



NOTICE OF MEETING and AGENDA Board of Mental Health Practice

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	item #5	Posted: 04.25.2023. 4.27.2023
<p>Date: Friday May 5, 2023 9:00 am</p> <p>Location: State Office Building 301 Centennial Mall South (14th and M Street) Lower Level Goldenrod Room Lincoln, Nebraska</p> <p>For Information Contact: Carrie Oldehoft 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 3. APPROVAL OF MINUTES (3.3.2023) 4. APPROVAL OF MINUTES (3.20.2023) 5. NEW MEMBER TRAINING MANUAL 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 c. Reports: Disciplinary and Non-Disciplinary Actions, Licensure Statistics, Examination Pass/Fail Report (see agenda for reports) 7. CLOSED SESSION (approx. 10:00 am) Confidential Information Purpose: To hear discussions of confidential nature, and for the prevention of needless injury to the reputation of the individuals 8. OPEN SESSION (approx. 11:00 pm) Application Reviews, Recommendations, and Report Out (mail ballots) 9. 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
03.20.23	11.03.23
05.05.23	

Agenda Item 3

These minutes have not approved by the Board

MINUTES OF THE MEETING
Board of Mental Health Practice
March 3, 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 2.24.2023 and revised on 2.27.2023.

Meyerle stated that 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 (7):

Susan Meyerle, Chair
Dale Battleson, Secretary
Rebecca Czaja-Stevens, Member
Paul Davies, Member
Janeen Gill, Vice-Chair
David Hof, Member
Cassandra Dittmer, Member

Members Absent (3):

Renea Gernant, Member
Sara Batter, Member
Mychelle Martinez, Member

Others Present:

Carrie Oldehoeft, Health Licensing Coordinator, Licensure Unit
Teresa Hampton, DHHS Attorney (via WebEx)
Shanerika Fleming, DHHS Attorney (via WebEx)
Danielle Sund, DHHS Attorney (via WebEx)
Mindy Lester, Assistant Attorney General
Jeanie Burke, Assistant Attorney General

A quorum was present, and the meeting convened.

2. **ADOPTION OF AGENDA**

MOTION: Davies moved, seconded by Gill, to adopt the agenda. A voice vote was taken. Voting aye: Battleson, Gill, Hof, Meyerle, Czaja-Stevens, Davies, Dittmer (7). Voting nay: None (0). Absent: Gernant, Batter, Martinez (3). Abstain: None (0). Motion carried.

Welcome to new board member: Renea Gernant.
Dale Battelson-Mentor

9:02 am Batter entered room
9:04 am Cue - investigations entered room
9:04 am Klassen – investigations entered room

9:08 am Klassen exited room
9:09 am Klassen entered room

3. **APPROVAL OF MINUTES (1.6.2023 with corrections)**

MOTION: Hof, moved, seconded by Battelson, to adopt the minutes of 1.6.2023 with correction. A voice vote was taken. Voting aye: Batter, Czaja-Stevens, Davies, Gill, Hof, Meyerle, Battelson (7). Voting nay: None (0). Absent: Gernant, Martinez (2). Abstain: Dittmer (1). Motion carried.

4. CLOSED SESSION - CONFIDENTIAL INFORMATION

MOTION: Battelson moved, seconded by Davies, to enter into closed session at 9:11 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: Batter, Czaja-Stevens, Davies, Dittmer, Gill, Hof, Meyerle, Battelson (8). Voting nay: None (0). Absent: Gernant, Martinez (2). Abstain: None (0). Motion carried. Meyerle repeated the motion purpose.

9:11 am public line closed
9:12 am Battelson exited room
9:12 am Klaussen exited room
9:15 am Klaussen entered room
9:18 am Battelson entered room
9:18 am Meyerson – investigations entered room
9:21 am Cue exited room
9:51 am Chiles entered room
10:28am Oldehoeft exited room
10:34 am Oldehoeft entered room
10:37 am Dittmer exited room
10:44 am Cue, Meyerson, Klaussen -Investigations all exited room
10:44 am Board Break
11:00 am Meeting resumed closed session
11:31 am Verbal agreement from all board members to enter into open session.
11:31 am Public entered room

5. OPEN SESSION

Application Reviews, Recommendations, and Report Out

Joseph John Dambrauskas – Licensed Independent Mental Health Provider and Certified Professional Counselor based on 5-year reciprocity:

MOTION: Gill moved, seconded by Hof, to deny the application. Based on the failure to meet the requirement in the appropriate discipline with similar credentials of active practice in another jurisdiction for the appropriate number of years. A voice vote was taken. Voting aye: Batter, Czaja-Stevens, Davies, Dittmer, Gill, Hof, Meyerle, Battelson (8). Voting nay: None (0). Absent: Gernant, Martinez (2). Abstain: None (0). Motion carried.

