



**MINUTES OF TELEPHONIC MEETING  
FRIDAY, MARCH 19, 2021 at 9:00 AM**

**Teleconference Location  
Nevada Board of Examiners  
For Marriage & Family Therapists and Clinical Professional  
Counselors 7324 W. Cheyenne Avenue, Suite 10  
Las Vegas, NV 89129**

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**Please Note:** The Board may (a) address agenda items out of sequence to accommodate persons appearing before the Board or to aid the efficiency or effectiveness of the meeting; (b) combine agenda items for consideration by the public body; and (c) pull or remove items from the agenda at any time. The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person. (NRS 241.020, NRS 241.030).

Public comment is welcomed by the Board. Public comment will be limited to five minutes per person and comments based on viewpoint will not be restricted. A public comment time will be available prior to any action items on the agenda and on any matter not specifically included on the agenda prior to adjournment of the meeting. At the discretion of the President, additional public comment may be heard when that item is reached. The President may allow additional time to be given a speaker as time allows and at his/her sole discretion. (NRS 241.020, NRS 241.030) Prior to the commencement and conclusion of a contested case or a quasi-judicial proceeding that may affect the due process rights of an individual, the Board may refuse to consider public comment. (NRS 233B.126)

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**Action by the Board on any item may be to approve, deny, amend, or table**

1. Call to Order, roll call, Confirmation of Quorum.
  - Meeting called to order at 9:02am
  - Board members present: Steven Nicholas, Sheldon Jacobs, Hal Taylor, John Nixon, Marta Wilson, Jennifer Ross (arrived 9:08), Lauri Purdue, Erik Schoen (left 9:56)
  - Board members not present: Sara Pelton
  - Staff present: Lynne Smith, Joelle McNutt, Stephanie Steinhiser, SDAG Henna Rasul
  - Public Members: No members of the public present at 9:03 AM

2. Public comment

No vote may be taken upon a matter raised during a period devoted to public comment until the matter itself has been specifically included on an agenda as an item upon which action may be taken. (NRS 241.020)

No public comment.

3. Discussion, recommendation, and possible action regarding review and approval of minutes from February 19, 2021 meeting (For possible action)

Motion to approve minutes from February 19<sup>th</sup>: Erik 1<sup>st</sup>, Hal 2<sup>nd</sup>. No abstentions; Motion approved unanimously.

4. Review/Decision regarding the following licensees who have petitioned the Board to be Primary Supervisors for Marriage and Family Therapist (MFT) and Clinical Professional Counselor (CPC) Interns: (For possible action)

Supervision Applicant	AAMFT Approved Supervisor/Supervisor Candidate or CCE Approved Certificate/ Supervisor Course	Transcript of 45-hour Graduate-level Supervision Course	Mentor Signature of Supervisory Experience	Mentor Contract
Jennifer Kiser	N/A	Yes	Yes	N/A
Amia Mulholland	Yes	N/A	Yes	N/A
Carly Shadid	Yes	N/A	N/A	Yes

Erik: Jennifer Kiser does not have proof of 25 hours of mentored supervision as required by NAC 641.182(4b). Her letter does not attest to that. She needs to resubmit that letter.

Lynne: my Ph.D. supervision courses included mentored supervision so it's likely so did her courses. Would the board be willing to approve her as a Primary Supervisor if I obtain verification of her mentored supervision so she doesn't have to wait until the next board meeting?

Steve: I like that compromise – a provisional acceptance, pending that she gets a letter for that.

Erik: I had emailed Lynne about this and she stated that there are some fixes to the form and I'm comfortable with this compromise.

Move to approve Jennifer Kiser as a Primary Supervisor pending proof of mentored supervision: Erik, 1<sup>st</sup>, Hal, 2<sup>nd</sup>. Motion approved unanimously.

Marta: I need to excuse myself from Amia Mulholland's approval since we have a business relationship.

