

**MEETING MINUTES**  
**Board of Mental Health Practice**  
September 7, 2018

These minutes were approved by  
the Board on November 2, 2018

**1. ROLL CALL**

The meeting of the Board of Mental Health Practice was called to order by the Chair, Susan Feyen, at 9:07 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 Chante Chambers Cassandra Dittmer Susan Feyen William Gaughan L. Janeen Gill Thomas Maxson Terrance Moore Sarita Ruma	Member Member Member Chair Member Member Member Vice-Chair Secretary
Members Absent:	Tamara Kenning	Member
Others Present:	Kris Chiles Nancy Herdman Lisa Anderson Mark Meyerson Anna Harrison	Program Manager, Licensure Unit Health Licensing Coordinator, Licensure Unit Assistant Attorney General Investigator Compliance Monitor

A quorum was present and the meeting convened.

**2. ADOPTION OF AGENDA**

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

**3. APPROVAL OF MINUTES (7-13-18)**

**MOTION:** Battleson moved, seconded by Moore, to approve the minutes of 7-13-18. A roll call vote was taken. Voting aye: Battleson, Chambers, Feyen, Gaughan, Gill, Maxson, Moore, Ruma (8). Voting nay: None (0). Absent: Kenning (1). Abstain: Dittmer (1). Motion carried.

**4. INVESTIGATIVE REPORTS & OTHER CONFIDENTIAL INFORMATION – CLOSED SESSION**

**MOTION:** Gill moved, seconded by Battleson, 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. Feyen repeated the motion purpose. A roll call vote was taken. Voting aye: Battleson, Chambers, Dittmer, Feyen, Gaughan, Gill, Maxson, Moore, Ruma (9). Voting nay: None (0). Absent: Kenning (1). Motion carried.

- 9:12 a.m. - Feyan departed meeting (conflict)
- 9:39 a.m. - Feyan entered meeting
- 9:52 a.m. - Feyan and Ruma departed meeting (conflict)
- 9:57 a.m. - Feyan entered meeting
- 9:59 a.m. - Ruma entered meeting
- 10:09 a.m. - Meyerson departed meeting
- 10:10 a.m. - 2 public individuals entered meeting
- 10:20 a.m. - 2 public members departed meeting
- 10:24 a.m. - Break
- 10:34 a.m. - Meeting resumed
- 10:53 a.m. - Feyan departed meeting (conflict)

10:55 a.m. - Gaughan departed meeting (conflict)  
11:00 a.m. - Feyan and Gaughan entered meeting  
11:31 a.m. - Feyan departed meeting (conflict)  
11:34 a.m. - Feyan entered meeting

**MOTION:** Ruma moved, seconded by Dittmer, to enter into open session at 11:34 a.m. A roll call vote was taken. Voting aye: Battleson, Chambers, Dittmer, Feyen, Gaughan, Gill, Maxson, Moore, Ruma, (9). Voting nay: None (0). Absent: Kenning (1). Motion carried.

11:35 a.m. - 4 public individuals entered meeting  
11:36 a.m. - Harrison departed meeting

## **5. REVIEW, RECOMMENDATIONS, AND REPORT OUT**

- Applications, Mail Ballot Summary Report and Reinstatements

Convictions:

### **Jason Dotzler – PLMHP Applicant**

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

### **Reginald Bollinger – PLMHP/PCMSW Applicant**

**MOTION:** Maxson moved, seconded by Dittmer, to recommend denial of the license based on history of convictions, lack of good character, substance use diagnoses, and lacks one year sobriety. A roll call vote was taken. Voting aye: Battleson, Chambers, Dittmer, Feyen, Gaughan, Gill, Maxson, Moore, Ruma (9). Voting nay: None (0). Abstain: None (0). Absent: Kenning (1). Motion carried.

### **Alison Frohn – Certified Social Worker Applicant**

**MOTION:** Maxson moved, seconded by Ruma, to recommend deferral and request additional information. A roll call vote was taken. Voting aye: Battleson, Chambers, Dittmer, Feyen, Gaughan, Gill, Maxson, Moore, Ruma (9). Voting nay: None (0). Abstain: None (0). Absent: Kenning (1). Motion carried.

### **Natalie Scarpa – PLMHP Applicant**

**MOTION:** Battleson moved, seconded by Ruma, to recommend issuance of the license. A roll call vote was taken. Voting aye: Battleson, Chambers, Dittmer, Gill, Maxson, Moore, Ruma (7). Voting nay: None (0). Abstain: Feyan, Gaughan (2). Absent: Kenning (1). Motion carried.

