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MINUTES OF TELEPHONIC WORKSHOP TO SOLICIT PUBLIC COMMENTS ON PROPOSED REGULATION

FRIDAY, NOVEMBER 17, 2023, at 9:00AM

Teleconference

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

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 three (3) 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)

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

The Public Workshop is being held prior to the scheduled Board Meeting, which will begin immediately following the conclusion of the Workshop discussion.

PUBLIC WORKSHOP – PROPOSED NEVADA ADMINISTRATIVE CODE CHANGES

1. Introduction – Open Public Workshop. Workshop discussion opened at 9:01 AM.

The purpose of the Workshop is to solicit comments on the proposed revisions to NAC 641A. The proposed regulation may include the following and other matters properly relating thereto.

Public comment is welcomed by the Board. Persons wishing to provide public comments remotely may access the meeting by telephone at (253) 215-8782 or through the electronic link posted on the agenda. Public comment will be limited to three (3) 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

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2. Open Public Comments: Proposed Regulations

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)

- Board members present: Sara Pelton, Marta Wilson, Jenny Stepp, Sheldon Jacobs, Lauri Perdue, Jennifer Ross, Hal Taylor, John Nixon (arrived at 9:03 PM)
- Board members not present: Steven Nicholas
- Staff present: Joelle McNutt, Stephanie Steinhiser, Senior Deputy Attorney General Henna Rasul
- Members of the public: Richard Vande Voort, Nancy Sirkin, Michael Elterman, Jaime Clemens, Pamela Gomez, Roberta Vande Voort, Emily Lewis, Felicia Carrigan, Daniel Dorado, Helen Troupe, Alicia Rocha, Nichole Henderson, Merlelynn Harris

Open Discussion Items

- Jennifer: We are here to follow through on action items for the Executive Order and Joelle for members of the public as a reminder, would you like to review for them?
- Joelle: The Governor had two Executive Orders that he put out at the beginning of this year, and this is this workshop to follow through on the regulations that were included in our report 2023-003.
- Jennifer: At this time, we will review these regulations point by point and I will open the floor to any public comment for each of them as we go.
 - NAC 641A.055 – removes that communications to the Board must include an email address and the person’s name.
 - No public comment.
 - NAC 641A.095 paragraph 1 – removes the restriction of how many times an applicant can attempt to take their national licensing exam in a 12-month period.
 - No public comment.
 - NAC 641A.095 paragraph 2, subsection (a) – removes that a person must take the national licensing exam within one year of being notified of eligibility.
 - Nancy Sirkin: Can you tell me what the rationale is behind that?
 - Joelle: Interns shouldn't be restricted as to when they can take the national exam. This opens it up to their entire internship period of three years with a one-time extension. We didn't want to restrict them to taking it within that first year.
 - Nancy Sirkin: I'm glad I asked because I misunderstood. I thought they had to take it. I don't have any issues with it.

- NAC 641A.095 paragraph 2, subsection (b) – removes that a person must retake the national licensing exam within one year after failing the examination and that their license is deemed lapsed.
 - Michael Elterman: If you remove that, my mind says you have no idea whether they're dropping out of the process or if they're still active and trying to get in. And it shows to me either a lack of motivation or a lot of fear. It could be either way, and if they haven't got that under control or willing to gamble, then how are they're going to teach others? I think that once you fail the exam, you ought to be required to take it a minimum of ones each year, and I don't mean like a fiscal year or a calendar year, but within 12 months of the failure. That's just my input.
- NAC 641A.126 paragraph 3, subsection (a) – removes that a provider of continuing education must transmit to the Board the title of the course or program within thirty (30) days.
 - Michael Elterman: Within 30 days. Does that mean if that's stricken, I could submit to the board today before I do a CEU?
 - Joelle: As a provider of continuing education, the CEUs offered are already approved. This means that a provider is required to transmit documentation to the Board. It's just the documentation retained by the Board.
 - Michael Elterman: Okay, so that does help. And so you still need it, but it doesn't have to be a whole 30 days before. It could be even maybe after you present the course, but you have to have it. Okay, got it. That makes sense. Thank you.
 - Nancy Sirkin: If a provider who's approved, is anything that they do once they're approved, kind of a given that it's going to be approved for the CEUs or are people at risk of taking a training with somebody even though they're an approved provider? If that particular course has not been approved by the board for CEUs, are they at risk of not getting those CEUs?
 - Joelle: No. Once you're approved as a provider, then you can offer as many CEUs as you would like on any subject material that you would like to offer. There is no risk of anything not being approved once a provider is granted a number.
- NAC 641A.126 paragraph 3, subsection (b) – removes that a provider of continuing education must transmit to the Board the name of the instructor of the course or program within thirty (30) days.
 - No public comment.

