

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

BOARD MEETING MINUTES: September 28, 2021
(Approved October 19, 2021)

The meeting of the Louisiana Behavior Analyst Board (Board) was noticed and called to order by Board Chair, Courtney Wright, at 9:12 a.m. on Tuesday, September 28, 2021 at 4334 S. Sherwood Forest Blvd., Suite C-150, Baton Rouge, Louisiana. Present were Board Members: Courtney Wright, Angela Murray, Renee Cole, Alfred Tuminello and Joseph Tuminello, III, and Executive Director Rhonda Boe. Newly appointed member Daniela Riofrio was absent and board member Calvin Cryer was delayed.

A motion was made by Ms. Wright to approve the agenda for the September 28 2021 meeting.

Pursuant to LSA R.S. 42:6.1(4), Ms. Wright moved to enter Executive Session at 9:14 a.m. for Personnel discussion, credential file reviews and other matters. Ms. Wright motioned to move the agenda out of order and review the Personnel Issue first on the agenda, as per written request received by the board. None opposed and the motion passed.

Calvin Cryer arrived to the meeting at 9:25 a.m.

Compliance Officer, Justin Owens entered the meeting at 10:04 a.m.

Ms. Wright closed Executive Session at 10:05 a.m.

Ms. Wright began the Open Meeting at 10:06 a.m.

Ms. Wright made a motion to dissolve the agreement with the Louisiana State Board of Examiners of Psychologists to share the costs 50/50 for Compliance Officer, Justin Owens immediately. Mr. Tuminello seconded the motion. The vote resulted in the following: Calvin Cryer – yay, Renee Cole – yay, Angela Murray – yay, Alfred Tuminello – yay, Dr. Joseph Tuminello – yay, Courtney Wright – yay. The motion passed unanimously.

Ms. Wright closed Open Meeting at 10:07 a.m. and called for a 15-minute break.

Ms. Wright opened reopened Executive Session at 10:25 a.m. for credential file reviews and Complaints Committee reviews.

At 11:45 a.m., the board began a Zoom meeting in Executive Session with a parent and LBA in reference to lack of services in rural areas which was causing a hardship because of the dual relationship clause. The Zoom ended at approximately 12:05 p.m.

The board resumed credential file reviews and Complaints Committee reviews.

Ms. Wright closed Executive Session at 1:15 p.m.

Ms. Boe advised the board the August minutes would be ready for review at the October meeting.

The board held a Zoom in Executive Session with a mother/registered line technician who pleaded hardship for her child to be able to receive services from the clinic where she is employed. The licensed behavior analyst was also present during the Zoom and discussed at lengths precautions and preventive measures that would be implemented to prevent crossing any boundaries, protecting privacy and ensuring the best care for the client.

Ms. Wright made a motion that the board not initiate a disciplinary action against the LBA due to this dual relationship based upon the information it has been provided; however, if a complaint is initiated by a third party, the board will investigate the allegations raised in the complaint. None opposed and the motion passed.

The following was reported regarding the credential file reviews:

Licensure Applicants 9.21/A, 9.21/B and 9.21/C were reviewed and approved for licensure.

Licensure Applicant 9.21/D was reviewed. Additional information was requested by the board and this applicant will be reviewed again at the October meeting.

Certificant Applicant 9.21/E was reviewed and approved for certification.

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:

The complaints committee held an informal meeting on Complaint No. 2020-002B with the respondent. Investigation revealed no ethical violation occurred but the potential was present. Committee is recommending a letter of education be sent to the respondent and the complaint closed. Ms. Murray made a motion to send a letter of education and close Complaint No. 2020-002B, none opposed, Mr. Tuminello abstained, and the motion passed.

The board reviewed the terms of a signed Consent Order. Mr. Cryer made a motion to approve the Order, none opposed, and the motion passed.

The complaints committee made a recommendation to send a letter of education in reference to Complaint No. 2021-005C, due to lack of evidence supporting ethical violations. Ms. Wright made a motion to send a letter of education and close Complaint No. 2020-005C, none opposed, Ms. Murray abstained, and the motion passed.

