

MEETING MINUTES
Board of Mental Health Practice

March 1, 2019

These minutes were approved by
the Board on May 3, 2019.

1. ROLL CALL

The meeting of the Board of Mental Health Practice was called to order by the Vice-Chair, Terrance Moore, at 9:05 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 Cassandra Dittmer L. Janeen Gill David Hof Thomas Maxson Terrance Moore Sarita Ruma	Member Member Member Member Member Secretary Vice-Chair Member
Members Absent:	Chante Chambers Susan Feyen	Member Chair
Others Present:	Kris Chiles Nancy Herdman Mark Meyerson Trevor Klaassen Mindy Lester Teresa Hampton	Program Manager, Licensure Unit Health Licensing Coordinator, Licensure Unit Investigator Investigator Assistant Attorney General Department Attorney

A quorum was present and the meeting convened.

2. ADOPTION OF AGENDA

MOTION: Battleson moved, seconded by Gill, to adopt the agenda. A voice vote was taken. Voting aye: Andrews, Battleson, Dittmer, Gill, Hof, Maxson, Moore, Ruma (8). Voting nay: None (0). Absent: Chambers, Feyen (2). Abstain: None (0). Motion carried.

3. APPROVAL OF MINUTES (1-11-19)

There were a couple of typing corrections on page 1.

MOTION: Gil moved, seconded by Hof, to approve the minutes of 1-11-19 as corrected. A roll call vote was taken. Voting aye: Andrews, Battleson, Dittmer, Gill, Hof, Maxson, Moore, (7). Voting nay: None (0). Absent: Chambers, Feyen (2). Abstain: Ruma (1). Motion carried.

4. INVESTIGATIVE REPORTS & OTHER CONFIDENTIAL INFORMATION – CLOSED SESSION

MOTION: Ruma moved, seconded by Andrews, to enter into closed session at 9:10 a.m. to hear discussions of an investigative/confidential nature, and for the prevention of needless injury to the reputation of the individuals. Moore repeated the motion purpose. A voice roll call vote was taken. Voting aye: Andrews, Battleson, Dittmer, Gill, Hof, Maxson, Moore, Ruma (8). Voting nay: None (0). Absent: Chambers, Feyen (2). Motion carried.

9:10 a.m. - Lester departed meeting
9:44 a.m. - Hampton departed meeting
Lester entered meeting
Ruma departed meeting (conflict)
9:58 a.m. - Ruma entered meeting
10:19 a.m. - Battleson departed meeting (conflict)
10:25 a.m. - Battleson entered meeting
Dittmer departed meeting (conflict)
10:27 a.m. - Break
10:40 a.m. - Meeting resumed

10:49 a.m. - Dittmer entered meeting
Gill departed meeting (conflict)
10:55 a.m. - Gill entered meeting
Hof and Maxson departed meeting (conflict)
11:24 a.m. - Maxson and Hof entered meeting
11:48 a.m. - Battleson departed meeting (conflict)
12:00 p.m. - Battleson entered meeting
12:07 p.m. - Meyerson and Klaassen departed meeting
12:10 p.m. - Hof departed meeting (conflict)
12:36 p.m. - Hof entered meeting
12:46 p.m. - Ruma and Lester departed meeting
12:55 p.m. - Lester entered meeting

MOTION: Battleson moved, seconded by Gill, to enter into open session at 1:31 p.m. A voice roll call vote was taken. Voting aye: Andrews, Battleson, Dittmer, Gill, Hof, Maxson, Moore (7). Voting nay: None (0). Absent: Chambers, Feyen, Ruma (3). Motion carried.

1:31 a.m. - Break
1:53 p.m. - Meeting resumed

5. REVIEW, RECOMMENDATIONS, AND REPORT OUT

- Applications, Mail Ballot Summary Report and Reinstatements

Lucas Johns – LMHP Applicant

MOTION: Dittmer moved, seconded by Andrews, to recommend offering a license with the limitation of no solo practice forever and offering a probationary license with a 1 year probation to include the standard terms and conditions and employer quarterly reports. A voice roll call vote was taken. Voting aye: Andrews, Battleson, Dittmer, Gill, Maxson, Moore (6). Voting nay: None (0). Abstain: Hof (1). Absent: Chambers, Feyen, Ruma (3). Motion carried.

Brandon Pedersen – LMHP Applicant

MOTION: Gill moved, seconded by Andrews, to recommend offering a probationary license for the time period remaining on his probationary provisional license with the same terms and conditions. A voice roll call vote was taken. Voting aye: Andrews, Battleson, Dittmer, Gill, Hof, Maxson, Moore (7). Voting nay: None (0). Abstain: None (0). Absent: Chambers, Feyen, Ruma (3). Motion carried.

Robert Runion – LIMHP Applicant

MOTION: Dittmer moved, seconded by Hof, to defer the application and request additional information to verify experience hours. A voice roll call vote was taken. Voting aye: Andrews, Battleson, Dittmer, Gill, Hof, Maxson, Moore (7). Voting nay: None (0). Abstain: None (0). Absent: Chambers, Feyen, Ruma (3). Motion carried.

