

These minutes have not been approved by the Board

MINUTES OF THE MEETING
Board of Alcohol and Drug Counseling
April 13, 2023

1. ROLL CALL

The meeting of the Board of Alcohol and Drug Counseling was called to order by Amy Eigenberg, Chair, at 9:01 a.m., in the Lower Level B (Morrill Room), Nebraska State Office Building, 301 Centennial Mall South, Lincoln, Nebraska. In accordance with § 84-1411 of the Nebraska Open Meetings Act, copies of the agenda were 1) mailed to the Board members and other interested parties, and 2) posted on the DHHS web site at <https://dhhs.ne.gov/licensure/Pages/Agendas-and-Minutes.aspx> and on the bulletin board in the Licensure Unit Lobby on 3.30.2023.

The following members answered roll call:

Members Present (5):

Lori Cleveland, Member (in room)
Terry Duffy, Member (in room)
Victor Gehrig, Vice-Chair (in room)
Amy Eigenberg, Chair (in room)
Tom Maxson (in room)

Members Absent (3):

Brian Bierschenk, Member
Jill Colegrove, Secretary (in room)
Natasha Robinson, Member (on phone)

Staff and Others Present (3):

Carrie Oldehoeft, Health Licensing Coordinator, Licensure Unit (in room)
Matt Gelvin, Program Manager, Licensure Unit (via WebEx)
TJ O'Neil, Assistant Attorney General (in room)
Suzanne Glover-Ettrich, DHHS Attorney (via WebEx)

A quorum was present and the meeting convened.

2. ADOPTION OF AGENDA

MOTION: Duffy moved, seconded by Cleveland, to approve the agenda. A voice vote was taken. Voting aye: Cleveland, Duffy, Gehrig, Eigenberg, Maxson (5). Voting nay: None (0). Absent: Colegrove, Robinson, Bierschenk (1). Motion carried.

9:03 am Colegrove entered room

3. APPROVAL OF MINUTES

MOTION: Gehrig moved, seconded by Duffy, to approve the minutes with corrections of 3.29.2023 with corrections. A voice vote was taken. Voting aye: Colegrove, Cleveland, Duffy, Gehrig, Eigenberg, Maxson (6). Voting nay: None (0). Absent: Robinson, Bierschenk (1). Motion carried.

9:19 am Public entered room

4. Updates, New Business, and Reports

- a) Legislative Session 2023
Oldehoeft discussed legislation that are not specific to Alcohol and Drug Counseling, but could effect the members.
- LB 16 Occupational Reform and Preliminary Conviction Review
https://nebraskalegislature.gov/bills/view_bill.php?DocumentID=49705

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 337 Confidentiality
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.

- b) Continued Discussion Relating to Developing a Jurisprudence Examination
 - Deferring to the next meeting
- c) Justice Behavioral Health Committee Report
 - Robinson, absent-Nothing to report at this time
- d) International Certification & Reciprocity Consortium (IC&RC) <https://internationalcredentialing.org>
 - Robinson, absent=Nothing to report at this time
- e) Reports: Disciplinary/Non-Disciplinary Actions, License Statistics, Examination Statistics, and Administrative Fees (attached with agenda)

5. COMMENT

6. INVESTIGATIVE REPORTS & OTHER CONFIDENTIAL INFORMATION **CLOSED SESSION**

MOTION: Colegrove moved, seconded by Duffy, to enter into closed session at 9:19 a.m. to hear discussions of investigative/confidential nature, and for the prevention of needless injury to the reputations of the individuals. Eigenberg repeated the motion purpose. A voice vote was taken. Voting aye: Cleveland, Duffy, Gehrig, Eigenberg, Colegrove, Sneckenberg, Robinson, Maxson (8). Voting nay: None (0). Absent: Bierschenk (1). Motion carried

9:24 am Meyerson, Cue, Weine Investigations entered room

9:31 am Duffy exited room

9:49 am Duffy entered room

10:03 am Cue, Wiene, Meyerson exited room

10:34 am Colegrove exited room

10:37 am Colegrove entered room

10:42 am Gehrig exited room

10:45 am Gehrig entered room

10:47 am Board break

11:00 am Board returned from break

11:18 am Lester entered room

11:23 am Lester exited room

11:30 am After Board Member agreement, Eigenberg stated the meeting is now in open session

7. REVIEW, RECOMMENDATIONS AND REPORT OUT

OPEN SESSION: Applications, Summary of Mail Ballot Votes and Reinstatements

Dale Halsted- PLADC

MOTION: Gehrig moved, seconded by Duffy, to issue without any terms or conditions.