Move to approve Amia Mulholland as a Primary Supervisor: Sheldon, 1<sup>st</sup>, John 2<sup>nd</sup>. Marta abstains.

Motion approved unanimously.

Move to approve Carly Shadid as a Primary Supervisor: Erik, 1<sup>st</sup>, Sheldon 2<sup>nd</sup>. Motion approved unanimously.

5. Erik Schoen petitions the board to discuss and consider posting the board meeting packet to the website when posting the agenda (For discussion/possible action)

Erik: if we were meeting in person, we are required to produce a board packet for review upon request for attendees from the public who want to know more about the documents we are reviewing; the business we are conducting. For a year, that hasn't been possible because we haven't been meeting in person. The spirit of that, for me, seems to be posting a packet to the website. And why this is so important to me is that it wasn't that long ago when the board business was really difficult to decipher. We were not very transparent. Hal can speak more to this, but we didn't know when meetings were being held because we didn't have a regular schedule for meetings or we didn't know what was going to be discussed.

So, one of the things that we tried to do in the last few years was to really err on the side of transparency. At least that's what I tried to do in my term as president. And this happens to align with the committee for revising open meeting law which is proposing just what I'm suggesting. I think it is

good practice for us and we would be a step ahead of the requirement and it sets a good tone of transparency.

Hal: A number of boards already do this. For instance, the Pharmacy board already does this. There are certain things that people have a right to be discussed not at a public meeting, like financial arrangements that would be under executive session. Per open meeting law, a person would request the financial documents not be a part of the packet. I agree with Erik, it is where things are going, and I support doing that subject to not including items which are not to be released to the general public.

Henna: I've been doing this for 20 years. The board meeting packet has always been available prior to a meeting, the public just has to ask for it. And at the meetings, only one packet is required to be available. If someone came into a meeting and requested a packet which wasn't available on the website, we would stop the meeting and give them a packet. So, transparency has never been an issue because the public has always been allowed to ask for and have the packet. Most of my boards don't post the packet but some do. There are no such thing as executive sessions, there are closed sessions. Budgets and financial statements would be included as these are public documents. These documents have always been available to the public if they request it and it would be allowed to have it before the meeting.

Erik: Henna – I appreciate your perspective legally but historically; I would not agree with your characterization that transparency has always been present.

Henna: well, I disagree with you.

Steve: to be as transparent as possible would be appropriate and is prudent. To assume that we are not trying to be transparent is not something I agree with. It seems that we are moving to a paperless world and for example, if we were in person, today's packet would have been 56 pages long. It is easy to request the notes and minutes but perhaps there is a better way to note that ability to request them – say something short of a big red banner across our website that says, "Click Here Now". We are training for paperless so moving in that direction makes sense. That being said, let's have some discussion on what a reasonable compromise would be promoting the availability of notes and minutes to the public

John: Henna, can you think of a reason that it would be imprudent to post the packets on the website?

Henna: No, not at all. Typically, it is left up to the Executive Director to post those to the website; it is a decision of the Executive Director based on their workflow. I have not heard of any changes from the Open Meeting Law Committee, but I will be notified if there are changes. Currently, only one physical packet is required at a meeting. But, no, to answer your question John, there's nothing legally that prohibits posting the packet to the website.

Steve: one hesitation that I have is posting unapproved minutes, where we, as board members, have not had the opportunity to review and clarify our comments from the previous meeting. So, some things could be taken out of context until they are approved.

Lynne: the easiest thing would be to post the exhibits along with the agenda on the website. But sometimes there are multiple packets due to how things are prepared.

Lauri: is there a deadline for documents being submitted?

Lynne: yes, the Friday before a meeting – so a week prior to the scheduled meeting.

Steve: everyone needs to know that we are in compliance with the regulations and that Lynne and Joelle are very busy in the office.

Stephanie: we will need to make sure that certain pieces of information are redacted before being disseminated – in the case of an application, removing address, social security number, etc.