- NAC 641A.126 paragraph 3, subsection (c) – removes that a provider of continuing education must transmit to the Board the date, time and location of the course or program within thirty (30) days.
 - No public comment.
- NAC 641A.126 paragraph 3, subsection (d) – removes that a provider of continuing education must transmit to the Board the names and total number of attendees who were issued certificates.
 - Roberta Vande Voort: I wanted to make a comment having to do with this is. When I was on the Board of Examiners, we moved several times and one of the responsibilities I had was to move the enormous boxes of submissions to the Board of Examiners that either hadn't had been looked at or dealt with, and it just seemed like this is completely unnecessary.
- NAC 641A.126 paragraph 3, subsection (e) – removes that a provider of continuing education must transmit to the Board the number of hours available for credit for attending the course or program.
 - Michael Elterman: My assumption is by the way you renew your license, the Board has that information anyway when they submit it for credit, so that would be duplicated. Am I thinking correctly?
 - Joelle: Yes.
- NAC 641A.126 paragraph 3, subsection (f), number (1) – removes that a provider of continuing education must transmit to the Board the registration number assigned by the Board to the course or program.
 - Michael Elterman: I'm not sure what that means. I mean, it sounds like we don't give you the people on the registration form, not the registration form. The certificate, excuse me. How many credits am I reading that wrong?
 - Stephanie: I just wanted to provide a little bit of clarity. We vet the provider for the CEU, so anything that the provider offers, once we vet them and give them that provider number, we are trusting that they're providing appropriate CEU. The CEU number that they're assigned is to be included on every certificate they issue for anyone that has attended the CEU. So, we already have that information when the licensee uploads their renewal paperwork and they put in their CEUs, we have that documentation there. This is just removing a lot of extra paperwork that we don't necessarily need because we're vetting the provider themselves and not each course individually unless they are submitting a single event CEU, which is a different completely different situation.
- NAC 641A.126 paragraph 3, subsection (f), number (2) – removes that a provider of continuing education must transmit to the Board the registration number assigned by the Board to the approved provider of continuing education.
 - No public comment.

- NAC 641A.129, paragraph 1 – removes that an approved provider of continuing education must keep records of the course or program for three years.
 - Michael Elterman: I mean as soon as they issue the certificates, they don't have to keep records, is that what you're saying?
 - Joelle: The CEU certificates that the provider has issued will be uploaded by the licensee during license renewal. So, we will have records of that in your digital wallet. So once the licensee submits it, we'll have a record of that as well.
 - Michael Elterman: So my understanding is if I lose my certificate, I'm up a creek. I can't get one if they don't keep it and so that's the alternative. Correct?
 - Stephanie: It would then be up to you to contact the CEU provider and see if they can work with you to get you that certificate if you lose it.
 - Michael Elterman: Right. Okay. So stuff happens, my thinking three years. I agree, but they had to be able to keep it for one year. That way if someone loses it and can't find it, let's say they were ill or their spouse came in or the housekeeper and cleaned up their desk or something and threw something away, accidents can happen and it's a little extra work for the provider of the CEU. I think three years is little excessive, but I think one year if somebody organizes themselves a little bit should be sufficient. But anyway, that's me.
 - Nancy Sirkin: Are we assuming that, because when we do our renewals and we upload the certificates that one of the things that I found with Certemy is when you hit the full hours required, they cut you off. So if you've done even more trainings and you want to upload those certificates, Certemy doesn't allow you to do that. So I don't know if that's important or not. When it comes to, I mean it's nice that Certemy has those certificates, but I there's also certificates that will never get up into Certemy because they don't accept them.
 - Joelle: You can always upload the certificates to your digital wallet. What that little message means is that the system is not going to count past a certain number, but that doesn't mean that you're not getting credit for those CEUs because you are.
 - Sara: Can I add that you can put it in as you go along throughout the renewal process and the digital wallet under the education. You can, correct?
 - Stephanie: We are also not saying that the providers of CEUs don't keep their own records. I would imagine that most who are charging for CEUs do keep their own records. We're just not statutorily requiring them to do so.
 - Michael Elterman: The problem with Certemy is when you meet the requirements and then you have the general part, if you've the minimum, they won't let you put more in except in a digital wallet. I finally found out, so I cheated with mine and I put in two in one place, which probably isn't kosher, but it will get there. But certainly does have its limitations that are frustrating.
 - Helen Troupe: I just wanted to thank Joelle for clarifying where I should put my extra CEUs. I was unclear. Thank you so very much.

