



NOTICE OF MEETING and AGENDA Board of Mental Health Practice

Jim Pillen, Governor

This meeting will be held in-person. A conference call phone line has been established for the public to call in or the public is welcome to attend any Open Session discussion at the State Office Building. If calling in, please use the following to attend the Open Session items of the Board meeting:

PUBLIC CALL IN #: 888-820-1398

PARTICIPANT #: 8986450#

REVISED AGENDA	Posted: 2.24.2023 *Revised 2.27.2023
<p>Date: Friday March 3, 2023 9:00 am</p> <p>Location: State Office Building 301 Centennial Mall South (14th and M Street) Lower Level Room B/Morrill Lincoln, Nebraska</p> <p>For Information Contact: Carrie Oldehoeft 402-471-4918 or dhhs.licensure2117@nebraska.gov</p>	<ol style="list-style-type: none"> 1. ROLL CALL AND CALL MEETING TO ORDER <u>Announcement:</u> There is a current copy of the Open Meetings Act posted on the door to the meeting room and available at the link listed below. 2. ADOPTION OF AGENDA <ul style="list-style-type: none"> • Introduction of New Board Member: Renea Gernant • Assignment of Board Mentor 3. APPROVAL OF MINUTES (1.6.2023) 4. CLOSED SESSION (approx. 10:00 am) Confidential Information <u>Purpose:</u> To hear discussions of confidential nature, and for the prevention of needless injury to the reputation of the individuals 5. OPEN SESSION (approx. 11:00 pm) Application Reviews, Recommendations, and Report Out (mail ballots) 6. UPDATES AND REPORTS: <ol style="list-style-type: none"> a. 2023 Legislation <ul style="list-style-type: none"> • LB 16 Occupational Reform and Preliminary Conviction Review https://nebraskalegislature.gov/bills/view_bill.php?DocumentID=49705 • LB 123 Adopt the Behavioral Analyst Practice Act https://nebraskalegislature.gov/bills/view_bill.php?DocumentID=49987 • LB 179 Prohibit Conversion Therapy https://nebraskalegislature.gov/bills/view_bill.php?DocumentID=49819 • LB 337 Confidentiality https://nebraskalegislature.gov/bills/view_bill.php?DocumentID=49732 • LB 605 Certified Art Therapists *see outline by Dale attached https://nebraskalegislature.gov/bills/view_bill.php?DocumentID=49777 • LB 668 Emergency Custody https://nebraskalegislature.gov/bills/view_bill.php?DocumentID=50158 b. Association and Committee Updates: <ul style="list-style-type: none"> • AASCB http://www.aascb.org • Counseling Compact https://counselingcompact.org/ • AMFTRB http://www.amftrb.org • ASWB http://www.aswb.org • Justice Behavioral Health Committee • *New Board Member Training c. Reports: Disciplinary and Non-Disciplinary Actions, Licensure Statistics, Examination Pass/Fail Report (see agenda for reports) 7. APPOINTMENT OF INVESTIGATIVE CONSULTANT (deferred from 1.2023 meeting) 8. ADJOURN (Approx. 12 noon)

Nebraska Open Meetings Act: 84-1407 through 84-1414 <https://ago.nebraska.gov/open-meetings>

All items known at the time of distribution of this agenda are listed. A current agenda is available at the Department of Health and Human Services, Division of Public Health, Licensure Unit and https://dhhs.ne.gov/Licensure/Pages/Agendas-and-Minutes.aspx If auxiliary aids or reasonable accommodations are needed for attendance at a meeting, please call (402) 471-2117 (voice), or for persons with hearing impairments, please call the Nebraska Relay System, 711 TDD, prior to the meeting date. Advance notice of seven days is needed when requesting an interpreter.	2023 Meeting Dates: Meetings start at 9:00 am	
	01.06.23	07.07.23
	03.03.23	09.08.23
	05.05.23	11.03.23

Agenda Item 3

These minutes have not approved by the Board

MINUTES OF THE MEETING
Board of Mental Health Practice
 January 6, 2023

1. **ROLL CALL AND CALL MEETING TO ORDER**

The Meeting of the Board of Mental Health Practice was called to order by the Chair, Susan Meyerle, at 9:04 a.m. at the at the Nebraska State Office Building, 301 Centennial Mall South, Lower Level B, Lincoln, Nebraska. In accordance with Neb. Rev. Stat. § 84-1411 of the Nebraska Open Meetings Act, copies of the agenda were e-mailed to the Board members and other interested parties, posted on the DHHS web 12.20.2022 and revised on 12.21.2022.