Erik: Steve, I like your compromise: Having a bright blue or red link – “if you are wanting a copy of the materials, please click here”. Open meeting law committee revisions potentially include that drafts be made available. NRS 241.020 section 3 (c).2 *Post the supporting material to the public body’s website*. At some point, we have to figure this out, but we don’t have to figure it out now. If, indeed, workload is a consideration then I like your compromise, Steve.

Marta: I like Steve’s idea also.

Lauri: I have been in situations both ways where it’s all posted online and it’s their responsibility to print it. And I’ve been in situations where they bring a gazillion packets. But in this day and age, especially after most people being home for a year, post it online and they can take responsibility for retrieving it.

Steve: there are only two staff in the office, but I do like the idea of being paperless someday.

Lynne: the collaborative board group is meeting on April 1<sup>st</sup> so I can request that this be put on the agenda.

Hal: I propose that we table it and Lynne can look into what other Boards are doing and let her bring those ideas back to the next meeting. I think Erik is right that this is where the world is going but let’s table this for now.

6. Lynne Smith petitions the board to continue discussions of the CEU requirements for licensees who are licensed in year two of the biennial license (For discussion/ possible action)

Steve: Our regulations state that 40 CEUs are required every two years and it was not written into the language to prorate the CEUs, depending on when licensed.

Henna: we have to stick to the statutes. It does say that circumstances beyond their control (i.e., medical conditions, extraordinary, or unavoidable circumstances), which is what you need to focus on in the case of a waiver. No, is my opinion as far as being allowed to prorate CEUs.

Steve: The Governor has an emergency directive currently in place for COVID saying that we cannot deny licensure based on lack of CEUs

Henna: if there is an order from the Governor, that supersedes the NAC. You can change the regulations in the future through legislation.

Steve: we would need an operational definition of circumstances beyond their control, we do not get any wiggle room on this right now.

Hal: I believe this would be good to address in the next legislative session since regulations give people notice of changes.

Marta: I have 2 or 3, maybe 4 interns who are coming into full licensure within the next few months. I need to prepare them to start doing CEUs.

John: it would seem that education for the interns that they are going to need 40 CEUs would be prudent. So that timing their license makes sense for them in regard to the CEU requirements.

Lynne: it seems like a good idea to communicate to supervisors that interns becoming fully licensed will have the 40 CEUs to complete. In the long run, it would seem that changing the regulations to include licensed interns as having to take CEUs would benefit them. Once students leave graduate

school and possibly take 9 years as a licensed intern and have not been doing continuing education at all

Jen: I think it is a good idea for interns to complete CEUs, especially the specifically required CEUs of ethics and suicide prevention and possibly diversity.

Steve: we cannot withhold their license if they do not

7. Lynne Smith petitions the board to discuss providing licensee data for university and state research projects (For discussion/possible action)

Lynne: I get various requests from Universities and other organizations, in and outside of Nevada. I would like the board's input on providing some or all licensee data to these types of entities since we all know that research is super important.

Erik: are you already providing data?

Lynne: I have provided data that includes license number, name, city, and state, typically.

Steve: so, you have provided this data but this does not give these people permission to spam the office or licensees with requests

Lynne: no, once a study has gone through the IRB process, there are standards for handling the data so they would not release it to anyone else. The state is particularly focusing on gathering more and more data in the health care fields.

Sheldon: there's this notion in the state that people aren't getting licensed quickly enough and a political discussion regarding the extreme shortage of mental health professionals with one of the reasons being that there were some issues in the past with people are not being licensed fast-enough

Hal: I feel that our Board is becoming a model and I'm very proud of our board. I think we've worked very hard in the last few years to get people licensed expeditiously.

Motion to grant the board office permission to provide data for research projects: Marta 1<sup>st</sup>, Sheldon 2<sup>nd</sup>. Motion approved unanimously.

8. Lynne Smith petitions the board to discuss signing an agreement with CE Broker (For discussion/possible action)

Lynne: Ohio's executive director send me an email which is in your packet regarding their position experience with CE broker and they have had a wonderful experience, so the contract grant permission

Steve: there is no cost to the Board; it potentially costs the licensee depending on what level of service they choose. Lynne, how difficult would it be to implement CE Broker?

