

These minutes have been approved by the Board on 5.5.2023

**MINUTES OF THE MEETING**  
**Board of Mental Health Practice**  
March 3, 2023

**1. ROLL CALL AND CALL MEETING TO ORDER**

The Meeting of the Board of Mental Health Practice was called to order by the Chair, Susan Meyerle, at 9:04 a.m. at the at the Nebraska State Office Building, 301 Centennial Mall South, Lower Level B, Lincoln, Nebraska. In accordance with Neb. Rev. Stat. § 84-1411 of the Nebraska Open Meetings Act, copies of the agenda were e-mailed to the Board members and other interested parties, posted on the DHHS web 2.24.2023 and revised on 2.27.2023.

Meyerle stated that there is a current copy of the Open Meetings Act posted on the door to the meeting room and available at the link listed below on the agenda.

The following members answered roll call:

**Members Present (7):**

Susan Meyerle, Chair  
Dale Battleson, Secretary  
Rebecca Czaja-Stevens, Member  
Paul Davies, Member  
Janeen Gill, Vice-Chair  
David Hof, Member  
Cassandra Dittmer, Member

**Members Absent (3):**

Renea Gernant, Member  
Sara Batter, Member  
Mychelle Martinez, Member

**Others Present:**

Carrie Oldehoeft, Health Licensing Coordinator, Licensure Unit  
Teresa Hampton, DHHS Attorney (via WebEx)  
Fleming, DHHS Attorney (via WebEx)  
Danielle Sund, DHHS Attorney (via WebEx)  
Mindy Lester, Assistant Attorney General  
Jeanie B, Assistant Attorney General

A quorum was present, and the meeting convened.

**2. ADOPTION OF AGENDA**

**MOTION:** Davies moved, seconded by Gill, to adopt the agenda. A voice vote was taken. Voting aye: Battleson, Gill, Hof, Meyerle, Czaja-Stevens, Davies, Dittmer (7). Voting nay: None (0). Absent: Gernant, Batter, Martinez (3). Abstain: None (0). Motion carried.

Welcome to new board member: Renea Gernant.  
Dale Battelson-Mentor

9:02 am Batter entered room  
9:04 am Cue - investigations entered room  
9:04 am Klassen – investigations entered room

9:08 am Klassen exited room  
9:09 am Klassen entered room

### **3. APPROVAL OF MINUTES (1.6.2023 with corrections)**

**MOTION:** Hof, moved, seconded by Battleson, to adopt the minutes of 1.6.2023 with correction. A voice vote was taken. Voting aye: Batter, Czaja-Stevens, Davies, Gill, Hof, Meyerle, Battleson (7). Voting nay: None (0). Absent: Gernant, Martinez (2). Abstain: Dittmer (1). Motion carried.

### **4. CLOSED SESSION - CONFIDENTIAL INFORMATION**

**MOTION:** Battleson moved, seconded by Davies, to enter into closed session at 9:11 a.m. to hear discussions of a confidential nature, and for the prevention of needless injury to the reputation of the individuals. A voice vote was taken. Voting aye: Batter, Czaja-Stevens, Davies, Dittmer, Gill, Hof, Meyerle, Battleson (8). Voting nay: None (0). Absent: Gernant, Martinez (2). Abstain: None (0). Motion carried. Meyerle repeated the motion purpose.

9:11 am public line closed

9:12 am Battleson exited room

9:12 am Klaussen exited room

9:15 am Klaussen entered room

9:18 am Battleson entered room

9:18 am Meyerson – investigations entered room

9:21 am Cue exited room

9:51 am Chiles entered room

10:28am Oldehoeft exited room

10:34 am Oldehoeft entered room

10:37 am Dittmer exited room

10:44 am Cue, Meyerson, Klaussen -Investigations all exited room

10:44 am Board Break

11:00 am Meeting resumed closed session

11:31 am Verbal agreement from all board members to enter into open session.

11:31 am Public entered room

### **5. OPEN SESSION**

Application Reviews, Recommendations, and Report Out

#### **Joseph John Dambauskas – Licensed Independent Mental Health Provider and Certified Professional Counselor based on 5-year reciprocity:**

**MOTION:** Gill moved, seconded by Hof, to deny the application. Based on the failure to meet the requirement in the appropriate discipline with similar credentials of active practice in another jurisdiction for the appropriate number of years. A voice vote was taken. Voting aye: Batter, Czaja-Stevens, Davies, Dittmer, Gill, Hof, Meyerle, Battleson (8). Voting nay: None (0). Absent: Gernant, Martinez (2). Abstain: None (0). Motion carried.