Reinstatement Reviews:

Jennifer Regina Alexander - Provisional Mental Health Practitioner:

MOTION: Czaja-Stevens moved, seconded by Battelson, to recommend denial of reinstatement (following revocation). Based on there was insufficient evidence to support reinstatement. A voice vote was taken. Voting aye: Batter, Czaja-Stevens, Davies, Dittmer, Gill, Hof, Meyerle, Battelson (8). Voting nay: None (0). Absent: Gernant, Martinez (2). Abstain: None (0). Motion carried.

Jennifer Kate Woody - Provisional Mental Health Practitioner:

MOTION: Hof moved, seconded by Czaja-Stevens, to recommend denial of reinstatement (early release). Based on there was insufficient evidence to support reinstatement with early release. A voice vote was taken. Voting aye: Batter, Czaja-Stevens, Davies, Dittmer, Gill, Hof, Meyerle, Battelson (8). Voting nay: None (0). Absent: Gernant, Martinez (2). Abstain: None (0). Motion carried.

6. UPDATES AND REPORTS:

a. 2023 Legislation

- LB 16 Occupational Reform and Preliminary Conviction Review
https://nebraskalegislature.gov/bills/view_bill.php?DocumentID=49705

Chiles updated board. This was introduced by Senator Briese. LB16 Require occupational boards to issue certain credentials based on credentials or work experience in another jurisdiction and make a determination regarding an applicant with a criminal conviction, provide for jurisprudential examinations and appeals from denial of a license, and change requirements for membership of the State Electrical Board. Hearing was February 9, 2023.

- 1) Pathway based on experience in another State.
- 2) Add to preliminary conviction set out paramotors for type and time, also offenses that are Auto disqualifying needs to be in states.

- LB 123 Adopt the Behavioral Analyst Practice Act
https://nebraskalegislature.gov/bills/view_bill.php?DocumentID=49987

Chiles updated board. This was introduced by Senator Fredrickson. This is not proposed to be part of the Mental Health Practice Act, will be separate Board. This went through the 407 process.

LB123 creates an application process for behavior analysts to become licensed in the State of Nebraska. Minimum standards for licensure are to be decided by the Board of Behavior Analysts. This will allow for verification of professional, safe treatment for those in need and cause the Board to adopt a code of conduct based on the Ethics Code for Behavior Analysts to uphold professional integrity. The bill also creates a provision for behavior analysts licensed in other states to apply for temporary license to practice within the State of Nebraska until the licensure is approved by the Board. LB123 implements the recommendations of Nebraska's Chief Medical Officer and the Nebraska State Board of Health as it relates to the licensure of behavior analysts

- LB 179 Prohibit Conversion Therapy
https://nebraskalegislature.gov/bills/view_bill.php?DocumentID=49819

This bill was introduced by Senator Fredrickson. LB179 protects minors by prohibiting credentialed health care professionals from providing conversion therapy to anyone under age 19. Conversion therapy is defined as a practice or treatment that seeks to change an individual's sexual orientation or gender identity. Under LB179, providing conversion therapy constitutes a deceptive trade practice under the Uniform Trade Practices Act. The bill does not apply to a practice or treatment conducted by a clergy member or religious counselor who is acting in a pastoral or religious capacity and not as a health professional.

- LB 337 Confidentiality
https://nebraskalegislature.gov/bills/view_bill.php?DocumentID=49732

Currently, those practicing under the Mental Health Practice Act cannot share information without the consent of the client or when they have a duty to warn. There are times when clients are unable to consent to information sharing (intoxication, psychiatric crisis). LB 337 will align Nebraska state law to align with HIPAA. LB 337 would significantly decrease the barriers that mental health practitioners experience when trying to coordinate treatment activities or make referrals for care when client consent cannot be obtained. These challenges often occur by those serving individuals who are in the behavioral health and criminal justice systems. When consent cannot be obtained, LB 337 would allow mental health practitioners to share the minimum amount necessary of protected health information to improve access and continuity of care and reduce duplication of efforts.

- LB 605 Certified Art Therapists *see outline by Dale attached
https://nebraskalegislature.gov/bills/view_bill.php?DocumentID=49777

LB605 will amend sections of the Uniform Credentialing Act and Mental Health Practice Act to provide for licensing of qualified art therapists as Licensed Mental Health Practitioners and Licensed Independent Mental Health Practitioners with a credential as a Certified Art Therapist. The bill provides for the certification to be administered by the Mental Health Practice Board.

