

MEETING MINUTES
Board of Mental Health Practice

May 3, 2019

These minutes were approved by the Board 7.12.19.
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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 9:01 a.m. in Lower Level Room B, 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:

Dale Battleson, Member
Chante Chambers, Member
Cassandra Dittmer, Member
Susan Feyen, Chair
Terrance Moore, Vice-Chair
Sarita Ruma, Member

Members Absent:

Laurie Andrews, Member
L. Janeen Gill, Member (arrived 9:25 a.m.)
Thomas Maxson, Secretary (arrived 9:13 a.m.)
David Hof, Member

Others Present:

Kris Chiles, Program Manager, Licensure Unit
Nancy Herdman, Health Licensing Coordinator, Licensure Unit
Mark Meyerson, Investigator
Trevor Klaassen, Investigator
Carla Cue, Investigator
Mindy Lester, Assistant Attorney General
Anna Harrison, Compliance Monitor

A quorum was present and the meeting convened.

2. ADOPTION OF AGENDA

MOTION: Ruma moved, seconded by Moore, to adopt the agenda. A voice vote was taken. Voting aye: Battleson, Chambers, Dittmer, Feyen, Moore, Ruma (6). Voting nay: None (0). Absent: Andrews, Gil, Hof, Maxson (4). Abstain: None (0). Motion carried.

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

MOTION: Battleson moved, seconded by Ruma, to approve the minutes of 3-1-19. A voice vote was taken. Voting aye: Battleson, Dittmer, Moore, Ruma (4). Voting nay: None (0). Absent: Andrews, Gil, Hof, Maxson (4). Abstain: Chambers, Feyen (2). Motion carried.

4. INVESTIGATIVE REPORTS & OTHER CONFIDENTIAL INFORMATION – CLOSED SESSION

MOTION: Ruma moved, seconded by Moore, to enter into closed session at 9:04 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: Battleson, Chambers, Dittmer, Feyen, Moore, Ruma (6). Voting nay: None (0). Absent: Andrews, Gil, Hof, Maxson (4). Motion carried.

9:13 a.m.	-	Maxson entered meeting
9:14 a.m.	-	Maxson departed meeting (conflict)
9:25 a.m.	-	Gill entered meeting
9:31 a.m.	-	Maxson entered meeting
9:34 a.m.	-	Harrison departed meeting
9:36 a.m.	-	Harrison entered meeting

9:39 a.m. - Cue departed meeting
9:42 a.m. - Harrison departed meeting
Cue entered meeting
9:45 a.m. - Harrison entered meeting
9:54 a.m. - Meyerson departed meeting
10:00 a.m. - Ruma departed meeting (conflict)
10:17 a.m. - Cue departed meeting
10:19 a.m. - Break
10:34 a.m. - Meeting resumed
Cue and Ruma entered meeting
Gill departed meeting (conflict)
10:41 a.m. - Gill entered meeting
Maxson departed meeting (conflict)
10:47 a.m. - Maxson entered meeting
10:50 a.m. - Battleson departed meeting
10:51 a.m. - Battleson entered meeting
11:07 a.m. - Cue, Klaassen and Lester departed meeting
11:12 a.m. - Lester entered meeting
11:26 a.m. - Harrison departed meeting
11:39 a.m. - Harrison entered meeting
11:43 a.m. - Harrison departed meeting
11:49 a.m. - Break
11:56 a.m. - Meeting resumed
11:56 a.m. - Teresa Hampton, Department attorney, entered meeting
Lester departed meeting
Noon - Dittmer departed the meeting

MOTION: Ruma moved, seconded by Chambers, to enter into open session at 12:12 p.m. A roll call vote was taken. Voting aye: Battleson, Chambers, Feyen, Gill, Maxson, Moore, Ruma (7). Voting nay: None (0). Absent: Andrews, Dittmer, Hof (3). Motion carried.

12:13 p.m. - Dittmer entered meeting
2 public persons entered meeting
Hampton departed meeting
Lester entered meeting

Moved to agenda item 6c.

6. UPDATES AND REPORTS

c. Regulation Update (172 NAC 94)

Chiles reported that Legal had reviewed the draft regulations and had the following suggestions or questions:

002.02 Client or Patient – It was suggested a sentence be added that says “An individual who provides collateral information is not considered a client or patient.”

008 Qualified Supervisor – Re-writing the section was discussed to say at least one year must elapse since any discipline before an individual can supervise and if action is taken while supervising, the supervision must terminate.

013.01 Competence – Wording changes were suggested to say a credential holder must take responsibility to get the appropriate training for which they are not trained or experienced.

013.02 Confidentiality – A wording change was suggested when others than the client provide information.

013.03 Disclosure – Made suggested wording changes when there is a death or disability. Took out the word consulting.

013.03 Professional Records – The section is more statements rather than worded as unprofessional conduct so will be re-worded as unprofessional conduct.

013.07j Unprofessional Relationships – Even though it is broadly worded the Board wanted to leave it as is.

013.08 Referral – Reworded putting into unprofessional conduct language.

013.10 Sexual Intimacy or Conduct – Put the paragraph under dual relationships.

013.11 Students and Supervisees – Reworded some of the items in this section.

013.12 Technology Assisted Services – Decided there was no need to police technology for confidentiality any more than what is under confidentiality. There was discussion about who could provide technology services and it was determined it was unprofessional conduct if do not have a license. Board also wanted language added that says must hold a Nebraska license to serve a client in Nebraska.

Moved back to agenda item 5.

5. REVIEW, RECOMMENDATIONS, AND REPORT OUT

- Applications, Mail Ballot Summary Report and Reinstatements

Chiles discussed two applications with the Board.