Lynne: it shouldn't be too difficult and will make things better in the end. Joelle fields questions all the time about CEUs.

Steph: I'm licensed in Florida and I do use CE Broker. I haven't had any issues with it and thought it was easy to use since it states clearly which specific CEUs are required.

Joelle: I think it would be good for licensees to have a place to go to get information about CEUs.

Henna: there are state requirements regarding the signing of contracts. I would recommend that the contract goes through the state purchasing process. Typically, the contract goes through the board and if approved, signed by the DAG as to form.

Henna: an accurate packet will need to be put together for the board to go through again and put it back on the agenda for the board's review and approval.

Steve: thank you, Henna. So, with that, we will table it until the next meeting.

9. Lynne Smith petitions the board to review and approve the January financial statements (For discussion/possible action)

Lynne: fund balance of \$63,000 and well above the \$50,000 that we have earmarked as well as a year-to-date income of \$55,000.

Steve: I don't have any questions, but I caution the board to not go and buy any new Cadillacs. It looks like a nice balance. There will be opportunities when the world opens that we may have expenditures

Motion to approve the January financial statements: Jen, 1<sup>st</sup>, Lauri 2<sup>nd</sup>. Motion approved unanimously.

10. Lynne Smith petitions the board to move to board meetings every other month due to the time and expenses involved (For discussion/possible action)

Lynne: having done three meetings in a month, it was evident how much work the meetings are. the Board is running smoothly enough now that we do not have to meet this often, so the proposed schedule is below

Erik: in June is when we confirm the new board slate of officers

Henna: no, it doesn't say a particular month, just annually and a month or two, give or take, is inconsequential so it needs to be June or after

Steve: if we move meetings to every other month, that is work-dependent. I like the idea of spreading out the meetings if the workload supports that. How many supervisors do we have to approve?

Lynne: These are from Joelle's great statistics: we approved 11 supervisors in January (9 primary & 2 secondary), 5 supervisors in February (4 primary & 1 secondary), and the 3 primaries on the agenda with 2 secondaries so far in March. I do not believe making a person wait one month longer to be approved as a primary would be earthshattering. We can always have an emergency meeting if something were to come up that couldn't wait.

Steve: I think it could be something we talk about at each meeting as far as the need to meet the following month.

Sheldon: I like the idea of every other month meetings. If the state is going to open up, are we meeting in person then?

Lynne: at this point, we haven't discussed it, nor have I heard from the state that we can schedule in-person yet. Many of the Nevada boards meet only quarterly.

Steve: our regulations state that quarterly is the minimum.

Hal: I believe that we should meet every other month at the least

John: I would not want to go back to long meetings and pushing through, the other consideration is that it was very chaotic to have emergency meetings scheduled two days before and you had to clear your schedule.

Erik: I have to leave now – are we meeting in April?

Steve: yes, we will meet in April

Henna: reference the statute when you post these meeting minutes.

Lynne: per NAC 641A.045, the board shall hold quarterly meetings, so it is allowable to meet every other month rather than every month.

Marta: just having this discussion is great - kudos to the Board staff and it shows the efficiency of the office now.

#### 11. Disciplinary Matter – Recommendation for Dismissal (For possible action)

a. Case No. NV16CPC013

- Licensee responded to the 233B letter with support that the allegations are false

Motion to dismiss this case made by Marta; 2<sup>nd</sup> Sheldon. Motion approved unanimously.

b. Case No. NVMFT180122-03

- Retaliatory complaint against the therapist

Motion to dismiss this case made by Marta; 2<sup>nd</sup> Lauri. Hal abstains. Motion approved unanimously.

#### 12. Report from President (Advisement)

SB44 is continuing to be pushed through and they have used quite a bit of our language around reciprocity.