The hearing was 2.23.2023, will include a Provisional Art Therapy Same as a PCMSW.

Battleson-laid out education of Art Therapy, Attached to the agenda.

Public pointed out this is the 2nd time this has been presented.

ASPPB looking at masters degrees as accredited currently have to be enrolled in a Phd program for a PLMHP or a LMHP education to be approved. LIMHP are unable to use this option and APA or CORE are not eligible education, Art Therapy will be accepted.

11:55 am Hof exited room

11:58 am Hof entered room

- LB 668 Emergency Custody
https://nebraskalegislature.gov/bills/view_bill.php?DocumentID=50158

This was introduced by Senator Agula, hearing will be 3.9.2023 and is a repeat from prior years.

Board discussion regarding training Chiles read the bill intent:

The stated purpose of LB 668 is to authorize mental health professionals and licensed independent mental health practitioners to begin the process to take persons into emergency protective custody. Currently, only sworn peace officers are allowed to begin the process of emergency protective custody. This bill is meant to extend this initiation process to health care workers with knowledge of mental health and mental health issues where a person could be a danger to themselves or other persons. It could alleviate some pressures on sworn peace officers and provide better treatment options to persons with mental health issues.

LB 271 was brought up by Dittmer for discussion about mandatory reports.

LB 271 amends Nebraska's child abuse and neglect reporting requirements. Current Nebraska law requires all individuals to report suspected child abuse or neglect, regardless of profession, or risk criminal charges. LB 271 reduces this to only require certain professionals with whom children regularly interact to report suspected child abuse or neglect, as to reduce overreporting. Such professions include medical and mental health professionals, school and child care employees, law enforcement, and others. All other individuals may still report suspected child abuse and neglect, they are just not subject to criminal charges if they do not. LB 271 also clarifies how these reporting obligations apply to employees and employers. LB 271 then requires all mandatory reporters and child abuse and neglect investigation teams to undergo relevant training, including in abuse and neglect identification and reporting, implicit bias and cultural competency, and community resources, to ensure more accurate reporting. It also requires the Department of Health and Human Services to provide a free, online version of this training for mandatory reporters to access.

b. Association and Committee Updates:

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

Meyerle went to the meeting in February and reported out that they are working diligently to not be bias. NBCC diversity of exam.

The next hangout (virual) is schedule for 3.24.2023, they will continue to do monthly.

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

There are currently 17 states involved. Iowa's legislation is out of committee regarding.

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

Battleson reports nothing new to report, he will be attending the conference in September.

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

Batter reports Education Spring meeting in March, no additional information to report

- Justice Behavioral Health Committee

Gill reports no updates or scheduled meetings at this time.

- *New Board Member Training

Discussion with board members. Board will send questions to Coordinator Oldehoeft to include in training manual.

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)

Dittmer volunteered to be the investigative consultant

8. ADJOURN

Meyerle declared the meeting adjourned at 12:37 pm; the next meeting is scheduled for March 20, 2023, virtual and May 5, 2023 in person.

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

Agenda #4

These minutes have not approved by the Board

MINUTES OF THE CONFERENCE CALL MEETING
Board of Mental Health Practice
March 20, 2023

1. ROLL CALL

The meeting of the Board of Mental Health Practice was called to order by the Chair, Susan Meyerle, at 12:00 p.m.. at the Nebraska State Office Building, 301 Centennial Mall South, 3rd Floor, Room H, 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 site at <http://dhhs.ne.gov/licensure/Pages/Agendas-and-Minutes.aspx>, and posted in the Licensure Unit on 3.3.2023.

Meyerle stated that 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, via phone (7):

Susan Meyerle, Chair
Dale Battleson, Secretary
Paul Davies, Member
David Hof, Member
Cassandra Dittmer, Member
Renea Gernant, Member
Sara Batter, Member

Members Absent (3):

Mychelle Martinez, Member
L Janeen Gill, Member
Rebecca Czaja-Stevens, Member

Others Present:

Carrie Oldehoeft, Health Licensing Coordinator, Licensure Unit, in room
Carla Cue-Investigations, in room
Russ Fosler – Investigations, in room
Mindy Lester, Assistant Attorney General, via phone

A quorum was present, and the meeting convened.

