

MEETING MINUTES
Board of Mental Health Practice

January 11, 2019

DRAFT These minutes have not been approved by the Board.
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1. ROLL CALL

The meeting of the Board of Mental Health Practice was called to order by the Chair, Susan Feyen, at 9:11 a.m. in Lower Level Room A, State Office Building, 301 Centennial Mall South, Lincoln, Nebraska. Copies of the agenda were mailed to the Board members and other interested parties in accordance with the Open Meetings Law.

Members Present:	Laurie Andrews Dale Battleson Chante Chambers Cassandra Dittmer Susan Feyen David Hof Thomas Maxson Terrance Moore	Member Member Member Member Chair Member Member Vice-Chair
Members Absent:	L. Janeen Gill Sarita Ruma	Member (arrived 9:11 a.m.) Secretary
Others Present:	Kris Chiles Nancy Herdman Larry Wiehn	Program Manager, Licensure Unit Health Licensing Coordinator, Licensure Unit Investigator

A quorum was present and the meeting convened.

Members introduced themselves and welcomed new members Andrews and Hof. Maxson volunteered to be Hof's mentor and Chambers volunteered to be Andrews's mentor.

9:11 a.m. - Gill entered meeting

2. ADOPTION OF AGENDA

MOTION: Moore moved, seconded by Battleson, to adopt the agenda. A voice vote was taken. Voting aye: Andrews, Battleson, Chambers, Dittmer, Feyen, Gill, Hof, Maxson, Moore (9). Voting nay: None (0). Absent: Ruma (1). Abstain: None (0). Motion carried.

3. APPROVAL OF MINUTES (11-2-18)

Battleson recommended corrections on page 3 under AMFTRB.

MOTION: Moore moved, seconded by Dittmer, to approve the minutes of 11-2-18 as corrected. A roll call vote was taken. Voting aye: Battleson, Chambers, Dittmer, Feyen, Gill, Maxson, Moore (7). Voting nay: None (0). Absent: Ruma (1). Abstain: Andrews, Hof (2). Motion carried.

4. INVESTIGATIVE REPORTS & OTHER CONFIDENTIAL INFORMATION – CLOSED SESSION

MOTION: Gill moved, seconded by Moore, to enter into closed session at 9:20 a.m. to hear discussions of an investigative/confidential nature, and for the prevention of needless injury to the reputation of the individuals. Feyen repeated the motion purpose. A roll call vote was taken. Voting aye: Andrews, Battleson, Chambers, Dittmer, Feyen, Gill, Hof, Maxson, Moore (9). Voting nay: None (0). Absent: Ruma (1). Motion carried.

9:21 a.m. - Mindy Lester, Assistant Attorney General, entered meeting via telephone
9:40 a.m. - Lester departed meeting
9:50 a.m. - Dittmer departed meeting (conflict)
9:56 a.m. - Dittmer entered meeting
9:57 a.m. - Gill departed meeting (conflict)
10:00 a.m. - Gill entered meeting
10:03 a.m. - Wiehn departed meeting
10:11 a.m. - Feyen departed meeting (conflict)

10:16 a.m. - Feyen entered meeting

MOTION: Battleson moved, seconded by Moore, to enter into open session at 10:25 a.m. A roll call vote was taken. Voting aye: Andrews, Battleson, Chambers, Dittmer, Feyen, Gill, Hof, Maxson, Moore (9). Voting nay: None (0). Absent: Ruma (1). Motion carried.

10:25 a.m. - Break

10:51 a.m. - Meeting resumed
3 public persons entered meeting

Feyen welcomed the public members who introduced themselves as Mary Sullivan, Kristen Tomjack and Kelsey Wilson.

5. REVIEW, RECOMMENDATIONS, AND REPORT OUT

- Applications, Mail Ballot Summary Report and Reinstatements

Convictions:

Jollyn Trauernicht – PLMHP and PCMSW Applicant

MOTION: Battleson moved, seconded by Moore, to recommend issuance of the license and certificate. A roll call vote was taken. Voting aye: Andrews, Battleson, Chambers, Dittmer, Feyen, Gill, Hof, Maxson, Moore (9). Voting nay: None (0). Abstain: None (0). Absent: Ruma (1). Motion carried.

