

These minutes were approved by the Board 8.26.2022

MINUTES OF THE VIRTUAL CONFERENCING MEETING
Board of Mental Health Practice
July 8, 2022

1. ROLL CALL

The Virtual Conferencing Meeting of the Board of Mental Health Practice was called to order by the Chair, Susan Meyerle, at 9:03 a.m. 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 website on 6.29.2022 and revised and reposted on 7.5.2022.

The following members answered roll call:

Members Present (10):

Susan Meyerle, Chair (in room)
Dale Battleson, Secretary (in room)
Cassandra Dittmer, Member (on phone)
Janeen Gill, Vice-Chair (on phone)
Sara Batter, Member (in room)
Rebecca Czaja-Stevens, Member (in room)
David Hof, Vice Chair (on phone)
Mychelle Martinez, Member (on phone)
Laurie Andrews, Member (on phone)
Paul Davies, Member (on phone)

Members Absent (0):

Others Present (in room):

Kris Chiles, Program Manager, Licensure Unit
Carrie Oldehoeft, Health Licensing Coordinator, Licensure Unit
Mindy Lester, Assistant Attorney General
TJ O'Neill, Assistant Attorney General

A quorum was present and the meeting convened.

2. ADOPTION OF AGENDA

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

3. APPROVAL OF MINUTES

MOTION: Battleson moved, seconded by Batter, to adopt the minutes with corrections from 05.06.2022. A voice vote was taken. Voting aye: Battleson, Dittmer, Gill, Hof, Martinez, Meyerle, Andrews, Batter, Czaja-Stevens, Davies (10). Voting nay: None (0). Absent: None (0). Abstain: None (0). Motion carried.

4. UPDATES AND REPORTS

- Reminder renewals are due 9.1.2022, CEU's will not be required for the 2022 renewal per the Governor's Executive Order EO 22-02; the online renewal portal is open and post cards will be mailed out in the future.
- Association and Committee Updates:
 - a. AASCB <http://www.aascb.org>

Meyerle reported the next meeting will be 8.26.2022 and will be about CACREP.

LB 752 passed this year that provides the professional counseling compact for an individual who has an LIMHP & CPC; the licensee must hold both credentials to be eligible to participate in the compact.

Meyerle reported there are 15 states that have now passed the compact legislation and approximately 7 states that still have legislation pending.

Chiles updated, that while legislation passed in Nebraska and the bill is effective, the compact is not effective yet as the Commission needs to set out the rules and regulations

As part of LB 752, applicants for an initial license as a LIMHP will be required to submit fingerprints to the State Patrol in order for a criminal background check to be completed through the FBI. The Licensure Unit must receive the results of the background check prior to making a determination to issue/not issue the LIMHP. Additionally, this applies regardless of the professional counseling compact as it will be required to obtain a license as a LIMHP (is not required for LMHP applicants). The fee for fingerprints will be \$45.25 and is paid to the State Patrol.

9:13 am Meyerson and Wiehn-investigations entered the meeting room
9:13 am Building COMS entered the meeting room to verify WI-FI systems
9:14 am Building COMS exited the room
9:19 am Krueger and Cue – investigations entered the meeting room

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

Battleson reported the next AMFTRB meeting is in September and will be ~~a virtual meeting~~ an in person meeting in Louisville KY.

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

Batter reported the August 4 ASWB meeting will be online.

d. Justice Behavior Health Committee:

Gill is planning to attend the September 28-30, 2022 conference in Omaha for the 2022 Annual meeting. The early registration fee is \$75.

MOTION: Battleson moved, seconded by Batter, to approve Gill to attend the 2022 Annual meeting and have the cost of registration paid by the board. A voice vote was taken. Voting aye: Battleson, Dittmer, Gill, Hof, Martinez, Meyerle, Andrews, Batter, Czaja-Stevens, Davies (10). Voting nay: None (0). Absent: None (0). Abstain: None (0). Motion carried.

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

Reports attached to the meeting agenda

6. CLOSED SESSION - INVESTIGATIVE REPORTS & OTHER CONFIDENTIAL INFORMATION

MOTION: Czaja-Stevens moved, seconded by Batter, to enter into closed session at 9:26 a.m. to hear discussions of an investigative/confidential nature, and for the prevention of needless injury to the reputation of the individuals. Meyerle repeated the motion purpose. A voice vote was taken. Voting aye: Battleson, Dittmer, Gill, Hof, Martinez, Meyerle, Andrews, Batter, Czaja-Stevens, Davies (10). Voting nay: None (0). Absent: None (0). Abstain: None (0). Motion carried.

9:28 am Dittmer exited the call
9:33 am Dittmer entered the call
9:50 am Meyerson exited the room
10:13am Cue exited the room
10:19am Davies exited the call-phone call dropped

10:20 am Davies entered the call
10:33 am Krueger exited the room
10:37 am Wiehn exited the room

10:37 am Break

10:48 am Return from break
10:50 am Lester exited the room
10:52 am Lester entered the room
10:58 am Klaassen entered the room
11:19 am Klaassen exited the room

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

11:27 am Verbal agreement from all board members to enter into open session.

Francisca Gonzalez: Certified Social Worker:

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

Alyssa Maxwell: Independent Mental health Practitioner and Mental Health Practitioner:

MOTION: Batter moved, seconded by Czaja-Stevens to deny the request for reinstatement (early release from probation) based on insufficient evidence to modify the original decision. A voice vote was taken. Voting aye: Battleson, Dittmer, Gill, Hof, Martinez, Meyerle, Andrews, Batter, Czaja-Stevens, Davies (10). Voting nay: None (0). Absent: None (0). Abstain: None (0). Motion carried.

5. DISCUSSION RELATING TO THE USE OF CBD PRODUCTS.

Gill indicated she requested conversation regarding CBD products on the agenda, after noticing the subject of CBD products increasing. How does the use of hemp related products affect licensure? In reviewing the regulations for Nebraska Mental Health Practitioners, she did not see any references relating to CBD. This lead to the use of CBD and D8 (for example) for practitioners and concerns with drug testing, we see that people are using CBD products that contain THC and so they test positive and given that CBD products are an unregulated industry, people can't be assured that their products don't contain THC. Is CBD a mood-altering substance if it's laced with THC, yes, but I don't know enough about delta 8 I believe it is a mood-altering substance because of the chemistry that's involved.

Lester stated that in a disciplinary issue, to the extent they could be used if any CBD product or CBD related product or THC containing product is illegal in the state of Nebraska, if it is used by a therapist or recommended by a therapist and a disciplinary investigation came in, it would result in discipline because the UCA specifically states that all licensees must comply with state and federal laws. While the use of marijuana is illegal across the Nebraska, regardless of the use of it being legal in other states, it's still federally illegal, so the best answer is if there is a violation of a state or federal law then that could result in disciplinary action and to the extent that you're unsure whether the use of product would violate state or federal law those providers should seek independent legal counsel, but I don't think it would be within the purview of the board to make that decision today or to have a physician or to have a position on.

We also need to be very clear that the board isn't taking a position nor issuing any formal advisory opinion and that needs to be clear in all conversations or communications. If members get questions from practitioners or others about this topic, they should suggest the individual seek independent legal advice.

Due to conflict with schedules, the Board meeting for November 4 has been moved to October 14.

9. ADJOURNMENT

Meyerle declared the meeting adjourned at 11:44 a.m.; the next meeting is scheduled for August 26, 2022.

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