### **Claudia Welborn – LIMHP Applicant**

**MOTION:** Battleson moved, seconded by Ruma, to recommend issuance of the license. A roll call vote was taken. Voting aye: Battleson, Chambers, Dittmer, Feyen, Gaughan, Gill, Moore, Ruma (8). Voting nay: None (0). Abstain: Maxson (1). Absent: Kenning (1). Motion carried.

### **Suzanna McCollister – PLMHP/PCMSW Applicant**

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

### **Hannah Tangeman – PLMHP/PCMSW Applicant**

**MOTION:** Battleson moved, seconded by Chambers, to recommend issuance of the license with 2 year probation with the standard terms and conditions and the following: random body fluid screens, abstain from alcohol and drugs, quarterly employer reports, follow the recommendations of the evaluation and no solo practice. The basis for the recommendation is conviction history and diagnosis. A roll call vote was taken. Voting aye: Battleson, Chambers, Dittmer, Feyen, Gaughan, Gill, Maxson, Moore, Ruma (9). Voting nay: None (0). Abstain: None (0). Absent: Kenning (1). Motion carried.

Reinstatement - Practiced Since Credential Expired:

**Janis Tetherow – LMHP/CPC Reinstatement**

**MOTION:** Ruma moved, seconded by Dittmer, to recommend reinstatement of the credentials. A roll call vote was taken. Voting aye: Battleson, Chambers, Dittmer, Feyen, Gaughan, Gill, Maxson, Moore, Ruma (9). Voting nay: None (0). Abstain: None (0). Absent: Kenning (1). Motion carried.

**Sarah Hamilton – CMSW Reinstatement**

**MOTION:** Ruma moved, seconded by Chambers, to recommend reinstatement of the certificate. A roll call vote was taken. Voting aye: Battleson, Chambers, Dittmer, Gaughan, Gill, Maxson, Moore, Ruma (8). Voting nay: None (0). Abstain: Feyen (1). Absent: Kenning (1). Motion carried.

Chiles reported the outcome of the mail ballot for Stephanie Saylor, PLMHP Applicant, was to recommend issuance of the license.

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

- Definition of Major Mental Disorder, Discrimination, Referral and Other Sections

Feyen reported she had been working with several stakeholders to draft referral language that they could agree on. The stakeholder group agreed on the following definition:

015.08 Referrals (Draft 8-30-18)

If, for any reason, a credential holder is unable to provide therapeutic services to a client/patient, the credential holder must refer the client or patient to other credential holders. This may be done by directing the client/patient to specific credential holders or to a list or directory of credential holders who may be able to provide professional assistance. The referral must be documented in the client's record.

Tom Venzour, Nebraska Catholic Conference, and Karen Bolling, Nebraska Family Alliance, both expressed their appreciation for all who worked on this language and the efforts to move forward.

Feyen was asked if NASW was in favor of this language. She responded NASW would not prefer this language but have indicated they would not oppose or support it. They prefer "must refer" language.

Dittmer inquired as to whether the first sentence of the definition reflected on the credential holder in terms of issues a credential holder might have. Maxson commented it appeared to add extra direction to what a counselor must do if they might be impaired.

The Board voiced support of the 8-30-18 draft language for referral.

Next item for discussion was the definition of major mental disorder. The latest draft is 7-13-18 and the Board of Psychology is in support of the 7-13-18 draft language. The draft definition reads:

Any clinically significant mental and/or emotional disorder in which symptoms, regardless of specific diagnoses or the nature of the presenting complaint, are associated with present distress or disability or present significantly increased risk of suffering, death, pain, disability, or an important loss of freedom. Such disorders may take many forms and have varying causes but must be considered a manifestation of behavioral, psychological, or biological dysfunction in the person.

The behavioral or psychological disorder symptoms include one or more of the following:

1. Persistent and/or severe suicidal or homicidal thinking and/or behaviors injurious to self and/or others.
2. Psychotic symptoms which include delusions, hallucinations, or formal thought disorders, including evidence of frequent substitution of fantasy for reality.
3. Physical complaints or signs suggesting deterioration or anomaly in physiological, psychophysiological, or neuropsychological functioning.

4. Feeling, mood or affect in which the emotion is clearly disruptive in its effects on other aspects of a person's life. Marked change in mood, depression and/or anxiety incapacitates a person.
5. Severe impairment in concentration and thinking, persistence, and pace. Frequent or consistently impaired thinking.
6. Consistent inability to maintain conduct within the limits prescribed by law, rules, and strong mores. Disregard for safety or others or destructive to property.