Stephanie Beister – PLMHP and PCMSW Applicant

MOTION: Gill moved, seconded by Chambers, to recommend issuance of the license and certificate. A roll call vote was taken. Voting aye: Andrews, Battleson, Chambers, Dittmer, Feyen, Gill, Hof, Maxson, Moore (9). Voting nay: None (0). Abstain: None (0). Absent: Ruma (1). Motion carried.

Megan Pitt – PLMHP and PCMSW Applicant

MOTION: Gill moved, seconded by Dittmer, to recommend issuance of the license and certificate. A roll call vote was taken. Voting aye: Andrews, Battleson, Chambers, Dittmer, Feyen, Gill, Hof, Maxson, Moore (9). Voting nay: None (0). Abstain: None (0). Absent: Ruma (1). Motion carried.

Shreen Moshiri – PLMHP and PCMSW Applicant

MOTION: Battleson moved, seconded by Hof, to recommend issuance of the license and certificate. A roll call vote was taken. Voting aye: Andrews, Battleson, Chambers, Dittmer, Feyen, Gill, Hof, Maxson, Moore (9). Voting nay: None (0). Abstain: None (0). Absent: Ruma (1). Motion carried.

6. NEW BUSINESS

a. 2019 Legislative Session

Chiles reported the session began on 1-9-19, there were 10 days to introduce bills which is 1-28-19, and the session ends 6-6-19.

LB 112 – This bill sets out classifications for which licensing fees and fingerprint fees are waived. The categories for waiving licensing fees include low income, military and young workers (18-25 years of age). Cash funds are collected for licensure, renewal, and reinstatement to cover the costs associated with processing and maintaining licenses. (see 38-151 through 38-157)

b. Approval of Method of Noticing Meeting Agendas

Chiles reported that the Open Meetings Act requires boards to determine/affirm the method by which meeting notices are posted. She stated currently agendas are posted on the department website and in the lobby of the Licensure Unit.

MOTION: Gill moved, seconded by Andrews, to continue noticing meeting agendas the same as have been doing. Voting aye: Andrews, Battleson, Chambers, Dittmer, Feyen, Gill, Hof, Maxson, Moore (9). Voting nay: None (0). Abstain: None (0). Absent: Ruma (1). Motion carried.

7. UPDATES AND REPORTS

a. **Board News Page on Web**

Gill provided a draft copy of a possible article. Battleson, Dittmer, and Feyen suggested some changes.

Some other possible article topics discussed included:

- Social work certification (Feyen has an article)
- Statistics and discipline
- Mandatory reporting
- Supervision
- DSM-V

It was discussed posting a new article to the mental health website each quarter.

b. **Update on Forwarding Draft Regulations (172 NAC 94) To Department Legal**

Chiles reported she forwarded the draft regulations to Department legal three days following the November meeting. Teresa Hampton, Department Attorney, is currently reviewing them and may suggest changes. The regulations will come back to the Board if legal was substantive changes.

Next steps:

- Review by the Division Regulation Coordinator Attorney
- Request for public hearing to the Director of Public Health
- Request for public hearing to the Governor's Office
- Notice of Hearing published 30 days prior to the set hearing date.
- If hearing testimony, Board for review and recommendations; if substantive changes, the process starts over
- Board approval
- Board of Health review and approval
- Director of Public Health review and approval
- Attorney General review and approval
- Governor review and approval
- Filed with Secretary of State
- Effective 5 days after filing

Chambers asked about Art Therapy. Chiles reported that the Nebraska Art Therapy Coalition has submitted a letter of intent for a Credential Review (407 process). To review the letter and additional information go to: http://dhhs.ne.gov/Pages/reg_admcr.aspx

Credentialing review is a three-stage process conducted by the following review bodies in the following order:

1. The review of an ad hoc technical review committee appointed by the Director of the Division of Public Health
2. The review of the State Board of Health
3. The review of the Director of the Division of Public Health

Each review body issues a report. All reports created by the review process are submitted to members of the Legislative HHS Committee to assist them during their review of any bills that might arise from

credentialing review proposals. Reports are only advisory to the Legislature, and only the action of the Legislature can create changes in the regulatory status of a profession.

