

**MEETING MINUTES**  
**Board of Mental Health Practice**

November 2, 2018

These minutes were approved by the Board on January 11, 2019
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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:	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 Mindy Lester Mark Meyerson Dennis Scott Jeff Newman Anna Harrison 1 State Patrol Officer	Program Manager, Licensure Unit Health Licensing Coordinator, Licensure Unit Assistant Attorney General Investigator Investigator Investigator 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, Gaughan, Gill, Maxson, Moore, Ruma (9). Voting nay: None (0). Absent: Kenning (1) Abstain: None (0). Motion carried.

**3. APPROVAL OF MINUTES (9-7-18)**

**MOTION:** Gill moved, seconded by Dittmer, to approve the minutes of 9-7-18. 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). Abstain: None (0). Motion carried.

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

**MOTION:** Moore moved, seconded by Ruma, to enter into closed session at 9:14 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.

- 9:14 a.m. - Scott and State Patrol Officer departed meeting
- 9:44 a.m. - Harrison departed meeting
- 9:45 a.m. - Scott entered meeting
- 9:46 a.m. - Lester departed meeting
- 9:47 a.m. - Harrison entered meeting
- 9:48 a.m. - Lester entered meeting
- 10:13 a.m. - Ruma and Feyen departed meeting (conflict)
- 10:30 a.m. - Ruma and Feyen entered meeting

10:30 a.m. - Break  
Scott, Meyerson and Newman departed meeting  
10:44 a.m. - Dittmer departed meeting (conflict)  
11:00 a.m. - Dittmer entered meeting  
11:04 a.m. - Harrison departed meeting

**MOTION:** Moore moved, seconded by Ruma, to enter into open session at 11:10 p.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.

11:10 a.m. - Teresa Hampton, Department Attorney, entered meeting  
2 public individuals entered meeting

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

- Applications, Mail Ballot Summary Report and Reinstatements

### Convictions:

#### **Alison Frohn – CSW Applicant**

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

### Practicum Experience:

#### **Megan Martin - PLMHP**

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

Herdman reported the outcome of the mail ballot for Erin Woolman, PLMHP applicant, which was the majority of members recommended issuance of the license.

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

- Discrimination, Confidentiality and Other Sections

Section 015 - Discrimination: Feyen reported she had sought input from stakeholders on this section. She received written feedback from Nebraska Association for Marriage and Family Therapists (NAMFT). Gill commented she had spoken with the Counselor's Association representative and they would support the proposed language. The Board discussed following the Federal statutes on discrimination. Mary Sullivan representing NASW stated the association was fine with the proposed discrimination sentence.

The Board supported the following proposed language on discrimination:

“Credential holders must provide professional assistance to patients/clients without discrimination.”

Hampton reported the Governor's Policy Research Office might want the specific discrimination categories listed and she would follow-up with the Board if that should happen.

Section 015 - Referral: Feyen reported she had previously indicated that the Nebraska Association of Social Workers (NASW) had indicated they would neither support nor oppose the draft referral language. She stated she had additional discussions with Terry Werner who said NASW was now leaning towards opposing the definition. Feyen indicate she wanted to talk with Werner again to obtain more clarification. Mary Sullivan stated the issue was the second sentence of the proposed definition regarding directing the client to a credential holder, list or directory that they would like to see come out as they believe is it

micromanaging the profession/business. Moore commented the sentence says “may.” Feyen commented that if the definition was changed now, the Board would have to start over on defining the referral language. The NAMFT and Counseling Association are both in agreement with the 8-30-18 draft referral language.

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

Definition of Client: Moore expressed concern about the definition of client where it refers to professional services as there are social workers who do not do clinical work. The Board reviewed the definition of social work and looked at other relevant statutes and sections of the regulations. Moore agreed that leaving client as defined in the draft was okay.

Technology Assisted: Battleson suggested this be placed under definitions in the draft regulations. He also had concern about it referring to clients in Nebraska only. It was discussed that the regulations set standards for those serving a client in Nebraska and Nebraska cannot regulate what is done in another state.

12:05 p.m. - 1 public person departed meeting (Sullivan)

Maxson asked about clarification on supervision. The draft refers to not supervising more than 6 people at a time in one face-to-face setting.

The Board supported moving the current regulation draft forward. Chiles will forward the draft to Legal for their review.

12:15 p.m. - Break  
12:30 p.m. - Meeting resumed

## **7. UPDATES AND REPORTS**

### **a. Board News Page on Web**

Gill commented she started working on articles but was not sure who was identified as the audience. It was discussed the audience would be licensees and the public. Feyen suggested articles that related to the regulations would seem most appropriate. Dittmer asked how the impact would be measured and if individuals were not accessing the articles, they might have no value. It was discussed that any Board member could write an article. Gill will write an article and forward to Chiles.

Feyen commented she had been contacted by several licensees who had trouble with the website during renewal. They felt the website was not user friendly and having to sign in for each license type was an issue. Also, those who had to reinstate if one of their credentials was not renewed were unhappy about having to pay additional fees and some felt they should be waived. Chiles commented the renewal postcard advised licensees that they had to sign in for each license type and unfortunately with the current renewal system, this could not be avoided.

Maxson asked about Applied Behavioral Analysts. Chiles responded there was nothing new at this time.

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

AASCB – There was no report.

AMFTRB – Battleson reported he attended the conference and he found it interesting to talk to representatives from other states. He commented some of those had horror stories about government issues. Major topics discussed at the meeting were:

- Mobility
- Tele-therapy
- Remedial consistency – Studying discipline actions across states
- Study of the common characteristics of those disciplined
- The examination and how it might be too hard

Chiles commented that psychology had passed a compact for telehealth. As a requirement of being in the compact, psychology applicants must now do fingerprinting.

ASWB – Feyen reported she would attend the meeting in the next couple weeks and one of the items of discussion would be the pass rates for the examination. Maxson asked about the letter the Department received about being out of compliance with the examination and Chiles responded that was because of the examinations Nebraska accepts per our regulations. She will be providing further information to ASWB.

Justice Behavioral Health Committee – Maxson reported the Committee meets in December.

1:10 p.m. - Lester departed meeting

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

Chiles circulated the disciplinary/non-disciplinary report.

Chiles reported the examination results since January 2018:

AMFTRB – 5 pass  
NCE-NBCC – 70 pass, 18 fail  
NBCC-NCMHCE-DM - 9 pass, 12 fail  
NBCC-NCMHCE-IG – 19 pass, 2 fail  
ASWB – 50 pass, 1 fail

Chiles reported the following statistics:

LIMHP, 1765  
MFT, 97  
MSW, 880  
CMSW, 28  
LMHP, 2226  
CPC, 841  
SW, 493  
PLMHP, 1061  
PMSW, 303

1:14 p.m. - Lester entered meeting

**8. 10 YEAR SERVICE RECOGNITION – WILLIAM GAUGHAN**

Gaughan was recognized for his 10 years of service to the Board. He was presented with a certificate and a crystal plaque.

Chiles commented she also had a certificate for Kenning whose term on the Board will expire on 11-30-18. Feyen commented that Kenning had contacted her and expressed that she had enjoyed her brief time on the Board.

Chiles announced new members on the Board effective 12-1-18 were David Hof and Laurie Andrews.

**9. ADJOURNMENT**

Gaughan recommended adjourning the meeting of the Board of Mental Health Practice at 1:25 p.m. The chair declared the meeting adjourned at 1:25 p.m.

Respectfully Submitted,

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Sarita Ruma, Secretary  
Board of Mental Health Practice

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