#### **Reinstatement Reviews:**

#### **Jennifer Regina Alexander - Provisional Mental Health Practitioner:**

**MOTION:** Czaja-Stevens moved, seconded by Battleson, to recommend denial of reinstatement (following revocation). Based on there was insufficient evidence to support reinstatement. A voice vote was taken. Voting aye: Batter, Czaja-Stevens, Davies, Dittmer, Gill, Hof, Meyerle, Battleson (8). Voting nay: None (0). Absent: Gernant, Martinez (2). Abstain: None (0). Motion carried.

#### **Jennifer Kate Woody - Provisional Mental Health Practitioner:**

**MOTION:** Hof moved, seconded by Czaja-Stevens, to recommend denial of reinstatement (early release). Based on there was insufficient evidence to support reinstatement with early release. A voice vote was taken. Voting aye: Batter, Czaja-Stevens, Davies, Dittmer, Gill, Hof, Meyerle, Battleson (8). Voting nay: None (0). Absent: Gernant, Martinez (2). Abstain: None (0). Motion carried.

## 6. UPDATES AND REPORTS:

### a. 2023 Legislation

- LB 16 Occupational Reform and Preliminary Conviction Review  
[https://nebraskalegislature.gov/bills/view\\_bill.php?DocumentID=49705](https://nebraskalegislature.gov/bills/view_bill.php?DocumentID=49705)

Chiles updated board. This was introduced by Senator Briese. LB16 Require occupational boards to issue certain credentials based on credentials or work experience in another jurisdiction and make a determination regarding an applicant with a criminal conviction, provide for jurisprudential examinations and appeals from denial of a license, and change requirements for membership of the State Electrical Board. Hearing was February 9, 2023.

- 1) Pathway based on experience in another State.
- 2) Add to preliminary conviction set out paramotors for type and time, also offenses that are Auto disqualifying needs to be in states.

- LB 123 Adopt the Behavioral Analyst Practice Act  
[https://nebraskalegislature.gov/bills/view\\_bill.php?DocumentID=49987](https://nebraskalegislature.gov/bills/view_bill.php?DocumentID=49987)

Chiles updated board. This was introduced by Senator Fredrickson. This is not proposed to be part of the Mental Health Practice Act, will be separate Board. This went through the 407 process.

LB123 creates an application process for behavior analysts to become licensed in the State of Nebraska. Minimum standards for licensure are to be decided by the Board of Behavior Analysts. This will allow for verification of professional, safe treatment for those in need and cause the Board to adopt a code of conduct based on the Ethics Code for Behavior Analysts to uphold professional integrity. The bill also creates a provision for behavior analysts licensed in other states to apply for temporary license to practice within the State of Nebraska until the licensure is approved by the Board. LB123 implements the recommendations of Nebraska's Chief Medical Officer and the Nebraska State Board of Health as it relates to the licensure of behavior analysts

- LB 179 Prohibit Conversion Therapy  
[https://nebraskalegislature.gov/bills/view\\_bill.php?DocumentID=49819](https://nebraskalegislature.gov/bills/view_bill.php?DocumentID=49819)

This bill was introduced by Senator Fredrickson. LB179 protects minors by prohibiting credentialed health care professionals from providing conversion therapy to anyone under age 19. Conversion therapy is defined as a practice or treatment that seeks to change an individual's sexual orientation or gender identity. Under LB179, providing conversion therapy constitutes a deceptive trade practice under the Uniform Trade Practices Act. The bill does not apply to a practice or treatment conducted by a clergy member or religious counselor who is acting in a pastoral or religious capacity and not as a health professional.

- LB 337 Confidentiality  
[https://nebraskalegislature.gov/bills/view\\_bill.php?DocumentID=49732](https://nebraskalegislature.gov/bills/view_bill.php?DocumentID=49732)

Currently, those practicing under the Mental Health Practice Act cannot share information without the consent of the client or when they have a duty to warn. There are times when clients are unable to consent to information sharing (intoxication, psychiatric crisis). LB 337 will align Nebraska state law to align with HIPAA. LB 337 would significantly decrease the barriers that mental health practitioners experience when trying to coordinate treatment activities or make referrals for care when client consent cannot be obtained. These challenges often occur by those serving individuals who are in the behavioral health and criminal justice systems. When consent cannot be obtained, LB 337 would allow mental health practitioners to share the minimum amount necessary of protected health information to improve access

and continuity of care and reduce duplication of efforts.