Meyerle stated hat there is a current copy of the Open Meetings Act posted on the door to the meeting room and available at the link listed below on the agenda.

The following members answered roll call:

Members Present (8):

Susan Meyerle, Chair
 Sara Batter, Member
 Dale Battleson, Secretary
 Rebecca Czaja-Stevens, Member
 Paul Davies, Member
 Janeen Gill, Vice-Chair
 David Hof, Vice Chair
 Mychelle Martinez, Member

Members Absent (2):

Laurie Andrews, Member
 Cassandra Dittmer, Member

Others Present:

Carrie Oldehoeft, Health Licensing Coordinator, Licensure Unit
 Teresa Hampton, DHHS Attorney (via Webex)

A quorum was present, and the meeting convened.

2. **ADOPTION OF AGENDA**

MOTION: Hof moved, seconded by Gill, to adopt the agenda. A voice vote was taken. Voting aye: Battleson, Gill, Hof, Meyerle, Batter, Czaja-Stevens, Davies, Martinez (8). Voting nay: None (0). Absent: Andrews, Dittmer (2). Abstain: None (0). Motion carried.

3. **APPROVAL OF MINUTES (10.14.2022)**

MOTION: Davies, moved, seconded by Czaja-Stevens, to adopt the minutes of 10.14.2022. A voice vote was taken. Voting aye: Battleson, Gill, Hof, Meyerle, Batter, Czaja-Stevens, Davies, Martinez (8). Voting nay: None (0). Absent: Andrews, Dittmer (2). Abstain: None (0). Motion carried.

4. UPDATES AND REPORTS

a. Association and Committee Updates:

- AASCB <http://www.aascb.org>

Meyerle reported AASCB is still the monthly hangouts; however, the dates are the same as the MHP board meetings. They are supporting the compact. Meyerle will be attending the annual conference in February

- Counseling Compact <https://counselingcompact.org/>

Meyerle reported that Chiles is attending the meetings and the compact executive committee has been selected; it will be at least a year before the compact is fully up and running in states.

- AMFTRB <http://www.amftrb.org>

No new information to report

- ASWB <http://www.aswb.org>

Batter attended the ASWB delegate meeting; there is controversy regarding exam scores. There will be an in-person meeting in April regarding rules and regs and Batter plans to attend.

- Justice Behavioral Health Committee

No new information to report.

b. Reports: Disciplinary and Non-Disciplinary Actions, Licensure Statistics, Examination Pass/Fail Report (see agenda for reports)

5. CLOSED SESSION - CONFIDENTIAL INFORMATION

MOTION: Hof moved, seconded by Gill, to enter into closed session at 9:16 a.m. to hear discussions of a confidential nature, and for the prevention of needless injury to the reputation of the individuals. A voice vote was taken. Voting aye: Battleson, Gill, Hof, Meyerle, Batter, Czaja-Stevens, Davies, Martinez (8). Voting nay: None (0). Absent: Andrews, Dittmer (2). Abstain: None (0). Motion carried. Meyerle repeated the motion purpose.

9:23 am Carla Cue, Kathy Krueger, entered room
9:27 am Larry Wiehn entered room
9:28 am Mark Meyerson entered room
9:29 am Batter exited room
9:32 am Batter entered room
9:37 am Chiles entered room
9:40 am Krueger, Meyerson exited room
9:43 am Wiehn exited room
10:09 am Krueger entered room
10:12 am Wiehn entered room
10:12 am Lester, Attorney General office entered room
10:12 Am Abby, staff assistant for AG office entered room
10:19 am Krueger exited room
10:20 am Batter exited room
10:22 am Batter entered room
10:25am Meyerson entered room
10:30 am Harrison entered room
10:35 am Harrison exited room
10:36 am Martinez exited room
10:40 am Battleson exited room
10:44am Meeting Break
10:55am Meeting resumed closed session
10:57 am Chiles exited room
11:09 am Chiles entered room
11:14 am Wiehn exited room
11:20 am Batter and Gill exited room

11:23 am Batter and Gill entered room
11:55am Meyerson entered room
11:57am Myerson exited room
12:04 pm Harrison exited room
12:20pm Abby exited room
12:29pm Abby entered room
12:32 pm Meeting Break
12:54 pm Meeting resumed closed session

1:08 pm Verbal agreement from all board members to enter into open session.

