

These minutes were approved by the Board on July 8, 2022

MINUTES OF THE MEETING
Board of Mental Health Practice
May 6, 2022

1. ROLL CALL

The Conferencing Meeting of the Board of Mental Health Practice was called to order by the Chair, Susan Meyerle, at 9:08 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 05.03.2022.

The following members answered roll call:

Members Present (6):

Susan Meyerle, Chair
Dale Battleson, Secretary
Cassandra Dittmer, Member
Janeen Gill, Vice-Chair
Sara Batter, Member
Rebecca Czaja-Stevens, Member

Members Absent (4):

Mychelle Martinez, Member
Laurie Andrews, Member
Paul Davies, Member
David Hof, Member

Others Present:

Kris Chiles, Program Manager, Licensure Unit
Carrie Oldehoeft, Health Licensing Coordinator, Licensure Unit
Mindy Lester, Assistant Attorney General
Anna Harrison, Compliance Monitor, Licensure Unit
General Reporting-in room
Teresa Hampton, DHHS Attorney (on webex)
Public

A quorum was present and the meeting convened.

2. ADOPTION OF AGENDA

MOTION: Battelson moved, seconded by Batter, to adopt the agenda. A voice vote was taken. Voting aye: Batter, Battleson, Dittmer, Gill, Czaja-Stevens, Meyerle (6). Voting nay: None (0). Absent: Andrews, Davies, Hof, Martinez (4). Abstain: None (0). Motion carried.

9:09 am Davies entered room

3. APPROVAL OF MINUTES

MOTION: Dittmer moved, seconded by Battleson, to adopt the minutes 03.04.2022. A voice vote was taken. Voting aye: Batter, Battleson, Davies, Dittmer, Gill, Czaja-Stevens, (6). Voting nay: None (0). Absent: Andrews, Hof, Martinez (3). Abstain: Meyerle (1). Motion carried.

4. REINSTATEMENT APPEAL HEARINGS

Joshua Augustin

The hearing on reinstatement (revocation) to practice as a Provisional Mental Health Practitioner, was convened at 9:15 a.m. Teresa Hampton, Department attorney, served as the hearing officer. The Department was represented by Mindy Lester, Assistant Attorney General, Kris Chiles, Program Manager

with the Licensure Unit, and Joshua Augustin (applicant) were witnesses. Exhibits were entered and accepted. Evidence was presented and testimonies were provided.

9:38 a.m. Public hearing ended
9:40 am Chiles exited call
9:40 am Lester exited room
9:40 am Myers exited room
9:40 am Harrison exited room
9:40 am Public exited room
9:40 am General Reported exited room

MOTION: Gill moved, seconded by Czaja-Stevens, to enter into closed session at 9:40 a.m. for the purpose of deliberation of the appeal hearing. A voice vote was taken. Voting aye: Battleson, Batter, Davies, Dittmer, Gill, Czaja-Stevens, Meyerle (7). Voting nay: None (0). Absent: Andrews, Hof, Martinez (3). Abstain: None (0). Motion carried.

10:15 am Verbal agreement from all board members to enter into open session

10:15 am Board entered break
10:33 am Board returned from break
10:33 am General Reporting entered room
10:33 am Public entered room
10:33 am Harrison entered room
10:33 am Mickles entered room via phone

Justin Mickles Sr

The continuance of hearing on reinstatement (early release) of Mr. Mickles' license to practice as an Independent Mental Health Practitioner and reinstatement of his expired Certificate as a Professional Counselor was convened at 10:33am. Teresa Hampton, Department attorney, served as the hearing officer. The Department was represented by Mindy Lester, Assistant Attorney General, Justin Mickles Sr (applicant) appeared telephonically and presented exhibits. Exhibits were entered and objected to by Lester.

MOTION: Gill moved to object to entry of exhibits, seconded by Batter. A voice vote was taken. Voting aye: Battleson, Dittmer, Gill, Hof, Martinez, Andrews, Batter, Czaja-Stevens, Davies, Meyerle (10). Voting nay: None (0). Absent: None (0). Abstain: None (0). Motion carried.

Hearing officer sustained, no exhibits accepted.

10:40 a.m. Public hearing ended
10:45 am Chiles exited room
10:45 am Lester exited room
10:45 am General Reporting exited room
10:45 am Mickles exited call

MOTION: Davies moved, seconded by Czaja-Stevens, to enter into closed session at 9:40 a.m. for the purpose of deliberation of the appeal hearing. A voice vote was taken. Voting aye: Battleson, Dittmer, Gill, Batter, Czaja-Stevens, Davies, Meyerle (7). Voting nay: None (0). Absent: Andrews, Hof, Martinez (3). Abstain: None (0). Motion carried.

