

MEETING MINUTES
Board of Alcohol and Drug Counseling
April 14, 2016

These minutes were
approved by the Board on
July 14, 2016

1. ROLL CALL

The meeting of the Board of Alcohol and Drug Counseling was called to order by Natasha Robinson, Chair, at 9:00 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.

The following members answered roll call:

Members Present:	Christine Chasek	-	Chair
	Lori Cleveland	-	Secretary
	Jody Gilfillan	-	Member
	Ian Lemmer	-	Member
	Natasha Robinson	-	Member
Members Absent:	Marlene Schneider	-	Vice-Chair
	Tomeka Johnson	-	Member
	Alfredo Ramirez	-	Member
Staff Present:	Kris Chiles, Licensure Unit Carrie Nielsen, Licensure Unit Mindy Lester, Assistant Attorney General Dennis Scott, Investigator Russ Fosler, Administrator, Investigations Anna Harrison, Compliance Monitor General Reporting Service Staff Person		

2. ADOPTION OF AGENDA

MOTION: Robinson moved, seconded by Cleveland, to approve the agenda. A roll call vote was taken. Voting aye: Chasek, Cleveland, Gilfillan, Lemmer, Robinson (5). Voting nay: None (0). Absent: Johnson, Ramirez, Schneider (3). Motion carried.

3. APPROVAL OF MINUTES (1-14-16)

MOTION: Cleveland moved, seconded by Lemmer, to approve the minutes of 1-14-16. A roll call vote was taken. Voting aye: Chasek, Cleveland, Gilfillan, Lemmer, Robinson (5). Voting nay: None (0). Absent: Johnson, Ramirez, Schneider (3). Motion carried.

4. HEARING ON THE REINSTATEMENT AND EARLY RELEASE FROM PROBATION – LARRY WILSON

- 9:10 am
- Larry Wilson entered meeting
 - Teresa Hampton, Department Attorney, entered meeting
 - Anna Harrison, Compliance Monitor, entered meeting

The hearing on reinstatement and early release from probation requested by Larry Wilson, was convened at 9:10 a.m. Teresa Hampton, Department Attorney, served as the hearing officer. The Department was represented by Mindy Lester, Assistant Attorney General. Larry Wilson, represented himself. Kris Chiles, Program Manager with the Licensure Unit, was called as a witness. Exhibits were entered and accepted. Evidence was presented and testimonies provided.

MOTION: Robinson moved, seconded by Cleveland, to enter into closed session at 9:36 a.m. to discuss the reinstatement and early release from probation and for the prevention of needless injury to the reputation of the individual. A roll call vote was taken. Voting aye: Chasek, Cleveland, Gilfillan, Lemmer, Robinson (5). Voting nay: None (0). Absent: Johnson, Ramirez, Schneider (3). Motion carried.

9:34a.m. - Chiles, Wilson, General Reporting person, Scott, Fosler and Lester departed meeting

MOTION: Lemmer moved, seconded by Cleveland, to return to open session at 10:03 a.m. A roll call vote was taken. Voting aye: Chasek, Cleveland, Gilfillan, Lemmer, Robinson (5). Voting nay: None (0). Absent: Johnson, Ramirez, Schneider (3). Motion carried.

10:03 am - Chiles, Wilson, General Reporting staff person, Scott, Fosler and Lester entered meeting

MOTION: Robinson moved, seconded by Cleveland, to modify Larry Wilson's probation status to reduce probation by 1-year due to new exhibits of letters of support in his recovery, leadership in his position and community and thus far completion of probation expectation as set forth. Decline total reinstatement due to severity of events that led to discipline of licensure in the first place. A roll call vote was taken. Voting aye: Chasek, Cleveland, Gilfillan, Lemmer, Robinson (5). Voting nay: None (0). Absent: Johnson, Ramirez, Schneider (3). Motion carried.

10:03 am - Hampton, Larry Wilson and General Reporting person, departed meeting

10:04 a.m. - Break

10:16 a.m. - Meeting resumed

5. INVESTIGATIVE REPORTS/COMPLIANCE MONITORING AND APPLICANT CONVICTION/SENSITIVE INFORMATION – CLOSED SESSION

MOTION: Robinson moved, seconded by Cleveland, to enter into closed session at 10:17 a.m. to hear discussions of investigative reports, and for the prevention of needless injury to the reputations of the individuals. A roll call vote was taken. Voting aye: Chasek, Cleveland, Gilfillan, Lemmer, Robinson (5). Voting nay: None (0). Absent: Johnson, Ramirez, Schneider (3). Motion carried.

10:45 a.m. - Harrison, departed meeting

10:49 a.m. - Harrison, entered meeting

10:54 a.m. - Fosler, departed meeting

11:04 a.m. - Teresa Hampton, Department attorney, entered meeting

11:11 a.m. - Lester, departed meeting

11:20 a.m. - Scott, departed meeting

11:33 a.m. - Hampton, departed meeting

11:33 a.m. - Lester, entered meeting

11:41 a.m. - Gilfillan, departed meeting (conflict)

11:45 a.m. - Gilfillan, entered meeting

MOTION: Robinson moved, seconded by Lemmer, to return to open session at 11:54 a.m. A roll call vote was taken. Voting aye: Chasek, Cleveland, Gilfillan, Lemmer, Robinson (5). Voting nay: None (0). Absent: Johnson, Ramirez, Schneider (3). Motion carried.