Maxson asked about Applied Behavioral Analysts. Chiles responded there was no new information..

Feyen circulated information on a grant from HRSA accepting proposals from licensing boards regarding reciprocity agreements and telehealth. Chiles reported that EMS, physical therapy and psychology have compacts but it started with the national organizations and not a state licensing board.

c. AASCB / AMFTRB / ASWB / Justice Behavioral Health Committee

AASCB – There was no report.

AMFTRB – There was no report.

ASWB – Feyen attended the meeting in San Diego. She reported there was discussion about reciprocity and translating the examinations, including supporting documents, into other languages. Translating will increase examination costs.

Justice Behavioral Health Committee – Maxson attended the recent meeting. He reported:

- There will be a conference in September/October of 2019.
- A DHHS staff person said they were looking at evaluations they are receiving for clients they serve. She commented that case managers are not going to recommend drug testing as it will be up to the treatment provider. They look at abstinence from the standpoint of the safety of the child.

Dittmer commented that some judges remove the child from the home for any adult substance use issue no matter whether it is a child safety issue or not. She stated substance use treatment providers generally do not look at child safety when they address the substance issues.

12:10 p.m. - Break
Sullivan departed meeting
12:22 p.m. - Meeting resumed

d. DISCIPLINARY/NON-DISCIPLINARY REPORT/LICENSURE STATISTICS/ADMINISTRATIVE PENALTY FEES ASSESSED

Chiles reported the following disciplinary action since January 1, 2019:
Molly Claeys – Probation from 1-7-2019 to 5-8-2020

Chiles reported \$1460 had been assessed and collected for administrative penalties in 2018.

Chiles reported the following statistics:

LIMHP, 1804
MFT, 99
MSW, 897
CMSW, 29
LMHP, 2274
CPC, 866
SW, 511
PLMHP, 1068
PMSW, 311

Members discussed the need to hold both the LIMHP and LMHP. Chiles stated that when the office received calls asking whether the licensee should renew the LMHP when he/she held a LIMHP, the individuals were advised that it's a personal decision and perhaps they could check with their employer and insurance companies.

Chiles commented that all applications and supporting documents are destroyed 5 years after issuance in accordance with the Licensure Unit's Record Retention schedule.

8. ELECTIONS AND APPOINTMENTS

- a. Officer Elections: Chair, Vice-Chair, Secretary

MOTION: Gill moved, seconded by Battleson, to elect Feyen as chair and Moore as vice-chair. Voting aye: Andrews, Battleson, Chambers, Dittmer, Feyen, Gill, Hof, Maxson, Moore (9). Voting nay: None (0). Abstain: None (0). Absent: Ruma (1). Motion carried.

12:45 p.m. - Maxson departed meeting

MOTION: Gill moved, seconded by Hof, to elect Maxson as secretary. Voting aye: Andrews, Battleson, Chambers, Dittmer, Feyen, Gill, Hof, Moore (8). Voting nay: None (0). Abstain: None (0). Absent: Maxson, Ruma (2). Motion carried.

- b. Appointment: Complaint Consultant and Education Reviewers

Gill was appointed as the complaint consultant and Feyen was appointed as the education reviewer.

A public person shared information on a test preparation training and two continuing education trainings that the Nebraska Chapter of NASW is sponsoring.

9. ADJOURNMENT

Feyen declared the meeting adjourned at 12:52 p.m.

Respectfully Submitted,

Thomas Maxson, Secretary
Board of Mental Health Practice

Summarized by: Nancy Herdman, Health Licensing Coordinator, Licensure Unit