10:56 am Verbal agreement from all board members to enter into open session
10:57 am Public entered room
10:57 am General Reporting entered room
10: 57 am Harrison entered room
10:59 am Mickles entered via phone

5. OPEN SESSION - REVIEW, RECOMMENDATIONS, AND REPORT OUT **Applications and Reinstatement Applications**

Joshua Augustin, PLMHP – Reinstatement

MOTION: Dittmer moved, seconded by Batter to deny the request for reinstatement based on insufficient evidence to support reinstatement. A voice vote was taken. Voting aye: Batter, Dittmer, Gill, Czaja-Stevens, Davies, Meyerle (6). Voting nay: Battleson (1). Absent: Andrews, Hof, Martinez (3). Abstain: None (0). Motion carried.

Justin Mickles Sr, LIMHP, CPC – Reinstatement

MOTION: Davies moved, seconded by Czaja-Stevens to affirm and deny the request for reinstatement (early release from probation and expired credential) based on insufficient evidence to support reinstatement. A voice vote was taken. Voting aye: Battleson, Batter, Dittmer, Gill, Czaja-Stevens, Davies, Meyerle (7). Voting nay: None (0). Absent: Andrews, Hof, Martinez (3). Abstain: None (0). Motion carried.

9. Updates and Reports

- Executive Order 22-02
<https://dhhs.ne.gov/licensure/Pages/Mental-Health-and-Social-Work-Practice.aspx>

Chiles provided an update regarding the suspension of CEU's for the 2022 renewal period. Section 3 of EO 21-12 (included as part of EO 22-02) suspends continuing competency/education requirements for several professions. LIMHP, LMHP, CMSW, and CSW are included under the practice area of mental health. This means no CEUs will be required for the 2022 renewal period.

11:03 am Harrison exited room
11:05 am Public entered room

- 2022 Legislative Session (LB 709, 752, 1106, others) <https://nebraskalegislature.gov/>

LB 1106: Proposed to include an additional degree (educational specialist degree approved or accredited by the National Association of School Psychologists) and the NASP examination as acceptable education/examination to obtain a license as a mental health practitioner. This bill did not move forward.

LB 752: On 4.19.2022 Governor Ricketts signed LB 752, which enacted the Interstate Counseling Compact law. Nebraska became the 10th state to pass legislation, others are Alabama, Florida, Georgia, Kentucky, Maine, Maryland, Mississippi, Utah, and West Virginia <https://counselingcompact.org> .

Effective July 21, 2022: All applicants for a LIMHP license require fingerprinting.

38-131 (1) An applicant for an initial license to practice as a registered nurse, a licensed practical nurse, a physical therapist, a physical therapy assistant, a psychologist, an advanced emergency medical technician, an emergency medical technician, an audiologist, a speech-language pathologist, **a licensed independent mental health practitioner**, an occupational therapist, an occupational therapy assistant, or a paramedic or to practice a profession which is authorized to prescribe controlled substances shall be subject to a criminal background check. A criminal background check may also be required for initial licensure or reinstatement of a license governed by the Uniform Credentialing Act if a criminal background check is required by an interstate licensure compact. Except as provided in subsection (3) of this section, the applicant shall submit with the application a full set of fingerprints which shall be forwarded to the Nebraska State Patrol to be submitted to the Federal Bureau of Investigation for a national criminal history record information check. The applicant shall authorize release of the results of the national criminal history record information check to the department. The applicant shall pay the actual cost of the fingerprinting and criminal background check.

Before the interstate counseling compact law can be implemented the Commission must meet and exercise rulemaking powers necessary to implement and administer the compact. Some of the requirements to participate in the compact are:

- **Licensee must hold a LIMHP and CPC to qualify for compact privileges.**
- **Require Licensees to have a sixty semester-hour** (or ninety quarter hour) master's degree in counseling or sixty semester-hours (or ninety quarter hours) of graduate course work including the following topic areas: a. Professional Counseling Orientation and Ethical Practice; b. Social and Cultural Diversity; c. Human Growth and Development; d. Career Development; e. Counseling and Helping Relationships; f. Group Counseling and Group Work; g. Diagnosis and Treatment; Assessment and Testing; h. Research and Program Evaluation; and i. Other areas as determined by the Commission.
Require Licensees to complete a supervised postgraduate professional experience as defined by the Commission;
- **A Member State must fully implement a criminal background check requirement**, within a timeframe established by rule, which requires fingerprinting and receiving the results of the Federal Bureau of Investigation record search.
- **Notify the Commission that the Licensee** is seeking the Privilege to Practice within a Remote State(s).
- **Meet any Jurisprudence Requirements** established by the Remote State(s) in which the Licensee is seeking a Privilege to Practice.
- **Investigations** for compact states must be shared.

11:08 am Harrison entered room

LB 709: Change requirements relating to preliminary applications under the Occupational Board Reform Act – bill did not move forward.