2. ADOPTION OF AGENDA

MOTION: Hof moved, seconded by Dittmer, to adopt the agenda. A voice vote was taken. Voting aye: Meyerle, Battleson, Davies, Hof, Dittmer, Gernant, Batter (7). Voting nay: None (0). Absent: Czaja-Stevens, Gill, Martinez (3). Abstain: None (0). Motion carried.

8. CLOSED SESSION - CONFIDENTIAL INFORMATION

MOTION: Battleson moved, seconded by Batter, to enter into closed session at 12:05 p.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: Meyerle, Battleson, Davies, Hof, Dittmer, Gernant, Batter (7). Voting nay: None (0). Absent: Czaja-Stevens, Gill, Martinez (3). Abstain: None (0). Motion carried. Meyerle repeated the motion purpose.

12:27 p.m. Fosler exited room

9. OPEN SESSION

Application Reviews, Recommendations, and Report Out

Nothing to report out

8. ADJOURN

Meyerle declared the meeting adjourned at 12:35 pm; the next meeting is scheduled for May 5, 2023 in person.

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

Agenda Item 6b

Examinations:

EXAMINATION STATISTICS SUMMARY REPORT			
Profession: Mental Health Practice		Run Date: 04/25/2023	
Date Range: 01/01/2023 to 4/25/2023		Page No: Page 1 of 1	
Exam Battery	Exam Name	Result Status	Number of Candidates per Result Status
AMFTRB	AMFTRB	Pass	1
NBCC-NCMHCE	NBCC-NCMHCE	Pass	2
	NBCC-NCMHCE	Fail	2
NBCC-NCE	NCE (NBCC)	Pass	15
	NCE (NBCC)	Fail	1
ASWB-Clinical	ASWB-Clinical (formerly AASSWB)	Pass	23
	ASWB-Clinical (formerly AASSWB)	Fail	14
Jurisprudence Exam	Jurisprudence	Pass	3

Active Licenses:

Profession	License Statuses: License Types	SUMMARY COUNT OF LICENSES E	
		Active	Active-Military
Mental Health Pract	EO 20-27 Prov Independent MHP License		
	EO 20-27 Prov Mental Health Practitioner		
	Independent Mental Health Practitioner	2,787	2
	Marriage & Family Therapist	123	
	Master Social Worker	1,175	2
	Master Social Worker (CMSW)	52	
	Mental Health Practitioner	2,226	5
	Non-License (Exam applicant only)	13	
	Professional Counselor	1,030	1
	Provisional Master Social Worker	434	
	Provisional Mental Health Practitioner	1,361	
	Social Worker	571	
	Supervised Marriage & Family Therapist		
	Temporary Cert Marriage Family Therapis		
	Temporary Mental Health Practitioner		
	Grand Total		9,772

Disciplinary and Non-Disciplinary Actions:

DIVISION OF PUBLIC HEALTH, LICENSURE UNIT						
COMPLIANCE LISTING REPORT						
Profession: Mental Health Practice					Run Date: 04/25/2023	
Action Start Date Range: 01/01/2023 to 04/25/2023					Page No: Page 1 of 1	
Licensee Name	License No	License Type	License Status	Disciplinary Action	Action Start	Action End
Batten, Amy K	3981	Mental Health Practitic	Active	Probation	03/16/2023	03/16/2026
Berry, Cora Simmerman	393	Mental Health Practitic	Suspension	Petition for Disp Action & Temp Susp	03/31/2023	
Berry, Cora Simmerman	284	Professional Counselo	Temporary License S	Petition for Disp Action & Temp Susp	03/31/2023	
Berry, Cora Simmerman	393	Mental Health Practitic	Suspension	Temporary Suspension	04/07/2023	
Berry, Cora Simmerman	284	Professional Counselo	Temporary License S	Temporary Suspension	04/07/2023	
Mautz, Lauren Mae	3424	Social Worker	Active	Probation	03/03/2023	03/03/2025
Myers, Tara Lynne	12063	Provisional Mental He	Revocation	Revocation	01/04/2023	
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	
Rodriguez, Andrea Lynn	3855	Mental Health Practitic	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	2997	Independent Mental H	Revocation	Petition for Disciplinary Action Filed	01/31/2023	02/02/2023
Rodriguez, Andrea Lynn	1913	Professional Counselo	Revocation	Revocation	02/02/2023	
Rolland, Michael Aaron	2250	Mental Health Practitic	Inactive	Probation		
White, Sharlett Renee	12084	Provisional Mental He	Active	Probation	04/01/2023	04/01/2026
White, Sharlett Renee	12084	Provisional Mental He	Active	Petition for Disciplinary Action Filed	03/21/2023	03/22/2023