

Joe Lombardo, Governor



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Sheldon Jacobs, *Member*
Lauri Perdue, *Public Member*

MEETING MINUTES
FRIDAY, FEBRUARY 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.

1. Call to Order, Roll Call, Confirmation of Quorum. Meeting called to order at 9:02 AM.
 - Board members present: Steven Nicholas, John Nixon arrived 9:04AM), Marta Wilson, Jenny Stepp, Lauri Perdue, Sheldon Jacobs, Hal Taylor, Jennifer Ross
 - Board members not present: Sara Pelton
 - Staff present: Joelle McNutt, Stephanie Steinhiser, Senior Deputy Attorney General Henna Rasul
 - Members of the public present: Abby Peddieson, Brandon Eddy, Matthew Kelly, Dorothy Paul, Bethany Kammert, Madison Flores, Eliana Reyes, Jocelyn Odar, Vaida Kazlauskaitė, Ronald Eckman, Roberta Vande Voort, Nanette Leffall, Toni Garguilo, Amanda Henderson

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)

- Brandon Eddy: I want to speak on the requirement for someone to be fully licensed for three years before they can be a supervisor in the state of Nevada. A lot of academics like me, we get our master's degree and then we move on to get a PhD and that can take anywhere from three to five years to get a PhD. While doing that process, we often are in an approved supervisor course or track within our PhD program. Upon graduation, we are an approved supervisor according to AAMFT and COAMFTE standards. Despite that, we do take a little while to get fully licensed because although we're clinically active, most of our time and efforts are going to academia and to training new marriage and family therapists. So, it takes us a little bit longer. I will still have to wait for an additional three years to become a Nevada State supervisor. Despite having been an AAMFT approved supervisor for six years at this point, and by the other three years, almost a decade of experience as an AAMFT approved supervisor before I'd be considered a state supervisor.
 - Vaida Kazlauskaitė: I want to second what Brandon was just talking about. I am in full support of that.
3. Disciplinary hearing on Complaint and Notice of Hearing in the Matter of Patricia Kilgore, Case No. NV18MFT014 and Case No. NV19MFT002. This agenda item may include review and consideration of a consent decree (For possible action)
- Steve: this item has been struck from the agenda.
4. Discussion, recommendation, and possible action regarding review and approval of minutes from the December 16, 2022, meeting (For possible action)
- Motion to approve minutes from December 16th: 1st Lauri, 2nd Jenny; Jennifer abstains; Motion approved.
5. 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 Approved Clinical Supervisor	University transcript showing 45-hour graduate-level supervision course	Mentor Signature of Supervisory Experience
Charles Mrozek	Yes	N/A	N/A
Janeen Smith	Yes	N/A	N/A
Carin Thomas	Yes	N/A	N/A
James Studer	N/A	Yes	Yes

- Steve: Let's take the first three and then we'll take Jim Studer separately.
 - Motion to approve Charles Mrozek, Janeen Smith, and Carin Thomas as Primary Supervisors: 1st Lauri, 2nd Marta; No abstentions; Motion approved unanimously.
 - Motion to approve James Studer as a Primary Supervisor: 1st Marta, 2nd Sheldon; Jennifer abstains; Motion approved.
6. Review/Decision regarding the following applicants who have petitioned the Board for approval of prior experience hours from out-of-state: (For possible action)

Applicant	Total Number of Hours	Prior Experience Form	State Verified Hours	Letter from Previous Supervisor
Ryan Fockler		Yes	Yes	No
Jennifer Smith	1040	Yes	No	Yes

- Steve: We are removing Ryan Fockler from consideration at this time. Joelle, do you have anything you would like to add here?
- Joelle: Jennifer Smith was fully licensed in Louisiana as an LPC, and you'll see her license verification in your supporting documents. Her license expired in Louisiana, so she is ineligible for reciprocity. We tried to work on getting her reinstated in Louisiana, but since she lives here, she is unable to do that at this time.
- Steve: This one is heartbreaking. Should she have had a license in good standing that wasn't expired this would've been a reciprocity application, but statute says that we cannot move forward with that.
- Lauri: I do know Jennifer Smith. She's the wife of a professional colleague. So, I do believe I can be impartial on the vote.
- Hal: I think we are very limited right now in terms of our regulations and what we can do. Keep in mind that sometimes we have these very odd situations, we want to address that at some point or, or not. I say it only because of the timing of the Governor's Executive Orders.
- Steve: The timing is quite interesting as we just finished streamlining some of our regs by adding new regs because one of those Executive Orders says no changes and in fact, only deletions. So, the timing is interesting because had this taken place just a few months ago, you wouldn't even be able to consider this for some of her hours to sub in.
- Motion to approve prior experience hours from out-of-state for Jennifer Smith: 1st Jennifer, 2nd John; No abstentions; Motion approved unanimously.