- A LIMHP/CMSW applicant who obtained hours in another state and the supervisor was not a LCSW. The Board determined the hours did not meet the requirements for a LCSW.
- Christine Dillon applied for LIMHP via reciprocity from California. She is a clinical social worker in California. Chiles read the California scope of practice. The Board determined that the California scope of practice did not discuss major mental disorder services so based on the scope her experience would not qualify her for a LIMHP.

Herdman reported the results of the mail ballot for Michelle Missel, MSW reinstatement. Majority vote was to reinstate with an administrative penalty only.

Kelsey Saunders – CSW Applicant

MOTION: Ruma moved, seconded by Dittmer, to recommend offering a probationary certificate with 3 year probation to include the standard terms and conditions and the following: follow the discharge and evaluation recommendations, abstain from alcohol and drugs, random body fluid screens, employer quarterly reports and quarterly reports from current and future therapists. A roll call vote was taken. Voting aye: Battleson, Chambers, Dittmer, Feyen, Gill, Maxson, Moore, Ruma (8). Voting nay: None (0). Abstain: None (0). Absent: Andrews, Hof (2). Motion carried.

Nicole West – CSW Applicant

MOTION: Ruma moved, seconded by Battleson, to recommend offering a probationary certificate with 3 year probation to include the standard terms and conditions and the following: follow the evaluation recommendations, abstain from alcohol and drugs, random body fluid screens, employer quarterly reports and quarterly reports from current and future therapists. A roll call vote was taken. Voting aye: Battleson, Chambers, Dittmer, Feyen, Gill, Maxson, Moore, Ruma (8). Voting nay: None (0). Abstain: None (0). Absent: Andrews, Hof (2). Motion carried.

Nicole Berry – PLMHP Applicant

MOTION: Battleson moved, seconded by Chambers, to recommend issuing the license with no terms or conditions. A roll call vote was taken. Voting aye: Battleson, Chambers, Dittmer, Feyen, Gill, Maxson, Moore, Ruma (8). Voting nay: None (0). Abstain: None (0). Absent: Andrews, Hof (2). Motion carried.

Bridget Thompson – LMHP Reinstatement from Discipline (Revocation)

MOTION: Dittmer moved, seconded by Moore, to recommend offering a probationary reinstated license to run concurrent with her LIMHP and CPC reinstated license/certificate 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 roll call vote was taken. Voting aye: Battleson, Chambers, Dittmer, Feyen, Gill, Maxson, Moore, Ruma (8). Voting nay: None (0). Abstain: None (0). Absent: Andrews, Hof (2). Motion carried.

Battleson commented the 3-1-19 minutes referred to reinstatement of Thompson's LMHP credential and it was really her LIMHP credential.

MOTION: Battleson moved, seconded by Ruma, to correct the 3-1-19 minutes to say Bridget Thompson was applying to reinstate her LIMHP license and not LMHP license. A voice vote was taken. Voting aye: Battleson, Chambers, Dittmer, Feyen, Gill, Maxson, Moore, Ruma (8). Voting nay: None (0). Abstain: None (0). Absent: Andrews, Hof (2). Motion carried.

Molly Claeys – LMHP and MSW Reinstatement from Discipline (Early Release from Probation)

MOTION: Battleson moved, seconded by Gill, to recommend denial of reinstatement from discipline (early release from probation) based on insufficient evident to support request for reinstatement. A voice vote was taken. Voting aye: Battleson, Chambers, Dittmer, Feyen, Gill, Maxson, Moore, Ruma (8). Voting nay: None (0). Abstain: None (0). Absent: Andrews, Hof (2). Motion carried.

6. UPDATES AND REPORTS

- a. Board News Page on Web

Gill will work on articles in June.

- b. 2019 Legislative Update

LB 112: The bill waives initial licensing fees for low income, military families and young workers (18-25 years of age). It was signed by the Governor on 3-21-19 and becomes effective in September.

LB 499: The bill proposes adoption of the APA code for psychology licensing. The hearing was held 3-27-19 and the bill has not come out of committee.

LB 627: The bill prohibits employment discrimination based on sexual orientation and gender identity. It has not moved since February.

Feyen reported on a federal Department of Health and Human Services conscience rule that protects individuals using a conscience clause.

- c. Regulation Update (172 NAC 94)

This was discussed above. .

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

Chiles was asked about Applied Behavioral Analysts. She responded that no legislation had been introduced but Medicaid was re-writing regulations.

AASCB – The national meeting will be held August 7-9, 2019, in Washington, D.C.

AMFTRB – Battleson reported he participated in examination item writing last weekend.

ASWB – Feyen reported she attended the spring Education Meeting. She reported:

- 1) Child welfare workers must be credentialed social workers in many states and Ohio social workers can administer Naloxone.
- 2) There is training for states on how to elect persons to balance out de-regulation.

Maxson commented Arizona passed a bill fast tracking licensing. He said if have held a license for 1 year in another state, you can obtain a license in Arizona. Feyen responded that in many states it is 2 years.

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 – 25 pass, 5 fail
NBCC-NCE – 10 pass, 4 fail
NCMHCE-DM – 5 pass, 4 fail
NCMHCE-IG – 8 pass, 1 fail
ASWB Master's – 1 pass
Jurisprudence – 10 pass

License statistics:

LIMHP – 1875
MFT – 102
MSW – 937
CMSW – 29
LMHP – 2336
CPC – 894
PMSW – 310
PLMHP – 1060
SW - 535

7. ADJOURNMENT

Feyen declared the meeting adjourned at 2:37 p.m.

Respectfully Submitted,

Thomas Maxson, Secretary
Board of Mental Health Practice

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