

MEETING MINUTES
Board of Mental Health Practice
 March 4, 2016

These minutes were approved by the Board on May 13, 2016

1. ROLL CALL

The meeting of the Board of Mental Health Practice was called to order by the Chair, Dale Battleson, at 9:02 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 Susan Feyen Tom Maxson Terrance Moore Allison Reisbig Sarita Ruma	Chair Vice-Chair Member Member Member Member
Members Absent:	William Gaughan Allan Green Shari Schnuelle	Member Member Secretary
Others Present:	Kris Chiles Nancy Herdman Russ Fosler Larry Wiehn Kathleen Krueger Mindy Lester	Program Manager, Licensure Unit Health Licensing Coordinator Investigator Investigator Investigator Assistant Attorney General

A quorum was present and the meeting convened.

2. ADOPTION OF AGENDA

MOTION: Ruma moved, seconded by Moore, to adopt the agenda. A roll call vote was taken. Voting aye: Battleson, Feyen, Maxson, Moore, Reisbig, Ruma (6). Voting nay: None (0). Absent: Gaughan, Green, Schnuelle (3). Abstain: None (0). Motion carried.

3. APPROVAL OF MINUTES (1-8-16)

There were corrections to the minutes. Maxson stated he was at the meeting from the beginning and called the meeting to order. Also, on page 2, under item 5, Moore was the second to the motion to go into closed session and not Maxson.

MOTION: Reisbig moved, seconded by Moore, to approve the minutes of 1-8-16 as corrected. A roll call vote was taken. Voting aye: Battleson, Feyen, Maxson, Moore, Reisbig, Ruma (6). Voting nay: None (0). Absent: Gaughan, Green, Schnuelle (3). Abstain: None (0). Motion carried.

4. INVESTIGATIVE REPORTS & OTHER CONFIDENTIAL INFORMATION – CLOSED SESSION

MOTION: Reisbig moved, seconded by Ruma, to enter into closed session at 9:08 a.m. to hear discussions of an investigative/confidential nature, and for the prevention of needless injury to the reputation of the individuals. A roll call vote was taken. Voting aye: Battleson, Feyen, Maxson, Moore, Reisbig, Ruma (6). Voting nay: None (0). Absent: Gaughan, Green, Schnuelle (3). Motion carried.

- 9:08 a.m. - Moore departed meeting (conflict)
- 9:14 a.m. - Moore entered meeting
- 9:45 a.m. - Ruma departed meeting (conflict)
- 9:49 a.m. - Break
- 9:51 a.m. - Meeting resumed, Ruma entered meeting
- 10:32 a.m. - Fosler and Krueger departed meeting
- 10:37 a.m. - Feyen departed meeting
- 10:40 a.m. - Feyen entered meeting
- 10:45 a.m. - Wiehn departed meeting

11:21 a.m. - Maxson departed meeting (conflict)
11:32 a.m. - Maxson entered meeting, Break
11:40 a.m. - Meeting resumed
12:24 p.m. - Feyen and Ruma departed meeting (conflict)
12:54 p.m. - Feyen and Ruma entered meeting
12:56 p.m. - Break, Lester departed meeting
1:02 p.m. - Meeting resumed, CJ Roberts, Department attorney, entered meeting

MOTION: Ruma moved, seconded by Maxson, to enter into open session at 1:19 p.m. A roll call vote was taken. Voting aye: Battleson, Feyen, Maxson, Moore, Reisbig, Ruma (6). Voting nay: None (0). Absent: Gaughan, Green, Schnuelle (3). Motion carried.

5. REVIEW AND RECOMMENDATIONS – OPEN SESSION

a. Applications and Reinstatements

Eric McDougale – Reinstatement of LMHP from Discipline (revocation)

MOTION: Maxson moved, seconded by Feyen, to defer and request a diagnostic evaluation with a Board approved examiner, excluding current provider, and the examiner must have access to Findings of Fact, disciplinary order and collateral contact with other mental health professionals. A roll call vote was taken. Voting aye: Battleson, Feyen, Maxson, Moore, Reisbig, Ruma (6). Voting nay: None (0). Abstain: None (0). Absent: Gaughan, Green, Schnuelle (3). Motion carried.

Chelsea Egenberger – Request to accept hours when did not hold PCMSW

MOTION: Reisbig moved, seconded by Moore, to deny request for accepting hours earned without holding PCMSW per statute 38-2129. A roll call vote was taken. Voting aye: Battleson, Feyen, Maxson, Moore, Reisbig, Ruma (6). Voting nay: None (0). Abstain: None (0). Absent: Gaughan, Green, Schnuelle (3). Motion carried.

David McCann - LMHP

MOTION: Feyen moved, seconded by Maxson, to defer and request a pre-licensure investigation. A roll call vote was taken. Voting aye: Battleson, Feyen, Maxson, Moore, Reisbig, Ruma (6). Voting nay: None (0). Abstain: None (0). Absent: Gaughan, Green, Schnuelle (3). Motion carried.

Joshua Augustin – Reinstatement of PLMHP

MOTION: Moore moved, seconded by Ruma, to offer reinstatement on 2 year probation with the standard terms and conditions and the following: body fluid screens, abstain from alcohol and drugs, follow the evaluation recommendations. A roll call vote was taken. Voting aye: Battleson, Feyen, Moore, Reisbig, Ruma (5). Voting nay: None (0). Abstain: Maxson (1). Absent: Gaughan, Green, Schnuelle (3). Motion carried.

