

**MEETING MINUTES**  
**Board of Mental Health Practice**  
 July 1, 2016

These minutes were approved by the Board on September 9, 2016
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**1. ROLL CALL**

The meeting of the Board of Mental Health Practice was called to order by the Chair, Dale Battleson, 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 Susan Feyen William Gaughan Tom Maxson Terrance Moore Allison Reisbig Sarita Ruma Shari Schnuelle	Chair Vice-Chair Member Member Member Member Member Secretary
Others Present:	Kris Chiles Nancy Herdman Mindy Lester Anna Harrison Dennis Scott Russ Fosler Carl Cue Sherri Lovelace Susan Aerni	Program Manager, Licensure Unit Health Licensing Coordinator Assistant Attorney General Compliance Monitor Investigator Administrator, Investigations Investigator Investigator Investigator

A quorum was present and the meeting convened.

**2. ADOPTION OF AGENDA**

**MOTION:** Gaughan moved, seconded by Moore, to adopt the agenda. A roll call vote was taken. Voting aye: Battleson, Feyen, Gaughan, Maxson, Moore, Reisbig, Ruma, Schnuelle (8). Voting nay: None (0). Absent: None (0). Abstain: None (0). Motion carried.

**3. APPROVAL OF MINUTES (5-13-16; 5-26-16 conference call)**

**MOTION:** Ruma moved, seconded by Reisbig, to approve the minutes of 5-13-16. A roll call vote was taken. Voting aye: Battleson, Feyen, Gaughan, Maxson, Moore, Reisbig, Ruma, Schnuelle (8). Voting nay: None (0). Absent: None (1). Abstain: None (0). Motion carried.

**MOTION:** Reisbig moved, seconded by Maxson, to approve the minutes of 5-26-16. A roll call vote was taken. Voting aye: Battleson, Gaughan, Maxson, Moore, Reisbig, Ruma, Schnuelle (7). Voting nay: None (0). Absent: None (1). Abstain: Feyen (1). Motion carried.

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

**MOTION:** Ruma moved, seconded by Gaughan, to enter into closed session at 9:-09 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, Gaughan, Maxson, Moore, Reisbig, Ruma, Schnuelle (8). Voting nay: None (0). Absent: None (0). Motion carried.

- 9:09 a.m. - Feyen departed meeting (conflict)
- 9:15 a.m. - Feyen entered meeting  
Scott departed meeting
- 9:30 a.m. - Harrison departed meeting
- 9:34 a.m. - Harrison entered meeting
- 9:40 a.m. - Ruma and Moore departed meeting (conflict)
- 9:49 a.m. - Ruma entered meeting
- 9:50 a.m. - Moore entered meeting
- 10:09 a.m. - Cue, Lovelace, Fosler and Aerni departed meeting

10:34 a.m. - Break  
10:44 a.m. - Meeting resumed  
11:35 a.m. - Lester departed meeting

**MOTION:** Ruma moved, seconded by Gaughan, to enter into open session at 11:35 a.m. A roll call vote was taken. Voting aye: Battleson, Feyen, Gaughan, Maxson, Moore, Reisbig, Ruma, Schnuelle (8). Voting nay: None (0). Absent: None (0). Motion carried.

Moved to agenda item 6.

#### **6. LMHP APPLICATION DISCUSSION WITH DAVID RYAN MCCANN**

11:35 a.m. - David Ryan McCann entered meeting

Chiles stated McCann had submitted an application for review and asked to present to the Board. McCann stated he had submitted a previous application under the supervision of Peterson and that was why his application needed further review. He stated he received a letter from the Department questioning the dates on the supervision form. He stated he did write over the dates on the form. The Department letter told him he needed to obtain an updated form from Peterson. He stated he then obtained new hours under Houser.

Maxson asked McCann why the decision to withdraw. McCann responded he could not obtain what he needed so he decided to get new hours. He commented that the supervisor had initially taken 2 months to get the supervision form to him.

Battleson asked who Houser was. McCann responded that it was his new supervisor.

Feyen commented that he said he "wrote over it." He responded that yes he did. He stated he was just putting in the correct dates and did not think it would cause an issue.

11:37 a.m. - Lester entered meeting

Moved back to agenda item 4.

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

**MOTION:** Schnuelle moved, seconded by Reisbig, to enter into closed session at 11:43 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, Gaughan, Maxson, Moore, Reisbig, Ruma, Schnuelle (8). Voting nay: None (0). Absent: None (0). Motion carried.

11:50 a.m. - Lester departed meeting  
11:58 a.m. - Teresa Hampton, Department attorney, entered meeting  
12:17 a.m. - Harrison departed meeting

**MOTION:** Feyen moved, seconded by Ruma, to enter into open session at 12:21 p.m. A roll call vote was taken. Voting aye: Battleson, Feyen, Gaughan, Maxson, Moore, Reisbig, Ruma, Schnuelle (8). Voting nay: None (0). Absent: None (0). Motion carried.

12:21 p.m. - Lester entered meeting

## 5. REVIEW AND RECOMMENDATIONS – OPEN SESSION

### a. Applications and Reinstatements

#### Lori Carde – Early Release From Probation

**MOTION:** Reisbig moved, seconded by Feyen, to approve the audit and recommend to terminate the probationary period at six months based upon the applicant's completion of all requirements. A roll call vote was taken. Voting aye: Battleson, Feyen, Gaughan, Maxson, Moore, Reisbig, Ruma, Schnuelle (8). Voting nay: None (0). Abstain: None (0). Absent: None (0). Motion carried.