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

- a. Case No. NV20MFT004
- b. Case No. NV22CPCI001

- Motion to dismiss Case No. NV20MFT004 and Case No. NV22CPCI001: 1st Hal, 2nd Sheldon; No abstentions; Motion approved unanimously.

8. Review, discussion, and possible action regarding years of clinical experience in lieu of substance abuse course per NAC 641A.085, subsection 7, #3 (For possible action) – Matthew Kelly

- Joelle: Mr. Kelly applied for both MFT and CPC intern licensure and upon completion of Academic Review, he is missing a substance abuse course. Mr. Kelly is licensed in both Texas and Nevada as a substance abuse counselor. He has provided for your review, a letter, license verifications, experience verification including the number of hours he has worked in the field and letters or recommendation from his supervisors. I included his transcripts and the Academic Review worksheets.
- John: I do have a question. It's kind of surprising that you can be a clinical alcohol drug counselor in Nevada and in Texas, but not require a course in substance abuse. So, I presume that you have had licensure for a number of years in good standing. Is that simply how the criteria are to be a substance abuse counselor, based on mentoring experience, not necessarily academic preparation.

- Matthew Kelly: Thank you so much for giving me the opportunity to be here and I'll address that question. So, in Texas it's just not a course that's required. I graduated in 2011 with a marriage and family therapy degree. Since that time, I've taken a couple graduate level courses to meet criteria in the state of Texas for LPC, which is equivalent to your CPC. I applied to be a licensed chemical dependency counselor. I've acquired one here in Nevada, the LCDAC intern licensure, which is what I'm currently working under here.
 - Steve: So how many years of experience do you have in the substance abuse field?
 - Matthew Kelly: I have five years of experience.
 - John: I think this is an example where the experience appears to be very strong. It meets criteria and in two states for the specialty field. So, it seems like that, by virtue of mentored experience, have attained the knowledge that's necessary. So, if we have the discretion to accept that, I think that'd be good.
 - Marta: As an LCADC and an approved supervisor for the Board of Examiners for Alcohol, Drug and Gambling Counselors, the process is different. If you have what the state would call an acceptable social science master's degree for the LCADC, then the training experience actually comes within the internship, which is a requirement of 4,000 hours. So, as I reviewed this, I would say he clearly meets the standards of our Board for being able to accept his experience in lieu of a course.
 - Steve: The Board has discretion to address that education doesn't equate to experience yet, sometimes, experience can equate to education. I also believe that you have a very strong background and history and I support giving this exception. Any other board members?
 - Jenny: I was going to say how much I appreciated that you really gave us clear documentation. You made our job really easy, and I'd be delighted to make this recommendation.
 - John: Since we have such a large audience here of community members, I do want to take out my highlighting pen and underscore what Jenny said. I run into this at UNLV, because I have to do verifications for various states of supervised hours in internship in practicum within the academic program and I can't attest to anything more than the minimum by virtue of seeing that they pass the course on the transcript, unless they have signed logs, cumulative logs for the hours in excess of the minimum. We can't just make those assumptions, so documentation is really key, and Mr. Kelly has laid it all out for us and in this example, has made it very easy for us to be able to do this.
 - Motion to approve years of clinical experience in lieu of substance abuse course per NAC 641A.085, subsection 7, #3 for applicant Matthew Kelly: 1st John, 2nd Marta; No abstentions; Motion approved unanimously.
9. Review, discussion, and possible action regarding review of financial statements 2nd Quarter FY23 ending December 31, 2022 (For discussion/possible action) – Joelle McNutt
- Joelle: Everything looks good. The only thing that I wanted to point out that we haven't seen before in previous quarterly financials is that we had an administrative fine pass through on our profit and loss statement and that was just a timing issue. We collected the administrative fine in September because of an approved consent decree and then we sent it to the General Fund by way of the Treasurer's Office. Those types of fines do not stay as part of the Board's finances.

- Motion to approve the financial statements 2nd Quarter FY23 ending December 31, 2022: 1st Lauri, 2nd Jennifer; No abstentions; Motion approved unanimously.