- LB 605 Certified Art Therapists \*see outline by Dale attached  
[https://nebraskalegislature.gov/bills/view\\_bill.php?DocumentID=49777](https://nebraskalegislature.gov/bills/view_bill.php?DocumentID=49777)

LB605 will amend sections of the Uniform Credentialing Act and Mental Health Practice Act to provide for licensing of qualified art therapists as Licensed Mental Health Practitioners and Licensed Independent Mental Health Practitioners with a credential as a Certified Art Therapist. The bill provides for the certification to be administered by the Mental Health Practice Board.

The hearing was 2.23.2023, will include a Provisional Art Therapy Same as a PCMSW.

Battleson-laid out education of Art Therapy, Attached to the agenda.

Public pointed out this is the 2<sup>nd</sup> time this has been presented.

ASPPB looking at masters degrees as accredited currently have to be enrolled in a Phd program for a PLMHP or a LMHP education to be approved. LIMHP are unable to use this option and APA or CORE are not eligible education, Art Therapy will be accepted.

11:55 am Hof exited room

11:58 am Hof entered room

- LB 668 Emergency Custody  
[https://nebraskalegislature.gov/bills/view\\_bill.php?DocumentID=50158](https://nebraskalegislature.gov/bills/view_bill.php?DocumentID=50158)

This was introduced by Senator Agula, hearing will be 3.9.2023 and is a repeat from prior years.

Board discussion regarding training Chiles read the bill intent:

The stated purpose of LB 668 is to authorize mental health professionals and licensed independent mental health practitioners to begin the process to take persons into emergency protective custody. Currently, only sworn peace officers are allowed to begin the process of emergency protective custody. This bill is meant to extend this initiation process to health care workers with knowledge of mental health and mental health issues where a person could be a danger to themselves or other persons. It could alleviate some pressures on sworn peace officers and provide better treatment options to persons with mental health issues.

LB 271 was brought up by Dittmer for discussion about mandatory reports.

LB 271 amends Nebraska's child abuse and neglect reporting requirements. Current Nebraska law requires all individuals to report suspected child abuse or neglect, regardless of profession, or risk criminal charges. LB 271 reduces this to only require certain professionals with whom children regularly interact to report suspected child abuse or neglect, as to reduce overreporting. Such professions include medical and mental health professionals, school and child care employees, law enforcement, and others. All other individuals may still report suspected child abuse and neglect, they are just not subject to criminal charges if they do not. LB 271 also clarifies how these reporting obligations apply to employees and employers. LB 271 then requires all mandatory reporters and child abuse and neglect investigation teams to undergo relevant training, including in abuse and neglect identification and reporting, implicit bias and cultural competency, and community resources, to ensure more accurate reporting. It also requires the Department of Health and Human Services to provide a free, online version of this training for mandatory reporters to access.

b. Association and Committee Updates:

- AASCB <http://www.aascb.org>

Meyerle went to the meeting in February and reported out that NBCC were working diligently to not be bias. NBCC diversity of exam.

The next hangout (virual) is schedule for 3.24.2023, they will continue to do monthly.

- Counseling Compact <https://counselingcompact.org/>

There are currently 17 states involved. Iowa's legislation is out of committee regarding.

- AMFTRB <http://www.amftrb.org>

Battleson reports nothing new to report, he will be attending the conference in September.

- ASWB <http://www.aswb.org>

Batter reports Education Spring meeting in March, no additional information to report

- Justice Behavioral Health Committee

Gill reports no updates or scheduled meetings at this time.

- \*New Board Member Training

Discussion with board members. Board will send questions to Coordinator Oldehoeft to include in training manual.

c. Reports: Disciplinary and Non-Disciplinary Actions, Licensure Statistics, Examination Pass/Fail Report (see agenda for reports)

**7. APPOINTMENT OF INVESTIGATIVE CONSULTANT** (deferred from 1.2023 meeting)

Dittmer volunteered to be the investigative consultant

**8. ADJOURN**

Meyerle declared the meeting adjourned at 12:37 pm; the next meeting is scheduled for March 20, 2023, virtual and May 5, 2023 in person.

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Dale Battleson, Secretary  
Board of Mental Health Practice  
Summarized by: Licensure Unit