Bridget Thompson – LIMHP, CPC Reinstatement from Discipline (Revocation)

MOTION: Battleson moved, seconded by Gill, to recommend offering a probationary reinstated license and certificate with a 2 year probation to include the standard terms and conditions and: no solo practice, quarterly employer reports, meet face-to-face with a LIMHP supervisor, who must be pre-approved by the Board, for 2 times per month for case reviews including treatment plans, accountability for client personal care, accountability for standard of care and boundaries with clients. A voice roll call vote was taken. Voting aye: Andrews, Battleson, Dittmer, Gill, Hof, Maxson, Moore (7). Voting nay: None (0). Abstain: None (0). Absent: Chambers, Feyen, Ruma (3). Motion carried.

6. UPDATES AND REPORTS

- a. Board News Page on Web

Gill is working on an article and Battleson sent her an article.

b. 2019 Legislative Update

LB 112 – This bill proposes to waive initial licensing fees for low income, military families and young workers (18-25 years of age). It is on select file as of 2-28-19.

LB 167 – This bill proposes to prohibit individuals holding a credential under the Uniform Credentialing Act from advertising for or performing conversion therapy to individuals under the age of majority. Hearing was held 2-7-2019

LB 422 – This bill proposes to create the Art Therapy Licensure Act, sets a scope of practice, and creates a governing board separate from the Board of Mental Health Practice. Hearing was held 2-14-19. The bill appears to be a placeholder for next year as the applicant group proceeds through the 407 credentialing review process.

LB 627 – This bill prohibits employment discrimination based on sexual orientation and gender identity. Under LB627 it would be an unlawful employment practice for an employer, an employment agency, or a labor organization to discriminate against an individual on the basis of sexual orientation or gender identity. The Act applies to employers having 15 or more employees, employers with state contracts regardless of the number of employees, the State of Nebraska, governmental agencies and political subdivisions. Current law prohibits employment discrimination based on race, color, religion, sex, disability, marital status or national origin. Hearing was held 2-7-2019, and placed on general file 2-19-2019.

c. Regulation Update (172 NAC 94), Governor's Executive Order and Department Legal Review Process

Chiles reported that in 2017, the Governor signed an Executive Order that suspended the regulation process through the end of the year, and during this suspension required the review of all regulations to reduce duplicity and respond to six questions on each section of the regulations with the focus on less restriction. The report was reviewed and in February 2019 the Department was advised to make regulation changes based on the review by July 2019.

Chiles provided a summary overview of the regulation process. She indicated that as part of this reduction of regulations, a new Chapter 10 was created which contains requirements that apply to all professions under the Uniform Credential Act, which eliminates the need to repeat the language in every professional set of regulations.

The Mental Health Practice regulations have been forwarded to Department Legal and the 1st review has been completed. Legal has questions relating to the following sections:

Major mental disorder definition – Board recommended deleting the last paragraph as it is really a guidance statement.

Mental illness definition – Board recommended dropping the last sentence.

Supervisor sign off on 3000 hours – Some supervisors have refused to sign off on the hours. The Board discussed whether sign off means the supervisor is attesting to competence or only signing off that the hours were completed. There was also discussion that if a supervisor has concerns about a supervisee, they should be doing remediation at the time of concern. The members will give this more thought and forward any suggestions to Chiles.

Qualified supervisor - It was recommended this remain as written.

Failure to sign off on hours – It was suggested that under unprofessional conduct it should be added that if a supervisor does not sign off on supervisee hours completed, it is unprofessional conduct. Department legal will review this.

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

AASCB – There was no report.

AMFTRB – There was no report.

ASWB – There was no report.

MOTION: Battleson moved, seconded by Gill, to approve funding for Feyen to attend the upcoming ASWB conference. Voting aye: Andrews, Battleson, Dittmer, Gill, Hof, Maxson, Moore (7). Voting nay: None (0). Abstain: None (0). Absent: Chambers, Feyen, Ruma (3). Motion carried.

Justice Behavioral Health Committee – There was no report.

e. Disciplinary/Non-Disciplinary Report / Licensure Statistics / Administrative Penalty Fees Assessed

Chiles circulated the Disciplinary/Non-Disciplinary Report.

Examination statistics since January 1, 2019:

AMFTRB – 2 pass
ASWB – 9 pass
NCMHCE-DM – 1 pass
NCMHCE-IG – 1 pass
Jurisprudence – 3 pass

License statistics:

LIMHP – 1833
MFT – 100
MSW – 916
CMSW – 29
LMHP – 2305
CPC – 880
PMSW – 319
PLMHP – 1070
SW - 517

Maxson asked about Applied Behavioral Analysts. Chiles responded there was no new information. Gill asked about By-Law review and that will be placed on the May agenda.

7. ADJOURNMENT

Moore declared the meeting adjourned at 2:33 p.m.

Respectfully Submitted,

Thomas Maxson, Secretary
Board of Mental Health Practice

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