No diagnosis from the current edition of the DSM, nor any diagnosis from the currently utilized version of the ICD is excluded from the category of Major Mental Disorder if the contemporary assessment indicates severe symptoms, as outlined in this section. This includes currently observed or assessed dysfunction or impairment that portends danger to self or others, a disabling deterioration of function that seriously impairs daily functioning to include food, clothing, and shelter or an inability to establish or maintain a personal support system.

Persons who have exhibited behaviors consistent with a major mental disorder in the past have an increased probability of exhibiting such behaviors in the future, especially under stress.

The Board voiced support for the 7-13-18 draft definition of major mental disorder.

12:45 p.m. - Teresa Hampton, Department attorney, entered the meeting

Next item for discussion was the discrimination section of the regulations. Hampton restated previous conversation provided by Dr. Williams (prior Director of Health), that the administration will not move the regulations forward if they contain the words sexual orientation or gender identity. Feyen commented this section would need to change if the Board wanted to move the regulations forward. Options that Board have are: 1) Take the words out; 2) Statutory change; 3) Do nothing; or 4) Wait for a Supreme Court decision.

Maxson commented the last vote was to leave the words in no matter the consequences. Feyen suggested talking to professional organizations for agreement on possible new wording. Hampton suggested leaving in discrimination based on sex and take out sexual orientation and gender identity and it may be acceptable. Hampton also suggested matching up the discrimination categories with the Department of Labor standards of discriminatory categories. Hampton will provide the Department of Labor discrimination categories to Chiles.

The Board agreed to further discuss the regulations related to discrimination and confidentiality at the next meeting.

## **7. UPDATES AND REPORTS**

### **a. Applied Behavioral Analyst Options**

Chiles reported she had attended meetings regarding applied behavioral analysts. She stated two possible options:

- The statutes provide an exception to licensure (38-2121(8)) and some applied behavioral analysts may fall within this exception.

The requirement to be licensed as a mental health practitioner pursuant to the Uniform Credentialing Act in order to engage in mental health practice shall not be construed to prevent: .....(8) Any person providing emergency crisis intervention or referral services or limited services supporting a service plan developed by and delivered under the supervision of a licensed mental health practitioner, licensed physician, or a psychologist licensed to engage in the practice of psychology if such persons are not represented as being licensed mental health practitioners or their services are not represented as mental health practice;

- The applied behavioral analysts may seek a statutory change through the 407 process.

**b. AASCB / AMFTRB / ASWB / Justice Behavioral Health Committee**

AASCB – There was no report.

AMFTRB – Battleson reported he would be going to their conference in a couple weeks.

ASWB – Feyen reported she would like to attend the November 14-18, 2018, meeting. She said she was not asking for funding but approval to attend as the Nebraska delegate.

**MOTION:** Gill moved, seconded by Moore, to approve Feyen as Nebraska’s delegate to ASWB for the November 2018 meeting. A roll call vote was taken. Voting aye: Battleson, Chambers, Dittmer, Feyen, Gaughan, Gill, Maxson, Moore, Ruma (9). Voting nay: None (0). Abstain: None (0). Absent: Kenning (1). Motion carried.

Justice Behavioral Health Committee – There was no report.

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

Chiles circulated the disciplinary/non-disciplinary report and examination results.

Chiles reported the following numbers did not renew their licenses for the 9-1-18 renewal:

LIMHP, 101  
MFT, 7  
MSW, 114  
CMSW, 6  
LMHP, 511  
CPC, 204  
SW, 174

Chiles asked what percentage of renewals the Board wished to audit and the Board recommended 2%.

**8. NEW BUSINESS**

- Board News Page on Website

At the previous meeting there was discussion relating to creating a Board News Page. Feyen asked how the Board wanted this to happen. Chiles will create the page but others will need to write the articles. Gill agreed to write an article for the next meeting.

- Suggested Meeting Dates for 2019

The Board agreed to the following 2019 meeting dates: 1-11, 3-1, 5-3, 7-12, 9-6 and 11-1.

**9. ADJOURNMENT**

Feyen adjourned the meeting of the Board of Mental Health Practice at 1:56 p.m.

Respectfully Submitted,  _____ Sarita Ruma, Secretary Board of Mental Health Practice
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Summarized by: Nancy Herdman, Health Licensing Coordinator, Licensure Unit