6. OPEN SESSION

Application Reviews, Recommendations, and Report Out

Conviction Reviews:

Danielle Kempkes - Provisional Mental Health Practitioner:

MOTION: Hof moved, seconded by Gill, to recommend issuing the license without terms and conditions. A voice vote was taken. Voting aye: Battleson, Gill, Hof, Meyerle, Batter, Czaja-Stevens, Davies, Martinez (8). Voting nay: None (0). Absent: Andrews, Dittmer (2). Abstain: None (0). Motion carried.

Loren Mautz – Certified Social Worker:

MOTION: Batter moved, seconded by Davies, to recommend issuance of a 2-year probationary certificate, with the following terms and conditions: Successfully complete a substance use evaluation within 60 days of issuance of certificate, comply with all treatment recommendations, abstain from Alcohol and Drugs, random body fluid screens, and the Standard Terms and Conditions of probation. Basis: Disciplinary history in Kansas. A voice vote was taken. Voting aye: Battleson, Gill, Hof, Meyerle, Batter, Czaja-Stevens, Davies, Martinez (8). Voting nay: None (0). Absent: Andrews, Dittmer (2). Abstain: None (0). Motion carried.

Francisca Gonzalez – Certified Social Worker:

MOTION: Battleson moved, seconded by Batter, to recommend issuing the certificate without terms and conditions. A voice vote was taken. Voting aye: Battleson, Gill, Hof, Meyerle, Batter, Czaja-Stevens, Davies, Martinez (8). Voting nay: None (0). Absent: Andrews, Dittmer (2). Abstain: None (0). Motion carried.

Reinstatement Reviews:

Melinda Potter - Provisional Mental Health Practitioner:

MOTION: Davies moved, seconded by Gill, to recommend reinstatement without terms and conditions. A voice vote was taken. Voting aye: Battleson, Gill, Hof, Meyerle, Batter, Czaja-Stevens, Davies, Martinez (8). Voting nay: None (0). Absent: Andrews, Dittmer (2). Abstain: None (0). Motion carried.

Sandra Pasco-Armstrong - Provisional Mental Health Practitioner:

MOTION: Hof moved, seconded by Czaja-Stevens, to recommend reinstatement without terms and conditions. A voice vote was taken. Voting aye: Battleson, Gill, Hof, Meyerle, Batter, Czaja-Stevens, Davies, Martinez (8). Voting nay: None (0). Absent: Andrews, Dittmer (2). Abstain: None (0). Motion carried.

Jennifer Krings - Mental Health Practitioner:

MOTION: Hof moved, seconded by Batter, to defer recommendation and send a mail ballot vote to members. A voice vote was taken. Voting aye: Battleson, Gill, Hof, Meyerle, Batter, Czaja-Stevens, Davies, Martinez (8). Voting nay: None (0). Absent: Andrews, Dittmer (2). Abstain: None (0). Motion carried. Dittmer, Martinez (3). Abstain: None (0). Motion carried.

Katherine Lambeth – Modification of probationary terms and conditions:

MOTION: Gill moved, seconded by Czaja-Stevens, to recommend removal of item #10 and deny removal of item #5. Basis: Basis for denial of #5 is not sufficient evidence to support modification. A voice vote was taken. Voting aye: Battleson, Gill, Hof, Meyerle, Batter, Czaja-Stevens, Davies, Martinez (8). Voting nay: None (0). Absent: Andrews, Dittmer (2). Abstain: None (0). Motion carried.