11:17am Carla Cue, Kathleen Krueger, Mark Meyerson, and Larry Wiehn, with Investigations entered room

LB325: Adopt the Art Therapy Practice Act. Meyerle reported the bill didn't make it out of committee.

11:22 am General Reporting exited room

b. Association and Committee Updates:

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

No update

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

Battleson reported he has been working on and completed the Jurisprudence exam Annual Conference scheduled for September and will be in person.

MOTION: Gill moved, seconded by Czaja-Stevens, to approved funding for Battleson to attend the Annual meeting. A voice vote was taken. Voting aye: Battleson, Dittmer, Gill, Batter, Czaja-Stevens, Davies, Meyerle (7). Voting nay: None (0). Absent: Andrews, Hof, Martinez (3). Abstain: None (0). Motion carried.

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

Batter reported she attended the new board member training in March.

- Justice Behavior Health Committee:

Gill reported there was no meeting in March, next meeting in June

- Reports: Disciplinary and Non-Disciplinary Actions, Licensure Statistics, Examination Pass/Fail Report, and Administrative Penalty Fees Assessed.

Attached to agenda

5. CLOSED SESSION - INVESTIGATIVE REPORTS & OTHER CONFIDENTIAL INFORMATION

MOTION: Gill moved, seconded by Batter, to enter into closed session at 11:25 am to hear discussions of an investigative/confidential nature, and for the prevention of needless injury to the reputation of the individuals. Gill repeated the motion purpose. A voice vote was taken. Voting aye: Battleson, Dittmer, Gill, Batter, Czaja-Stevens, Davies, Meyerle (7). Voting nay: None (0). Absent: Andrews, Hof, Martinez (3). Abstain: None (0). Motion carried.

11:32 am	Oldehoeft exited room
11:37 am	Oldehoeft entered room
11:42 am	Batter exited room
12:02 pm	Batter entered room
12:02 pm	Krueger exited room
12:15 pm	Cue exited room
12:31 pm	Gill exited room
12:34 pm	Meier exited room
12:34 pm	Gill entered room
12:45 pm	Break
12:56 pm	Returned to closed session
12:58 pm	Wiehn exited room
1:34 pm	Davies exited room
1:34 pm	Meyerle exited room
1:50 pm	Davies entered room
1:50 pm	Meyerle entered room

6. OPEN SESSION - REVIEW, RECOMMENDATIONS, AND REPORT OUT **Applications and Reinstatement Applications**

Amy Batten, Reinstatement (suspension) – LMHP Applicant

MOTION: Batter moved, seconded by Dittmer, to deny reinstatement. Basis: ongoing criminal probation and insufficient sobriety time. A voice vote was taken. Voting aye: Battleson, Dittmer, Gill, Batter, Czaja-Stevens, Davies, Meyerle (7). Voting nay: None (0). Absent: Hof, Martinez, Andrews (3). Abstain: None (0). Motion carried.

Laura Stoltz – LMHP and CPC Reinstatement

MOTION: Battleson moved, seconded by Dittmer, to recommend issuance with no terms and conditions. A roll call vote was taken. A voice vote was taken. Voting aye: Batter, Battleson, Dittmer, Gill, Czaja-Stevens (5). Voting nay: None (0). Absent: Hof, Martinez, Andrews (3). Abstain: Davies, Meyerle (2). Motion carried.

Sarah Holmes- PLMHP

MOTION: Gill moved, seconded by Davies, to recommend denial of internship/practicum verification. Basis: Licensed Behavior Analyst doesn't meet statute requirements of the supervisor. A voice vote was taken. Voting aye: Battleson, Dittmer, Gill, Batter, Czaja-Stevens, Davies, Meyerle (7). Voting nay: None (0). Absent: Hof, Martinez, Andrews (3). Abstain: None (0). Motion carried.

Leanna Pollock-CSW Applicant

MOTION: Gill moved, seconded by Davies, to recommend issuance with no terms and conditions. A voice vote was taken. Voting aye: Batter, Battleson, Dittmer, Gill, Czaja-Stevens, Davies, Meyerle (7). Voting nay: None (0). Absent: Hof, Martinez, Andrews (3). Abstain: None (0). Motion carried.

Kerry Silva-LIMHP and LMHP Applicant

MOTION: Gill moved, seconded by Davies, to recommend denial of post-Master's verification of supervision. Basis: Per statute, a Psychologist is not a qualified supervisor for Social Work. A voice vote was taken. Voting aye: Battleson, Dittmer, Gill, Batter, Czaja-Stevens, Davies, Meyerle (7). Voting nay: None (0). Absent: Hof, Martinez, Andrews (3). Abstain: None (0). Motion carried.

8. ADJOURNMENT

Meyerle declared the meeting adjourned at 3:00 pm.; the next meeting is scheduled for July 8, 2022.

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