#### Ina Luhring – Removal of Limitation

**MOTION:** Maxson moved, seconded by Moore, to recommend removal of the limitation on her license based on her completing the required hours in child custody evaluations and she complied with the limitation on her license. A roll call vote was taken. Voting aye: Battleson, Feyen, Gaughan, Maxson, Moore, Reisbig, Ruma, Schnuelle (8). Voting nay: None (0). Abstain: None (0). Absent: None (0). Motion carried.

#### James Pennington - PLMHP

**MOTION:** Reisbig moved, seconded by Moore, to recommend approval of the PLMHP. A roll call vote was taken. Voting aye: Battleson, Feyen, Gaughan, Maxson, Moore, Reisbig, Ruma, Schnuelle (8). Voting nay: None (0). Abstain: None (0). Absent: None (0). Motion carried.

#### Brandon Pedersen - PLMHP

**MOTION:** Feyen moved, seconded by Moore, to recommend issuing with a 3 year probation with the standard terms and conditions and the following: body fluid screens, employer quarterly reports. A roll call vote was taken. Voting aye: Battleson, Feyen, Gaughan, Maxson, Moore, Reisbig, Ruma, Schnuelle (8). Voting nay: None (0). Abstain: None (0). Absent: None (0). Motion carried.

#### Dominique Moreno - PLMHP

**MOTION:** Reisbig moved, seconded by Moore, to recommend approval of the PLMHP. A roll call vote was taken. Voting aye: Battleson, Feyen, Gaughan, Maxson, Moore, Reisbig, Ruma, Schnuelle (8). Voting nay: None (0). Abstain: None (0). Absent: None (0). Motion carried.

#### David McCann - LMHP

**MOTION:** Feyen moved, seconded by Rma, to recommend approval of the LMHP. A roll call vote was taken. Voting aye: Battleson, Feyen, Gaughan, Maxson, Moore, Reisbig, Ruma, Schnuelle (8). Voting nay: None (0). Abstain: None (0). Absent: None (0). Motion carried.

12:47 p.m. - Break  
12:52 p.m. - Meeting resumed  
Lester departed meeting  
12:53 p.m. - Lester entered meeting

## 7. UNFINISHED BUSINESS

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

Chiles stated there was no regulation update.

Chiles reported she put together a legislative proposal with the following proposed:

- Definition of master's degree. Some psychology programs do not issue a master's degree but go from bachelor's to doctorate. Proposing to allow for the equivalent of a master's or approved APA program.
- Do not have to have supervisor when apply for PLMHP. Proposing that 15-30 days after obtaining employment have to register supervisor.
- Experience for LIMHP. Currently applicants need experience in not less than 2 years and no more than 5 years. This causes application issues as applicants put in their application the entire time of experience which may be more than 5 years and this causes processing delays.

Chiles stated she selected the above areas because they were areas that would help in process improvement and decrease delays in application processing.

Chiles reported the PLMHP application had been revised. The old one had been sent out to stakeholders for input and reviewed by staff for problem areas.

Chiles reported the attorney in legal who reviewed regulations left and a new person would be temporarily doing those duties. Battleson commented he had sent letters to the CEO on where the regulations were in the process but had not received a response. Chiles responded that she knew the CEO and legal were aware of the regulations and where they were in processing.

## **8. UPDATES AND REPORTS**

### **a. AASCB / AMFTRB / ASWB / Citizen Advocacy Center / Justice Behavioral Health Committee**

AASCB – Ruma reported that she thought the next meeting would be the 2<sup>nd</sup> week of January.

ASWB – Feyen reported she had attended the meeting. She stated text therapy was becoming a trend and ASWB was developing an evidence-based document on text therapy. She reported it was also discussed that many states do not allow the completion of more than 10 CEU hours in one day.

AMFTRB – Battleson stated he would like to attend the AMFTRB meeting in September.

**MOTION:** Feyen moved, seconded by Ruma, to recommend expending of funds for Battleson to attend AMFTRB. A roll call vote was taken. Voting aye: Feyen, Gaughan, Maxson, Moore, Reisbig, Ruma, Schnuelle (7). Voting nay: None (0). Abstain: Battleson (1). Absent: None (0). Motion carried.

Justice Behavioral Health Committee – Maxson reported he had been attending the meetings. He stated they were writing standards for sex offender evaluations.

Chiles stated she was considering pursuing a proposal for licensure via reciprocity if hold a license for 5 years in good standing in another state and complete the jurisprudence examination. The Board supported this proposal.

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

Chiles reported that the Board was sent e-mails regarding final disciplinary actions. She summarized that since May 1, 2016, there had been three actions which were probation, suspension and revocation.

Chiles reported the following examination statistics since May 1, 2016:

- AMFTRB – 1 pass
- ASWB-Advanced – 2 pass
- ASWB-Clinical – 9 pass, 2 fail
- NBCC-NCE – 6 pass, 1 fail
- NBCC-NCMHCE-DM – 2 fail
- NBCC-NCMHCE – 2 pass

