

MEETING MINUTES
Board of Mental Health Practice
 July 13, 2018

These minutes were approved by the Board on September 7, 2018.

1. ROLL CALL

The meeting of the Board of Mental Health Practice was called to order by the Chair, Susan Feyen, at 9:04 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:	Dale Battleson Chante Chambers Susan Feyen L. Janeen Gill Thomas Maxson Terrance Moore Sarita Ruma	Member Member Chair Member Member Vice-Chair Secretary
Members Absent:	Cassandra Dittmer William Gaughan Tamara Kenning	Member Member Member
Others Present:	Kris Chiles Nancy Herdman Mindy Lester Trevor Klaassen Mark Meyerson Larry Wiehn Anna Harrison Carla Cue	Program Manager, Licensure Unit Health Licensing Coordinator, Licensure Unit Assistant Attorney General Investigator Investigator Investigator Compliance Monitor Investigator

A quorum was present and the meeting convened.

2. ADOPTION OF AGENDA

MOTION: Battleson moved, seconded by Ruma, to adopt the agenda. A voice vote was taken. Voting aye: Battleson, Chambers, Feyen, Gill, Maxson, Moore, Ruma (7). Voting nay: None (0). Absent: Dittmer, Gaughan, Kenning (3). Abstain: None (0). Motion carried.

3. APPROVAL OF MINUTES (5-4-18)

MOTION: Gill moved, seconded by Battleson, to approve the minutes of 5-4-18. A roll call vote was taken. Voting aye: Battleson, Chambers, Feyen, Gill, Maxson, Moore, Ruma (7). Voting nay: None (0). Absent: Dittmer, Gaughan, Kenning (3). Abstain: None (0). Motion carried.

4. INVESTIGATIVE REPORTS & OTHER CONFIDENTIAL INFORMATION – CLOSED SESSION

MOTION: Gill moved, seconded by Ruma, to enter into closed session at 9:06 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, Feyen, Gill, Maxson, Moore, Ruma (7). Voting nay: None (0). Absent: Dittmer, Gaughan, Kenning (3). Motion carried.

- 9:15 a.m. - Herdman departed meeting
- 9:24 a.m. - Herdman entered meeting
Meyerson departed meeting
- 10:25 a.m. - Break
- 10:44 a.m. - Meeting resumed
- 11:05 a.m. - Ruma and Maxson departed meeting (conflict)
- 11:11 a.m. - Ruma and Maxson entered meeting
- 11:25 a.m. - Klaassen, Wiehn and Cue departed meeting
- 11:27 a.m. - Harrison and Herdman departed meeting

11:32 a.m. - Herdman entered meeting

MOTION: Battleson moved, seconded by Ruma, to enter into open session at 12:02 p.m. A roll call vote was taken. Voting aye: Battleson, Chambers, Feyen, Gill, Maxson, Moore, Ruma, (7). Voting nay: None (0). Absent: Dittmer, Gaughan, Kenning (3). Motion carried.

12:02 p.m. - Break

12:15 p.m. - Meeting resumed

2 public persons entered meeting

Dr. Williams, Chief Medical Officer and Director of the Division of Public Health, entered the meeting

Moved to agenda item 6.

6. REGULATIONS: REVIEW, DISCUSSION, AND SUGGESTED CHANGES TO 172 NAC 94

Dr. Williams reported he initiated a meeting with Feyen, Chiles and 2 other faith based stakeholder groups regarding the regulations. The purpose of meeting was to try to come to agreement on language regarding referral and discrimination. He stated it was a good discussion honoring each individual's beliefs. Dr. Williams stated he would be retiring in August and he regretted not being able to follow thru on this issue.

Feyen commented it was a good meeting and it was important to move the regulations forward. She stated the group made progress on the referral issue. The group reviewed the 2014 language and 2017 language and those in attendance appeared to support the 2014 language. Both Maxson and Battleson stated they would like to see language on documenting the referral in the client record added to the 2014 language like the one sentence contained in the 2017 language. The Board agreed to the concept of the 2014 language with inclusion that the referral must be documented in the client's record.

2014 Proposed Language:

Referrals: If a credential holder is unable to provide therapeutic services to a patient/client due to competency, scope of practice, sincerely held convictions or other circumstances, the credential holder must refer the patient/client to other credential holders. This may be done by directing the patient/client to specific credential holders or to a list or directory of credential holders who may be able to provide professional assistance.

2017 Proposed Language:

Referrals: If a credential holder is unable to provide therapeutic services to a client or patient due to competency, scope of practice, personal convictions, client request or other circumstances, the credential holder must provide an appropriate referral. The referral must be documented in the client's record.

Feyen reported the group did not get to the discrimination statement at their last meeting but would address that at a future meeting. Dr. Williams stated the current administration position is the regulations must coordinate with what is in statute and thus the regulations cannot include the words gender identity or sexual orientation.

Chiles commented the Board was close to finalizing the section on unprofessional conduct and she thanked everyone for their work.

Feyen then moved on to the discussion relating to the definition of major mental disorder. She reported she had met again with the representatives from the Board of Psychology and they discussed the suggestions made by the Mental Health Practice Board. The workgroup created a new draft definition (7-11-18) which removed items #6 and #8 from the list of behavioral or psychological disorder symptoms in the previous draft and incorporated them into the paragraph at the end of the definition.

Maxson asked about substance use disorders where there is a substance use severe diagnosis and LADC's cannot treat major mental disorders. The discussion was that each had their scope of practice and it should not be an issue. The Board was in support of the latest revision of the definition of major

mental disorder. The draft language will now need to be reviewed by the Board of Psychology as the goal is for both Boards to be in agreement on the definition.

