.23/F and 11.23/I were reviewed and approved for certification upon receipt of final required documents by mail.

The board reviewed a lapsed license renewal request and Continuing Education Reporting Log. Mr. Tuminello made a motion to approve the renewal request. None opposed and the motion passed.

The board reviewed a lapsed license Continuing Education Reporting Log. Mr. Tuminello made a motion to approve the reporting log. Mr. Tuminello also made a motion that upon submission of a properly completed renewal form, fee and late fee the renewal request be approved. None opposed and the motion passed.

The board reviewed a rap back recently received on a RLT. Ms. Riofrio made a motion to require monthly updates until the case is concluded and allow the registration to continue without interruption.

The board reviewed a discontinuation received on a RLT with ethical concerns. Ms. Riofrio made a motion to require the individual have board review should an application be submitted in the future. None opposed and the motion passed. Mr. Tuminello abstained.

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

Complaints Committee:

The board was informed the LBA the board received a rap back on has a court date in early December and will provide an update for the December meeting.

The board reviewed a Consent Continuance Order signed by Joddie Dupuis on November 8, 2023 requesting a continuance of a hearing on the Order of Summary Suspension issued on October 30, 2023 and previously scheduled for hearing on November 9, 2023. The order stated that the summary suspension of Dupuis' license shall continue in effect until a hearing or further order of the board.

Ms. Riofrio requested a Call to Question on a motion to accept this Consent Continuance Order. The results were as follows:

Ms. Cole –yay, Ms. Murray – yay, Mr. Tuminello –yay, Ms. Wright – yay, and Ms. Riofrio –yay. The motion passed.

Mr. Tuminello noted that the Order was only to be signed by the board chair who was absent. Mr. Tuminello made a motion to authorize the vice-chair to sign this Order in the absence of the chair. None opposed and the motion passed.

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

2022-009C	Respondent has new attorney/Consent Agreement being reviewed
2023-010B	Consent Agreement offered
2023-016C	Consent Agreement offered
2023-017C	Consent Agreement offered
2023-019C	Board vote required on closing/Recommendation being prepared
2023-021C	Informal meeting being scheduled
2023-022C	Investigation ongoing
2023-023C	Investigation ongoing
2024-025B	Call to Question vote on Consent Continuance Order
2024-026B	Investigation ongoing
2024-027B	Investigation ongoing
2024-028C	Notice letter being drafted
2024-029C	Final draft of notice letter being reviewed
2024-030C	Final draft of notice letter being reviewed

Finance Committee:

Mr. Tuminello made a motion to approve the LSBEP invoice for October if no apparent discrepancies noted. None opposed and the motion passed.

Mr. Tuminello made a motion to approve the Certemy annual invoice. None opposed and the motion passed.

Financials for October were reviewed and discussed. It was noted the checking account may need funds added as the Certemy invoice was due this month. Ms. Cole make a motion to allow Ms. Boe to transfer funds from the savings to the checking account should the funds need replenishing. None opposed and the motion passed. Ms. Riofrio made a motion to approve the checking reconciliation, Ms. Murray made a motion to approve the savings reconciliation and Ms. Cole made a motion to approve the ICS Reconciliation. None opposed and the motions passed. The board reviewed the Balance Sheet, General Ledger, Monthly Profit and Loss and Profit & Loss Budget vs. Actual for October. Ms. Cole made a motion to approve the full financials for October. None opposed and the motion passed.

Ms. Boe presented the draft of the proposed projected budget for Fiscal Year 2024/25. The board reviewed and discussed. Changes such as no CBC or Right to Review fees were noted. This is due to the LSP new fingerprinting system and the fact that the board will no longer be handling paper submitted background checks. The figures appeared to be in line with the projected numbers based on the last few months of statistics. Ms. Riofrio made a motion to approve the projected budget for Fiscal Year 2024/25. None opposed and the motion passed. It was noted the 2023/24 budget will need to be amended in early 2024.

Jurisprudence Committee:

No new business.

Dr. Grant Gautreaux was scheduled to address the board at this time. However, due to circumstances beyond his control, Dr. Gautreaux has requested to be rescheduled for the January agenda.

Legislative Oversight Committee:

The board reviewed the final draft of rules for Telehealth and Board Meetings, including ADA accommodations. It was noted the recommendation of someone potentially requiring a translator was properly addressed. Ms. Wright made a motion to proceed with promulgating the Rule outlining board composition, meetings, procedures, and ADA accommodations. None opposed and the motion passed. Mr. Tuminello made a motion to proceed with promulgating the Rule governing the procedures and requirements for application and delivery of applied behavior analysis in the State of Louisiana, including telehealth minimum guidelines. None opposed and the motion passed.