#### 13. Report from Treasurer (Advisement)

Her checklist in review of the payroll, bank account, and office credit card

#### 14. Report from Executive Director (Advisement)

Last month was record breaking for processing and issuing licenses – we received 69 applications with year-to-date of 127 applications, many of which are now online applications.

- 50 licenses issued so far in March (as of the 18<sup>th</sup>)
- 6-month reporting, less than 5% totaling the mail, in person, or fax
- NPDB is up to date with reporting all disciplinary items, thanks to Stephanie!

15. Report from Senior Deputy Attorney General Henna Rasul (Advisement)

Working on cases. There will possibly be a hearing in June, if it doesn't settle, so the board will need to reserve two days in June for a potentially contentious hearing with attorneys. The opposing attorney requested an extension until June, and we do not want a continuance. I have to file and apprise opposing counsel of the hearing date.

16. Discussion regarding future agenda items and possible future meeting dates:

- **Friday, April 16<sup>th</sup> @ 9:00 AM (Public Meeting)**
- **Friday, June 18<sup>th</sup> @ 9:00 AM (Public Hearing)**

17. Board member comments

Steve: I do think that we should meet in April to tidy up unfinished business

John: SB181 is the Drug & Alcohol Board requesting to lower required hours from 4,000 to 3,000 hours. It is a reasonable request. My issue is that if we support that bill, we need to request that CPCs are given the same consideration as MFT and Social workers since their requirements were written before there was a CPC license in Nevada. We can say that we will back this bill if they include equity for CPCs.

Hal: MFTs and CPCs should be treated alike as far as qualifications for the Drug and Alcohol board.

John: for those who want to get the additional credential, this an opportune time

Marta: If you haven't heard this yet, there has been an update on HIPAA pertaining to CFR 42 & 45. One of my supervisees has created a quick sheet on this and I will make that available to Lynne

Hal: I'm looking for a good solid basic CLE/CEU on HIPAA

Steve: CE Broker

Marta: CASAT puts out a good training on HIPAA

Sheldon: AB 327 no new updates, the language for the bill dropped on Monday. We are still waiting but likely will hear something in the next few weeks.

18. Public comment.

No vote may be taken upon a matter raised during a period devoted to public comment until the matter itself has been specifically included on an agenda as an item upon which action may be taken. (NRS 241.020)

No public comment.

19. Adjournment (For possible action)

Meeting adjourned at 10:14am.



Meeting agendas are available for download at the Nevada State Board of Marriage Family Therapists & Clinical Professional Counselors website <http://marriage.nv.gov>. Anyone who needs the agenda or supporting materials for this meeting is invited to call or email Joelle McNutt at (702) 486-7388 x 102 or [JMcNutt@mftbd.nv.gov](mailto:JMcNutt@mftbd.nv.gov). The agenda and supporting materials may be provided by email or can be arranged to be picked up in person. This agenda has been sent to all members of the Board and other interested persons who have requested an agenda from the Board. Persons who wish to continue to receive an agenda and notice should make a formal request to Joelle McNutt at [JMcNutt@mftbd.nv.gov](mailto:JMcNutt@mftbd.nv.gov).

We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify Joelle McNutt at (702) 486-7388 x 102 or [JMcNutt@mftbd.nv.gov](mailto:JMcNutt@mftbd.nv.gov) no later than 48 hours prior to the meeting. Requests for special arrangements made after this time frame cannot be guaranteed.

**THIS MEETING HAS BEEN PROPERLY NOTICED AND POSTED IN THE FOLLOWING PUBLIC LOCATIONS AND WEB SITES:**

State of Nevada Administrative Website: <https://notice.nv.gov/>

State of Nevada Board of Examiners for Marriage & Family Therapists and Clinical Professional Counselors: 7324 W. Cheyenne Ave. Suite #10 Las Vegas, Nevada 89129

State of Nevada Board of Examiners for Marriage & Family Therapists and Clinical Professional Counselors Website: <https://marriage.nv.gov/>