1:00 p.m. - Gill departed meeting

A public person commented that he felt the meeting was helpful and he appreciated the opportunity to reiterate the perspective of the Nebraska Catholic Conference.

1:03 p.m. - 2 public persons departed the meeting
Dr. Williams departed the meeting

Moved to agenda item 5.

5. REVIEW, RECOMMENDATIONS, AND REPORT OUT

- Applications, Mail Ballot Summary Report and Reinstatements

Convictions:

Molly Pandorf – CMSW Reinstatement

MOTION: Moore moved, seconded by Ruma, to recommend reinstatement of the certificate. A roll call vote was taken. Voting aye: Battleson, Chambers, Feyen, Maxson, Moore, Ruma (6). Voting nay: None (0). Abstain: None (0). Absent: Dittmer, Gaughan, Gill, Kenning (4). Motion carried.

Lynette Battreall – LIMHP Applicant

MOTION: Ruma moved, seconded by Battleson, to recommend issuance of the license. A roll call vote was taken. Voting aye: Battleson, Chambers, Feyen, Maxson, Moore, Ruma (6). Voting nay: None (0). Abstain: None (0). Absent: Dittmer, Gaughan, Gill, Kenning (4). Motion carried.

Beau Sedlacek – PLMHP Applicant

MOTION: Maxson moved, seconded by Ruma, to recommend issuance of the license. A roll call vote was taken. Voting aye: Battleson, Chambers, Feyen, Maxson, Moore, Ruma (6). Voting nay: None (0). Abstain: None (0). Absent: Dittmer, Gaughan, Gill, Kenning (4). Motion carried.

Jason Dotzler – PLMHP Applicant

MOTION: Battleson moved, seconded by Chambers, to recommend deferral and request additional information. A roll call vote was taken. Voting aye: Battleson, Chambers, Feyen, Maxson, Moore, Ruma (6). Voting nay: None (0). Abstain: None (0). Absent: Dittmer, Gaughan, Gill, Kenning (4). Motion carried.

Rachel Denney – PLMHP Applicant

MOTION: Battleson moved, seconded by Ruma, to recommend issuance of the license. A roll call vote was taken. Voting aye: Battleson, Chambers, Feyen, Maxson, Moore, Ruma (6). Voting nay: None (0). Abstain: None (0). Absent: Dittmer, Gaughan, Gill, Kenning (4). Motion carried.

Examination:

Amie Albrecht, LMHP Applicant, took the Counselor Preparation Comprehensive Examination (CPCE) and the Board reviewed it to determine if it was acceptable as equivalent to those defined in 94-002.

MOTION: Battleson moved, seconded by Ruma, that the CPCE examination is not equivalent to the mental health practice examinations per 94-002. A roll call vote was taken. Voting aye: Battleson, Chambers, Feyen, Maxson, Moore, Ruma (6). Voting nay: None (0). Abstain: None (0). Absent: Dittmer, Gaughan, Gill, Kenning (4). Motion carried.

Education:

Doris Anderson, CSW applicant, received a bachelor's degree in 2007 with a major in criminal justice and a minor in social work. Her school verified she later completed all of the requirements for a

bachelor's degree in social work but the school could not issue another bachelor's degree.

MOTION: Moore moved, seconded by Chamber, to recommend issuance of the certificate. A roll call vote was taken. Voting aye: Battleson, Chambers, Feyen, Maxson, Moore, Ruma (6). Voting nay: None (0). Abstain: None (0). Absent: Dittmer, Gaughan, Gill, Kenning (4). Motion carried.

Moved to agenda item 7.

7. UPDATES AND REPORTS

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

AASCB – Chiles reported the Department had just received the membership dues invoice.

AMFTRB – Battleson reported he would be going to the conference in September and had been participating on work regarding the examination.

ASWB – Feyen reported she recently attended the meeting. She reported they discussed reciprocity and Nebraska was good in this area. She commented that social work in Nebraska was not aligned with other states. Nebraska individuals can get a certification in Nebraska but cannot get the license because not doing clinical. Feyen commented that it would take legislation in Nebraska to change this.

Justice Behavioral Health Committee – Maxson reported he attended the June meeting. He stated there was a presentation on medication-assisted treatment. He learned the number of probation officers has increased 22%. They also discussed LB 982 which goes into effect on 7-19-18. It says a person 18 years old or older can consent to mental health services without parental consent. There was discussion if this applied to all 18 years old or only to those who were married. Chiles will check with Department legal.

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

Chiles circulated the disciplinary/non-disciplinary report.

Chiles reported the following examination results since January 1, 2018:

- NBCC NCE – 30 pass, 7 fail
- NBCC clinical 12 p, 7 fail DM
- AMFTRB – 2 pass
- ASWB – 34 pass, 18 fail

Chiles distributed the following statistics:

- LIMHP – 1769
- LMHP – 2732
- CPC – 1003
- MFT – 97
- MSW – 947
- CMSW – 35
- PLMHP – 1032
- PL MSW – 270
- CSW - 646

Chiles reminded the board that renewal was 9-1-18. She stated the on-line renewals were being processed the next day after being received.

Chiles asked if the Board would like to create articles of interest to go on the web. A Board News Page will be put on the next agenda.

Chiles was asked about follow-up information relating to Applied Behavioral Analysts. She responded that a meeting with the Department is scheduled for July 16th and more information will be available after that meeting.

8. ADJOURNMENT

Feyen adjourned the meeting of the Board of Mental Health Practice at 1:45 p.m.

Respectfully Submitted,

Sarita Ruma, Secretary
Board of Mental Health Practice

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