- Hal: Are they able to carry additional hours over?
- Joelle: They'll only be able to count hours from the dates of the renewal period.
- John: So, then the records stay, but the hours have to be within the period. The records are still there, but excess hours don't roll over.
- NAC 641A.129, paragraph 1, subsection (a) – removes that an approved provider of continuing education must keep records of the course or program for three years including each attendee of the course or program.
 - No public comment.
- NAC 641A.129, paragraph 1, subsection (b) – removes that an approved provider of continuing education must keep records of the course or program for three years including the number of hours available for credit for attending the course or program.
 - No public comment.

3. Close Public Comments: Proposed Regulations. Workshop discussion closed at 9:29 AM.

Written comments received:

From: Danielle Osier-Tatar
Sent: Friday, November 17, 2023 8:52 AM
To: mft bd2 <mftbd2@mftbd.nv.gov>
Subject: Public comment for board meeting today

Hello Joelle,

Thank you so much for speaking with me yesterday and helping me with resources to assist me.

I did not have time to draft a formal letter, but am hoping you can read this email at the board meeting today to go on record about a topic effecting mental health providers in Northern Nevada.

Two weeks ago I received a letter from the City of Reno Benefits Manager informing me that as of January 1, 2024. United Healthcare under the third party administrator UMR will be taking over as the insurer for the City of Reno Employees.

The letter mentioned over the past two years United Healthcare and UMR has become the insurer for the State of Nevada, Washoe County, Washoe County Department of Social Services, and now will be adding the City of Sparks, TMWA, the City of Reno and Peppermill. The letter asked, as I treat several of their members, if I would be willing to join the UHC network.

I have not previously joined that network as their reimbursement rate is over 25% less than other insurers. I have been a licensed mental health professional in the State of Nevada for over 30 years and have extensive training in EMDR, Trauma-Informed Care, EFT, IFS, DBT, Play Therapy, Neuro-sequential Developmental Models, etc. I am a sought-after clinician in my area and strongly believe I add value to the mental health community in Northern Nevada.

I spent time navigating through the UHC system in an attempt to determine if they would negotiate a reimbursement rate with me more in alignment with other insurers and was told they do not negotiate rates until a provider has been credentialed with them for two years.

My concern is this: I already receive one to two calls per week asking if I am on the UHC panel. Potential clients routinely tell me although there is a list of providers, there are none currently taking new clients, or, especially, none that treat children.

Unfortunately, at a time when the demand for quality mental health care is at an all time high, UHC's business model appears to be restricting access to mental health providers through keeping their provider availability low.

Because United HealthCare will be taking over insurance coverage for most government agencies in Northern Nevada, it is forcing many mental health providers to capitulate. It remains to be seen how many providers will unhappily be strong-armed into accepting the 25% cut in reimbursement offered by UHC. My concern is the community is losing its most experienced and extensively trained therapists. United Healthcare is negatively impacting the availability and quality of mental health care at a time when mental health treatment is said to be one of the key needs in our country.

I will not be joining the UHC network and in this communication to the board, I am hoping to glean support from other providers to do the same. I believe we must push back collectively against the bullying tactics of the insurance industry to better serve the people of our community. I am asking for others to recognize that if we continually capitulate to insurance monopolies both providers and the public will continue to suffer while insurance companies garner more and more power to dictate.

Thank you again for your time, Joelle. I'm hoping there might be some feedback from others about their thoughts on this matter.