Amy Batten – Mental Health Practitioner:

MOTION: Czaja-Stevens moved, seconded by Davies, to recommend reinstatement with a 3-year probation, with the follow terms and conditions: Follow the recommendation of the current and future evaluations, random body fluid screening, abstain from alcohol and drugs, only practice in an agency/organization where employed as a mental health practitioner and this practice can only be provided during times when other credential holders are present. Basis: Diagnosis, Lack of time of sobriety, and Discipline History. A voice vote was taken. Voting aye: Battleson, Gill, Hof, Meyerle, Batter, Czaja-Stevens, Davies, Martinez (8). Voting nay: None (0). Absent: Andrews, Dittmer (2). Abstain: None (0). Motion carried.

Suzanne Myers, LIMHP, LMHP, CMSW:

MOTION: Czaja-Stevens moved, seconded by Davis to deny the request for reinstatement based on 1) Discipline history and 2) lack of change of circumstances that would warrant reinstatement. A voice vote was taken. Voting aye: Battleson, Gill, Hof, Meyerle, Batter, Czaja-Stevens, Davies, Martinez (8). Voting nay: None (0). Absent: Andrews, Dittmer (2). Abstain: None (0). Motion carried.

Public comment: Nebraska for the Arts: Art Therapy bill is being introduced in this legislative session by Senator Albrecht: They have requested to be on the next agenda to discuss the bill.

7. ANNUAL BUSINESS

- a) Closed Session Vote Requirements, Virtual Conferencing Requirements, and Approval of the Method of Noticing Meeting Agendas (Neb. Rev. Stat. 84-1407-1414)

MOTION: Gill moved, seconded by Czaja-Stevens to approve the method of noticing meetings as the same used during 2022 (post agenda on the Licensure Unit's website and lobby bulletin board, and forward to any requesters). A voice vote was taken. Voting aye: Battleson, Gill, Hof, Batter, Czaja-Stevens, Davies, Martinez (7). Voting nay: None (0). Absent: Andrews, Dittmer, Meyerle (3). Abstain: None (0). Motion carried.

1:42pm Meyerle exited room
1:43pm Meyerle entered room

- b) Board Member Per Diems & Compensation Recommendations (Neb. Rev. Stat. §38-171)

MOTION: Hof moved, seconded by Gill to approve the per diem payments as discussed:

- \$50 For 1 day of preparation for each meeting (investigations/applications).
- \$50 Attending the Board meeting (in person or by conference call).
- \$50 Each day of travel where overnight arrangements have been made (board meeting or national meeting).
- \$50 Each day the member is representing the board at a national meeting of state licensing boards.
- \$50 Regulation Hearing or other board related meetings when representing the Board (prior board approval required).

A voice vote was taken. Voting aye: Battleson, Gill, Hof, Meyerle, Batter, Czaja-Stevens, Davies, Martinez (8). Voting nay: None (0). Absent: Andrews, Dittmer (2). Abstain: None (0). Motion carried.

- c) Board Goals for 2023 (Review By-Laws, Conviction Guidelines, Other?)

Members will review Conviction Guidelines and By-Laws at a future meeting. Members also suggested a Policy/Procedure for new board members.

MOTION: Gill moved, seconded by Czaja-Stevens to appoint a committee to work on a policy/procedures for new incoming board members. A voice vote was taken. Voting aye: Battleson, Gill, Hof, Meyerle, Batter, Czaja-Stevens, Davies, Martinez (8). Voting nay: None (0). Absent: Andrews, Dittmer (2). Abstain: None (0). Motion carried.

Board members Gill, Batter, Czaja-Stevens and Martinez will work on starting this project.

- d) Elections and Appointments
- Election of Officers, Appointment of Association Representatives, Investigative Consultant, and Interstate Counseling Compact Delegate (must have LIMHP/CPC)

It was announced that Laura Andrews submitted her resignation, effective 1.6.2023.

MOTION: Gill moved, seconded by Czaja-Stevens to retain the current slate of officers for another 1-year term. A voice vote was taken. Voting aye: Battleson, Gill, Hof, Meyerle, Batter, Czaja-Stevens, Davies, Martinez (8). Voting nay: None (0). Absent: Andrews, Dittmer (2). Abstain: None (0). Motion carried.