11:54 a.m. - Nielsen, departed meeting

6. APPLICATION REIVEWS: PLADC AND LADC – OPEN SESSION

a. APPLICATIONS/REINSTATEMENTS

Kellan Vencil - PLADC

Application Summary: Conviction review.

MOTION: Gilfillan moved, seconded by Robinson, to recommend issuance of PLADC with no terms and conditions. A roll call vote was taken. Voting aye: Chasek, Cleveland, Gilfillan, Lemmer, Robinson (5). Voting nay: None (0). Absent: Johnson, Ramirez, Schneider (3). Motion carried.

Jeromie Luginbill – 2nd PLADC

Application Summary: Conviction review.

MOTION: Lemmer moved, seconded by Cleveland, to recommend issuance of PLADC with no terms and conditions. A roll call vote was taken. Voting aye: Chasek, Cleveland, Gilfillan, Lemmer, Robinson (5). Voting nay: None (0). Absent: Johnson, Ramirez, Schneider (3). Motion carried.

Malcolm Mahogany - PLADC

Application Summary: Conviction review.

MOTION: Lemmer moved, seconded by Cleveland, to recommend issuance of PLADC with no terms and conditions. A roll call vote was taken. Voting aye: Chasek, Cleveland, Gilfillan, Lemmer, Robinson (5). Voting nay: None (0). Absent: Johnson, Ramirez, Schneider (3). Motion carried.

Cassandra Hoffart - PLADC

Application Summary: Conviction review.

MOTION: Lemmer moved, seconded by Gilfillan, to recommend issuance of PLADC with no terms and conditions. A roll call vote was taken. Voting aye: Chasek, Cleveland, Gilfillan, Lemmer, Robinson (5). Voting nay: None (0). Absent: Johnson, Ramirez, Schneider (3). Motion carried.

Mary Hughes - PLADC

Application Summary: Conviction review.

MOTION: Robinson moved, seconded by Cleveland, to defer and request additional information. A roll call vote was taken. Voting aye: Chasek, Cleveland, Gilfillan, Lemmer, Robinson (5). Voting nay: None (0). Absent: Johnson, Ramirez, Schneider (3). Motion carried.

Michael Milson - PLADC

Application Summary: Conviction review.

MOTION: Gilfillan moved, seconded by Lemmer, to issue with probation. A roll call vote was taken. Voting aye: Chasek, Cleveland, Gilfillan, Lemmer, Robinson (5). Voting nay: None (0). Absent: Johnson, Ramirez, Schneider (3). Motion carried.

Miranda Stoll – Reinstatement following Disciplinary Action (Voluntary Surrender)

MOTION: Robinson moved, seconded by Lemmer, to reinstate with no terms and conditions. A roll call vote was taken. Voting aye: Chasek, Cleveland, Gilfillan, Lemmer, Robinson (5). Voting nay: None (0). Absent: Johnson, Ramirez, Schneider (3). Motion carried.

Lori Carde – Reinstatement following Disciplinary Action

MOTION: Gilfillan moved, seconded by Robinson to reinstate with no terms and conditions. A roll call vote was taken. Voting aye: Chasek, Cleveland, Gilfillan, Lemmer, Robinson (5). Voting nay: None (0). Absent: Johnson, Ramirez, Schneider (3). Motion carried.

7. UPDATES/REPORTS

- **Justice Behavioral Health Committee**

Chasek reported the Committee voted to eliminate a position, discussed promoting upcoming October meeting and looked at reciprocity mobility.

- **IC&RC**

MOTION: Cleveland moved, seconded by Robinson, to approve expending funds for attendance at the IC & RC meeting. A roll call vote was taken. Voting aye: Chasek, Cleveland, Gilfillan, Lemmer, Robinson (5). Voting nay: None (0). Absent: Johnson, Ramirez, Schneider (3). Motion carried.

- **LR 185**

There was no new information on LR 185. Chiles reported on LB 859 and LB 750.

LB859 was approved by the Governor on March 9, 2016, with an emergency clause (goes into affect immediately). This bill 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.

LB750 was approved by the Governor on April 6, 2016 and adds an anti-retaliation provision and clarifies confidentiality requirements under the Uniform Credentialing Act. This act stipulates the duty of health professionals to report certain conduct to the Department of Health and Human Services, the process by which these mandatory reporting requirements are fulfilled, and the hearing and investigation process.

- **Disciplinary/Non-Disciplinary Action Report, Licensure/Examination Statistics & Administrative Fees**

Chiles reported the following:

- 13 passed, 1 failed the examination from 1-1-16 to 4-13-16
- the following current licensees:

PLADC	376
LADC	721

8. NEW BUSINESS

- **Correspondence**

There was no information to report.

- **Appointment of CE and Initial Education Consultants**

Gilfillan volunteered to review CE and Initial Education.

9. ADJOURNMENT

MOTION: Cleveland moved, seconded by Gilfillan, to adjourn. A roll call vote was taken. Voting aye: Chasek, Cleveland, Gilfillan, Lemmer, Robinson (5). Voting nay: None (0). Absent: Johnson, Ramirez, Schneider (3). Motion carried.

The chair declared the meeting adjourned at 12:28p.m.

Respectfully Submitted,

Lori Cleveland, Secretary
Board of Alcohol and Drug Counseling

Next Meeting: July 14, 2016
Summarized by: Carrie Nielsen
Health Licensing Specialist