10. Review and discussion of the Governor's Executive Orders 2023-003 and 2023-004 (For discussion) – Joelle McNutt

- Joelle: In summary, Executive Order 2023-003 mandates a thorough review of our regulations and lists no less than ten regulations that the Board would consider for removal. Once those considerations are voted on in our next agenda item, I must schedule a hearing to take public comment on the regulations that were selected, and any additional regulations suggested by the public. The 2023-003 report is due by May 1, 2023. Executive Order 2023-004 is a comprehensive review of our regulations, fees, and justification for our regulations.
- Steve: In our conversation in the few minutes, realize that our priority is to protect the public and our second priority is to provide ethically driven, qualified marriage and family therapists and clinical professional counselors. We will work very hard to be in compliance with the Executive Orders as we are an extension of the Executive Branch of the state government and an extension of the Governor's office.
- Joelle: I have included in your supporting documents a compilation of our regulations that includes both codified and uncodified changes. I will also be sending this document out to all our licensees and interested parties when the notification of the required hearing goes out. I will also post a copy of the document on our website for the public.
- Steve: Just for the public's understanding, uncodified means that they have not been updated on the Legislature's website. They are approved and in effect once filed with the Secretary of State's office.

11. Review, discussion, and possible action regarding approval of no less than 10 regulations recommended for removal per the Governor's Executive Order 2023-003 (For discussion/possible action) – Joelle McNutt

- Joelle: When we looked at our regulations and what could be considered for discussion here and included for possible removal, we looked at two criteria. The first being the impact on public health and safety and second, the fiscal impact on the Board.
- Stephanie: We cannot adjust or modify regulations here. The order talks about complete removal so in order to stay in compliance with the order, we have to choose what we can remove.
- Hal: I want to make sure the record is clear that this is my personal position on this. I do not want any other Board members to be impacted by my position. I will work with the Board regarding fulfilling that requirement in the Executive Order. I simply want it to be noted that when I saw it and read this in the newspaper, this is the one that caused me to hit the ceiling. We are being punished for the failure of other boards to do their job as well as we have learned to do our job, especially over the last two years. All the hard work staff has put in and Board members put in to do the best job we can to provide for public health, safety, and welfare and to make things efficient. I still want it noted that Hal Taylor, a public member of the Board, feels that the request by the Governor or the order by the Governor, that we should just get rid of 10 regulations is in fact arbitrary and capricious and serves no useful purpose. That is my opinion. I do not expect that to be the opinion of the Board. I am not suggesting it be the opinion, but I want to point out someplace in the record that there's an objection to say simply, arbitrarily and capriciously, oh, just pick 10 regulations.
- Steve: Noted. Thank you, Hal. So that is Hal Taylor, speaking for Hal Taylor right there, not the Board, but I will ask that all of us are very invested, and we care, as a predominantly volunteer

Board, to help our state. So yes, we will comply with the Executive Orders, and we are going to figure out a way to do something to the best of our ability.

- Joelle: In your supporting documents is a list of regulations that do not impact public safety or impact us fiscally for your review and approval to include in the hearing to be held later. I think it would be best to review each one and vote before moving on to the next one. That worked well last fall when we made regulation changes.
- Steve: Yes, let's take them one at a time.
 - NAC 641A.055 – removes that communications to the Board must include an email address and the person's name.
 - Steve: This regulation is essentially redundant. Any discussion on this?
 - Jenny: I agree.
- Motion to approve NAC 641A.055 for removal per the Governor's Executive Order 2023-003: 1st Jenny, 2nd Jennifer; No abstentions; Motion approved unanimously.
 - 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.
 - Steve: Eliminating the next three regulations is a way of streamlining the pathway to licensure.
 - Stephanie: The next three regulations do not reference clinical professional counselors either.
- Motion to approve NAC 641A.095 paragraph 1 for removal per the Governor's Executive Order 2023-003: 1st John, 2nd Sheldon; No abstentions; Motion approved unanimously.
 - 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.
- Motion to approve NAC 641A.095 paragraph 2, subsection (a) for removal per the Governor's Executive Order 2023-003: 1st Jennifer, 2nd Sheldon; No abstentions; Motion approved unanimously.
 - 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.
- Motion to approve 641A.095 paragraph 2, subsection (b) for removal per the Governor's Executive Order 2023-003: 1st Jennifer, 2nd Lauri; No abstentions; Motion approved unanimously.
 - 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.
 - Joelle: When we approve a continuing education provider, we vet them and monitor them. This is a great deal of paperwork to keep track of for both the Board office and the provider.