Chair: Meyerle
Vice-Chair: Gill
Secretary: Battleson

Appointment of Association Representatives:

ASWB: Batter
AMFTRB: Battleson
ASPPB: Meyerle
Justice Behavioral Health: Gill
Investigative Consultant: deferred to next meeting
Interstate Counseling Compact Delegate (must have LIMHP/CPC): Hof

8. ADJOURN

Meyerle declared the meeting adjourned at 2:10pm pm; the next meeting is scheduled for March 3, 2023.

Dale Battleson, Secretary
Board of Mental Health Practice
Summarized by: Licensure Unit

<p><u>A COMPARISON OF EDUCATIONAL STANDARDS</u></p> <p>Nebraska Current Regulations</p> <p>MENTAL HEALTH PRACTICE REQUIREMENTS</p> <p>(A) Be at least 60 graduate semester hours in duration.</p> <p>(B) Have a mental health focused supervised practicum or internship that included a minimum of 300 clock hours of direct client contact under the supervision of a qualified supervisor.</p>	<p>& SUPERVISION STANDARDS</p> <p>Educational Requirements listed with the American Art Therapy Association</p> <p>ART THERAPY REQUIREMENTS</p> <p>a minimum of 48 graduate semester credits [60 graduate semester credits (or 90 quarter-hour credits) may be required for licensure or clinical education standards in some states].</p> <p>Practicum/Internship</p> <p>1. Practicum and Internship:</p> <ul style="list-style-type: none"> a. a minimum of one hundred (100) hours of supervised art therapy practicum; b. a minimum of six hundred (600) hours of supervised art therapy internship over at least two academic terms. Three hundred (300) hours must be working directly with patients in individual, group, or family formats. A minimum of 350 total client contact hours must be accumulated in practicum and/or internship.
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<p>The coursework must meet the following requirements:</p> <p>(i) A minimum of 6 semester hours or 9 quarter hours in theories and techniques. Two years after the effective date of these regulations, the coursework must include a minimum of at least 9 semester hours or 12 quarter hours in theories and techniques.</p> <p>(ii) A minimum of 3 semester hours or 4.5 quarter hours in professional ethics.</p> <p>(iii) A minimum of 3 semester hours or 4.5 quarter hours in assessment techniques.</p> <p>iv) A minimum of 3 semester hours or 4.5 quarter hours in human growth and development.</p> <p>(v) A minimum of 3 semester hours or 4.5 quarter hours in research and evaluation.</p> <p>(vi) Two years after the effective date of these regulations, in addition to the above coursework, a minimum of 3 semester hours or 4.5 quarter hours in social and cultural diversity.</p>	<p>Required Content Areas</p> <p>1. Required art therapy content areas: A minimum of 24 semester credits (or 36 quarter-hour credits) in art therapy content is required.</p> <ul style="list-style-type: none"> a. History and theory of art therapy. b. Techniques of practice in art therapy. c. Application of art therapy with people in different treatment settings (Clinical interventions). d. Group work. e. Art therapy assessment. f. Ethical and legal issues of art therapy practice. g. Standards of practice in art therapy. h. Cultural and social diversity. i. Thesis or culminating project. <p>2. Required related content areas:</p> <ul style="list-style-type: none"> a. Psychopathology b. Human growth and development. c. Counseling and psychological theories. d. Cultural and social diversity. e. Assessment. f. Research. g. Studio art. h. Career and lifestyle development— optional
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QUALIFIED SUPERVISION

The supervisor must hold a current active credential.

The supervisor cannot supervise more than 6 persons at 1 face-to-face supervisory meeting.

MENTAL HEALTH PRACTICE SUPERVISION.

Supervision must include evaluative face-to-face contact for a minimum of 1 hour per week between the supervisee and supervisor. Face to face supervision may include interactive visual imaging assisted communication which is secure and confidential.

INDEPENDENT MENTAL HEALTH PRACTICE SUPERVISION. In addition to the requirements in 172 NAC 94-009.02 supervision must include: (A) A review of the diagnostic criteria for clients diagnosed with major mental disorders; (B) Evaluative face-to-face contact with a minimum cumulative ratio of 2 hours of face-to-face contact between the supervisee and a qualified supervisor per 15 hours of contact with clients diagnosed with major mental disorders, no more than 45 hours may be accumulated without such supervision.