The complaints committee made a recommendation to close Complaint No. 2021-008C with no action due to lack of evidence of any violations. Mr. Tuminello made a motion to close Complaint No. 2021-008C with no action and if additional evidence is provided to re-open. None opposed and the motion passed.

The complaints committee brought to the attention of the board clinic (s) that are potentially operating without a licensed behavior analyst on staff. The committee was directed to research and provide more information at the next meeting so the board could make a decision on this matter.

Ms. Boe requested a board initiated investigation be approved to investigate a registered line technician possibly working without being registered. Ms. Cole made a motion to open this complaint, none opposed and the motion passed.

Four (4) complaints are presently in negotiations for Consent Agreements.

One informal meeting is being scheduled.

Seven complaints are still being investigated.

Finance Committee:

Financial reviews are tabled until next month.

Jurisprudence Committee:

Dr. Tuminello officially built the Jurisprudence Exam into CANVAS with some minor wording changes that the board discussed. Ms. Boe would be invited as a Teacher to review and discuss further with Dr. Tuminello. The board will be updated on progress at next month's meeting.

Legislative Oversight Committee:

The new board members were appointed and all present board members Term dates have been updated according to the statute that was passed during this Legislative Session setting all board member terms at 4 years. Renee Cole was re-appointed for a second term and Daniela Riofrio was appointed to replace Dr. Boudloche.

Ms. Boe is attending meeting at the Attorney General's Office where discussions are being held to discuss the contract that will be offered for Rule Promulgation and Legislative Oversight. The terms are still in the development stage.

Policies and Procedures Committee:

No new business.

Continuing Education Committee:

No new business.

Supervision Oversight Committee:

No new business.

Long Range Planning:

The board will work on these items throughout the year.

Discussion Items:

Ms. Boe reported Certemy had a glitch that caused problems with Digital Wallets and it is currently being resolved.

An email received from the presenter to the board at last month's meeting on BCAP Certification was read as well as additional information gathered by Ms. Boe. This will be discussed at next month's meeting.

Ms. Boe presented the board with questions raised concerning student interns who only observe. The answer is no they do not need to be registered and yes they are allowed to collect data.

Ms. Boe reported she is working with Certemy and will have all the information necessary to present a Power Point on Renewals for the Gulf Coast Autism Conference on October 16th.

The next meetings will be held on Tuesday, October 19th and Tuesday, November 16th, 2021. The board does not meet in December.

Ms. Wright adjourned the meeting at 2:18 p.m.

CREDENTIAL FILE REVIEWS

9.21/1 Mr. Cryer moved to require requested documentation to be provided in 10 days and if matches, approve with required monthly updates. None opposed.

9.21/3 Ms. Wright made a motion to approve. None opposed.

9.21/5 Mr. Cryer made a motion to approve. None opposed.

9.21/6 Ms. Murray made a motion to approve. None opposed.

9.21/7 Ms. Murry made a motion to continue registration uninterrupted and to require monthly updates. None opposed.

9.21/8 Ms. Cole made a motion to approve. None opposed.

9.21/9 Ms. Cole made a motion to approve. None opposed. Mr. Tuminello abstained.

9.21/10 Dr. Tuminello made a motion to continue registration uninterrupted and to require monthly updates. None opposed.

9.21/11 Mr. Tuminello made a motion to approve. None opposed.

9.21/12 Dr. Tuminello made a motion to approve if results match exactly when received. None opposed.

9.21/13 Ms. Wright made a motion to approve. None opposed. Mr. Tuminello abstained.

7.21/17 Mr. Cryer made a motion to approve. None opposed.

7.21/6 Mr. Tuminello made a motion to approve. None opposed.

7.21/9 Mr. Tuminello noted we were still waiting on documents and tabled until next month.

Ms. Boe requested that all who provide monthly updates be reviewed at next month's meeting so she would have time to review the files. Ms. Wright made a motion to review updates at next month's meeting. None opposed.