A voice vote was taken. Voting aye: Cleveland, Duffy, Gehrig, Eigenberg, Colegrove, Maxson (6). Voting nay: None (0). Absent: Robinson, Bierschenk, (2). Motion carried.

Brandy Atherton PLADC

MOTION: Duffy moved, seconded by Gehrig, to issue without any terms or conditions.

A voice vote was taken. Voting aye: Cleveland, Duffy, Gehrig, Eigenberg, Colegrove, Maxson (6). Voting nay: None (0). Absent: Robinson, Bierschenk, (2). Motion carried.

Faith Freeman- PLADC

MOTION: Colegrove moved, seconded by Cleveland, to issue without any terms or conditions.

A voice vote was taken. Voting aye: Cleveland, Duffy, Gehrig, Eigenberg, Colegrove, Maxson (6). Voting nay: None (0). Absent: Robinson, Bierschenk, (2). Motion carried.

Michelle Deutsch-Mackey- PLADC

MOTION: Duffy moved, seconded by Cleveland, to issue without any terms or conditions.

A voice vote was taken. Voting aye: Cleveland, Duffy, Gehrig, Eigenberg, Colegrove, Maxson (6). Voting nay: None (0). Absent: Robinson, Bierschenk, (2). Motion carried.

Monique Lange-- PLADC

MOTION: Gehrig moved, seconded by Maxon, defer for more information.

A voice vote was taken. Voting aye: Cleveland, Duffy, Gehrig, Eigenberg, Colegrove, Maxson (6). Voting nay: None (0). Absent: Robinson, Bierschenk, (2). Motion carried.

Ericka Gilbert (Zewiske)—Alcohol and Drug Counselor Reinstatement

MOTION: Gehrig moved, seconded by Maxon, defer for more information.

A voice vote was taken. Voting aye: Cleveland, Duffy, Gehrig, Eigenberg, Colegrove, Maxson (6). Voting nay: None (0). Absent: Robinson, Bierschenk, (2). Motion carried.

Jennifer Woody- PLADC Reinstatement (early release from probation)

MOTION: Gehrig moved, seconded by Colegrove, to deny the application. Basis for recommendation: Insufficient time of probation to support early release. . A voice vote was taken. Voting aye: Cleveland, Duffy, Gehrig, Eigenberg, Colegrove, Maxson (6). Voting nay: None (0). Absent: Robinson, Bierschenk, (2). Motion carried.

Emily Kenter -- PLADC

MOTION: Duffy moved, seconded by Eigenberg, defer for more information. A voice vote was taken. Voting aye: Cleveland, Duffy, Gehrig, Eigenberg, Colegrove, Maxson (6). Voting nay: None (0). Absent: Robinson, Bierschenk, (2). Motion carried.

Erica Farley (Buerger)—Preliminary Conviction Review

MOTION: Colegrove moved, seconded by Cleveland, that the convictions, as listed on the application, would not disqualify the applicant from obtaining a credential as an Alcohol and Drug Counselor. A voice vote was taken. Voting aye: Cleveland, Duffy, Gehrig, Eigenberg, Colegrove, Maxson (6). Voting nay: None (0). Absent: Robinson, Bierschenk, (2). Motion carried.

9. ADJOURNMENT

Eigenberg announced the next meeting is scheduled for July 13, 2023, and declared the meeting adjourned at 11:40 am.

Summarized by:
Carrie Oldehoeft, Health Licensing Coordinator