MARRIAGE AND FAMILY THERAPY SUPERVISION. Supervision must include: (A) At least 3,000 hours of supervised experience during the five years preceding application for certification. The 3,000 hours must include a minimum of 1,500 hours of direct client contact. During the course of completing the client-contact hours, there must be at least 100 hours of supervisor-supervisee contact hours with a qualified supervisor and supervision must be provided at least 1 hour per week or 2 hours every 2 weeks.

MASTER SOCIAL WORK SUPERVISION. When a person wishes to apply for a mental health practice license and master social work certificate, supervision must be provided under a licensed independent clinical social worker or licensed clinical social worker and in accordance with this section. Supervision must include at least 3,000 hours of supervised experience.

SUPERVISION

Must have both individual and group supervision.

- a. Individual Supervision: For every ten (10) hours of client contact, there must be one (1) hour of supervision by a registered art therapist (ATR) or licensed professional in a related field.
- b. Group Supervision: There must be one and a half (1.5) hours of group supervision by a registered art therapist for every ten (10) hours of client contact. The ratio of eight (8) students to one (1) ATR supervisor may not be exceeded.
- c. Specialization – Individual, group, family, etc.

Agenda Item 6b

Examinations:

EXAMINATION STATISTICS SUMMARY REPORT			
Profession: Mental Health Practice		Run Date: 02/24/2023	
Date Range: 01/01/2023 to 2/24/2023		Page No: Page 1 of 1	
Exam Battery	Exam Name	Result Status	Number of Candidates per Result Status
NBCC-NCMHCE	NBCC-NCMHCE	Pass	2
	NBCC-NCMHCE	Fail	2
NBCC-NCE	NCE (NBCC)	Pass	5
	NCE (NBCC)	Fail	1
Jurisprudence Exam	Jurisprudence	Pass	2

Active Licenses:

SUMMARY COUNT OF LICENSES BY			
Profession	License Statuses: License Types	Active	Active-Military
Mental Health Pract	EO 20-27 Prov Independent MHP License	1	
	EO 20-27 Prov Mental Health Practitioner		
	Independent Mental Health Practitioner	2,732	2
	Marriage & Family Therapist	120	
	Master Social Worker	1,153	2
	Master Social Worker (CMSW)	50	
	Mental Health Practitioner	2,196	5
	Non-License (Exam applicant only)	11	
	Professional Counselor	1,005	1
	Provisional Master Social Worker	438	
	Provisional Mental Health Practitioner	1,367	
	Social Worker	547	
	Supervised Marriage & Family Therapist		
	Temporary Cert Marriage Family Therapist		
	Temporary Mental Health Practitioner		
	Grand Total	9,620	10

Disciplinary and Non-Disciplinary Actions:

DIVISION OF PUBLIC HEALTH, LICENSURE UNIT COMPLIANCE LISTING REPORT						
Profession: Mental Health Practice				Run Date: 02/24/2023		
Action Start Date Range: 01/01/2023 to 02/24/2023				Page No: Page 1 of 1		
Licensee Name	License No	License Type	License Status	Disciplinary Action	Action Start	Action End
Myers, Tara Lynne	12063	Provisional Mental He	Revocation	Revocation	01/04/2023	
Rodriguez, Andrea Lynn	3855	Mental Health Practitic	Revocation	Petition for Disciplinary Action Filed	01/31/2023	02/02/2023
Rodriguez, Andrea Lynn	1913	Professional Counselo	Revocation	Revocation	02/02/2023	
Rodriguez, Andrea Lynn	2997	Independent Mental H	Revocation	Petition for Disciplinary Action Filed	01/31/2023	02/02/2023
Rodriguez, Andrea Lynn	2997	Independent Mental H	Revocation	Revocation	02/02/2023	
Rodriguez, Andrea Lynn	1913	Professional Counselo	Revocation	Petition for Disciplinary Action Filed	01/31/2023	02/02/2023
Rodriguez, Andrea Lynn	3855	Mental Health Practitic	Revocation	Revocation	02/02/2023	
Rolland, Michael Aaron	2250	Mental Health Practitic	Inactive	Probation		