Tino Miller – PLMHP

MOTION: Maxson moved, seconded by Feyen, to recommend approval of the PLMHP. A roll call vote was taken. Voting aye: Battleson, Feyen, Maxson, Moore, Reisbig, Ruma (6). Voting nay: None (0). Abstain: None (0). Absent: Gaughan, Green, Schnuelle (3). Motion carried.

April Thomas – PLMHP

MOTION: Maxson moved, seconded by Moore, to recommend approval of the PLMHP. A roll call vote was taken. Voting aye: Battleson, Feyen, Maxson, Moore, Reisbig, Ruma (6). Voting nay: None (0). Abstain: None (0). Absent: Gaughan, Green, Schnuelle (3). Motion carried.

Cassandra Hoffart - PLMHP

MOTION: Feyen moved, seconded by Moore, to table for an updated co-occurring evaluation. A roll call vote was taken. Voting aye: Battleson, Feyen, Maxson, Moore, Reisbig, Ruma (6). Voting nay: None (0). Abstain: None (0). Absent: Gaughan, Green, Schnuelle (3). Motion carried.

Brooke Green – PLMHP

MOTION: Feyen moved, seconded by Maxson, to recommend approval of the PLMHP. A roll call vote was taken. Voting aye: Battleson, Feyen, Maxson, Moore, Reisbig, Ruma (6). Voting nay: None (0). Abstain: None (0). Absent: Gaughan, Green, Schnuelle (3). Motion carried.

Tanesha Cheatams - PLMHP

MOTION: Reisbig moved, seconded by Moore, to offer a license on 2 year probation with the standard terms and conditions and the following: body fluid screens, abstain from alcohol and drugs, follow the evaluation recommendations. A roll call vote was taken. Voting aye: Battleson, Feyen, Maxson, Moore, Reisbig, Ruma (65). Voting nay: None (0). Abstain: None (0). Absent: Gaughan, Green, Schnuelle (3). Motion carried.

6. UNFINISHED BUSINESS

a. Status of Regulation 172 NAC 94 (no update)

Chiles stated there was no update. She reported she had provided information to Courtney Philips on the process, premise of the draft regulations, history and language contained in the regulations for the 4 public hearings.

Maxson commented that Kentucky had the same phrasing in their regulations and the ACA was objecting.

b. Other

There was no information to report.

1:47 p.m. - Lester entered meeting

7. NEW BUSINESS

a. Correspondence

Chiles reported she had received a letter from Wayne State and they have received CACREP accreditation for their clinical mental health program.

Chiles reported she had received information on the 2015 pass rate for the social work examination.

For Nebraska: Clinical exam -1st time, 36 exams, 80% pass
Clinical exam - repeat, 26 exams, 38.5% pass
Average total pass, 62.9%

North America: Clinical exam -1st time, 76% pass
Clinical exam - repeat, 34.9% pass
Total pass, 64%

b. Other

Chiles reported the Licensure Unit was currently involved with a process improvement project and 10 areas would be going through the process. They are looking at what can be improved such as applications, websites, etc. and are doing outreach with schools and employers. Chiles reported that with nursing, 80% of the applications had deficiencies. A survey was sent to employers, nursing programs, and nurses to see how the application could be improved. Changes were made to the application based on the feedback and in looking at 100 new applications, there was only a 5% deficient. Chiles stated mental health would be the next group to go through process improvement.

8. UPDATES AND REPORTS

a. 2016 Legislation

Chiles reported that LB 859, the cease and desist bill, was sent to the Governor yesterday with an emergency clause. Per the bill, the Board would make recommendations to the Department for cease and desists with the Department making the final decision.

LB859 amends statutes in the Uniform Credentialing Act related to cease and desist orders from Nebraska licensing boards to prevent violations of federal antitrust law in light of a recent U.S. Supreme Court decision, *North Carolina State Board of Dental Examiners v. Federal Trade Commission*. The bill ensures the members of state licensing boards continue to receive the state's immunity from federal antitrust lawsuits while performing their duties related to addressing unlicensed practice of professions. The bill moves the authority to issue cease and desist orders from the individual boards, to the director of the Division of Public Health with the recommendation of such board.

b. AASCB / AMFTRB / ASWB / Citizen Advocacy Center / Justice Behavioral Health Committee

ASWB

Feyen expressed an interest in attending the April ASWB meeting.

MOTION: Ruma moved, seconded by Reisbig, to recommend expending of funds for Feyen to attend ASWB. A roll call vote was taken. Voting aye: Battleson, Maxson, Moore, Reisbig, Ruma (5). Voting nay: None (0). Abstain: Feyen (1). Absent: Gaughan, Green, Schnuelle (3). Motion carried.

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

There were no reports provided.

d. Jurisprudence Examination (need to review questions) - Closed Session

Chiles will send questions to Maxson for review.

e. Other – Open Session

Chiles reported Larry Wilson had requested a hearing before the Board regarding the denial of reinstatement. Lester cannot attend the Board meeting on May 6, 2016. The Board agreed to move the meeting to May 12, 2016 with the hearing starting at 9:15 a.m.

Lester reported she would be doing an ethics training with Jerome Barry for mental health and alcohol and drug counselors. She asked to Board to let her know if there were any specific areas they would like addressed. Members suggested mandatory reporting.

9. ADJOURNMENT

Battleson adjourned the meeting of the Board of Mental Health Practice at 2:02 p.m.

Respectfully Submitted,

Shari Schnuelle, Secretary
Board of Mental Health Practice

Next Meeting: May 12, 2016