Policies and Procedures Committee:

No new business.

Continuing Education Committee:

No new business.

Supervision Oversight Committee:

The additional documentation requested on a Supervision Audit was received and reviewed. Ms. Cole made a motion to send a letter of education to the licensee outlining the deficiencies in supervision noted and advising of a follow-up audit. None opposed and the motion passed.

Long Range Planning:

No new business.

Discussion Items:

The board was advised of the court's decision in the Jatala lawsuit. Attorney Raines advice is to proceed with an appeal. Ms. Wright made a motion to appeal the Judgment in the Jatala lawsuit. None opposed and the motion passed.

Stephanie Laborde, newly contracted General Counsel to the board arrived at approximately 1:10 p.m. Ms. Laborde and the board introduced themselves and each gave a brief history to their background. The board looks forward to working with Ms. Laborde on any matters that may arise.

Ms. Laborde left the meeting at approximately 1:45 p.m.

Two members were absent and the board choose to again table new committee assignments to next month.

Ms. Boe reported she is attempting to have the self-nomination letter for the two board positions that will be available mid-year signed and will send to all LBAs as soon as possible.

Executive Director's Report:

Ms. Boe reported the following statistics for the month of October:

310 Line Technicians Registered
7 Behavior Analysts Licensed
2 State Certified Assistant Behavior Analysts Certified
196 Transfers
154 Discontinuations

Ms. Riofrio adjourned the meeting at 1:53 p.m.

CREDENTIAL FILE REVIEWS:

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

- 11.23/1 Ms. Riofrio made a motion to approve. None opposed.
- 11.23/2 Ms. Murray made a motion to approve if results match exactly when results received. None opposed. Mr. Tuminello abstained.
- 11.23/3 Ms. Riofrio made a motion to approve. None opposed.
- 11.23/4 Ms. Riofrio made a motion to approve if results match exactly when results received. None opposed.
- 11.23/5 Ms. Riofrio made a motion to approve if results match exactly when results received. None opposed.
- 11.23/6 Mr. Tuminello made a motion to approve. None opposed.
- 11.23/7 Ms. Murray made a motion to approve if results match exactly when results received. None opposed. Mr. Tuminello abstained.
- 11.23/8 Ms. Cole made a motion to approve. None opposed. Mr. Tuminello abstained.
- 11.23/9 Ms. Cole made a motion to allow registered line technician to continue without interruption but will require quarterly updates. None opposed.

- 11.23/10 Mr. Tuminello made a motion to request additional information, and table until next board meeting. None opposed.
- 11.23/11 Mr. Tuminello made a motion to approve. None opposed.
- 11.23/12 Mr. Tuminello made a motion to approve if results match exactly when results received. None opposed.
- 11.23/13 Ms. Cole made a motion to approve if results match exactly when results received. None opposed. Mr. Tuminello abstained.
- 11.23/14 Ms. Murray made a motion to approve if results match exactly when results received. None opposed.

The following applicants required a 2nd Review:

- 10.23/3 Ms. Wright made a motion to approve. None opposed.
- 10.23/6 Ms. Wright made a motion to request additional information, and if applicant does not respond within 10 days the registration would be denied. None opposed.
- 10.23/11 Ms. Wright made a motion to request additional information, and if applicant does not respond within 10 days the registration would be denied. None opposed. Mr. Tuminello abstained.
- 10.23/16 Ms. Cole made a motion to request additional information, and table until next board meeting. None opposed. Mr. Tuminello abstained.

The following applicants required a 3rd Review:

- 9.23/19 Ms. Murray made a motion to approve but will require monthly updates. None opposed.

The following applications are to provide monthly updates for review.

- 10.21/7 Update received.
- 9.22/35 Mr. Tuminello made a motion to discontinue requiring updates as final disposition has been received. None opposed
- 4.22/8 Update received.
- 6.22/10 Update received.
- 10.22/2 Update received. Mr. Tuminello abstained.
- 10.22/7 Update received. Mr. Tuminello abstained.

11.22/23 RLT Registration discontinued. Ms. Wright made a motion to require monthly updates if registered again.

2.23/5 Update received.

4.23/3 Update received.

4.23/4 Update received.

6.23/7 Update received.

6.23/14 RLT Registration discontinued. Ms. Riofrio made a motion to require monthly updates if registered again.

8.23/13 Update received.

8.23/20 Update received.

8.23/25 Update received.

9.23/17 Ms. Murray made a motion to discontinue requiring updates as final disposition has been received. None opposed

9.23/20 Update received.

9.23/24 Update received.

9.23/26 Update received.

10.23/7 Ms. Riofrio made a motion if no update is received in 10 days, registration will be revoked. None opposed.