- John: I agree.
- Motion to approve NAC 641A.126 paragraph 3, subsection (a) for removal per the Governor's Executive Order 2023-003: 1st Sheldon, 2nd Jenny; No abstentions; Motion approved unanimously.
 - 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.
- Motion to approve NAC 641A.126 paragraph 3, subsection (b) for removal per the Governor's Executive Order 2023-003: 1st Marta, 2nd Sheldon; No abstentions; Motion approved unanimously.
 - 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.
- Motion to approve NAC 641A.126 paragraph 3, subsection (c) for removal per the Governor's Executive Order 2023-003: 1st Lauri, 2nd Jennifer; No abstentions; Motion approved unanimously.
 - 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.
- Motion to approve NAC 641A.126 paragraph 3, subsection (d) for removal per the Governor's Executive Order 2023-003: 1st Jennifer, 2nd Sheldon; No abstentions; Motion approved unanimously.
 - 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 Board to the course or program.
- Motion to approve NAC 641A.126 paragraph 3, subsection (e) for removal per the Governor's Executive Order 2023-003: 1st Jenny, 2nd Jennifer; No abstentions; Motion approved unanimously.
 - 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.
- Motion to approve NAC 641A.126 paragraph 3, subsection (f), number (1) for removal per the Governor's Executive Order 2023-003: 1st Marta, 2nd John; No abstentions; Motion approved unanimously.
 - 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.
- Motion to approve NAC 641A.126 paragraph 3, subsection (f), number (2) for removal per the Governor's Executive Order 2023-003: 1st Sheldon, 2nd Jenny; No abstentions; Motion approved unanimously.

- NAC 641A.129, paragraph 1, subsection (a) – 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.
- Motion to approve NAC 641A.129, paragraph 1, subsection (a) for removal per the Governor's Executive Order 2023-003: 1st Jenny, 2nd Sheldon; No abstentions; Motion approved unanimously.
- NAC 641A.129, paragraph 1, subsection (b) – 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.
- Motion to approve NAC 641A.129, paragraph 1, subsection (b) for removal per the Governor's Executive Order 2023-003: 1st Jennifer, 2nd Marta; No abstentions; Motion approved unanimously.

12. Report from President (Advisement)

- Steve: The Executive Director and I have talked quite a bit lately about these Executive Orders and where to go. For Executive Order 2023-004, I think we are in a phenomenal position to essentially summarize and document what we've been up to for the past couple of years. Last year, specifically because we worked very hard to streamline the process to licensure, not just with reciprocity, but with fee structures, for example, taking into consideration military families and their partners. Executive Order 2023-003 is more challenging in my opinion because for the last four years we have worked incredibly hard to fill in the gaps and streamline our regulations.

13. Report from Treasurer (Advisement)

- Joelle: Nothing out of the ordinary that Sara would want me to share.

14. Report from Executive Director (Advisement)

- Joelle: Thank to everyone for going through those regulations. I know it was tedious and it is good to have it on the record so plainly. I provided a list of active bill draft requests that impact occupational licensing. In January of 2023 we processed more applications in the history of our Board at 66 applications and we issued more licenses in the month of January than ever in our history. I issued 111 licenses in the month of January. I'm proud of that. That speaks to all the hard work the Board has done to make sure we streamline processing. I'm looking forward to writing the report for the Governor letting him know all that you have done to positively impact workforce development. I have contacted the state to renew our lease in our current location for another three years. I have updated the renewal step for all full licensees to include the proration of CEUs and the addition of the cultural competency requirement. I am still working on updating the website and creating manuals needed for the office. The reports needed for the Governor will take precedence. Any questions or comments?
- Sheldon: I just want to commend, you Joelle, your team and obviously my Board colleagues. This is a reason to celebrate in terms of all the hard work that's been put in the last couple years. But also, I want to say it's frustrating because I've been in a lot of settings where there's this narrative out there that the Boards aren't getting people licensed. I keep hearing all this negativity and obviously every time, and I hear that I speak up. I'm sure it's going to take some time to shift that narrative a little bit, but I just want to put it out there that I'm proud to be a part of this Board and just all the great work that everybody's doing. So, thank you everyone.
- John: I would add that a bad reputation is harder to shake off and it takes longer to establish a good reputation. So, it sounds like we're still paying for previous years and how things were run then and

it's a shame because the people really don't know what's happening. Thank you, Sheldon, for bringing that up. I think that we all need to stand up when we run into those things and hear them because they're just not right. It's not based on fact, not today.

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

- Henna: No report.

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

- Steve: It looks like April 21st for our next meeting. Does that sound correct?
- Joelle: Yes.

17. Board member comments

- Marta: I have talked to quite a few licensees from other licensing Boards about the Governor's Executive Orders and there is a lively discussion happening amongst other licensees. I am thankful that we have been scrubbing our regulations and I think others may have a more difficult process with the timeframes given. I am also grateful that at least every other month, I see disciplinary matters on the agenda. It is what we need to do to protect the public and our licensees so thank you.
- Steve: There is a piece of legislation involving managed care organizations and provider caps. It is not appropriate for the Board to have a position on that but there are discussion happening about access to care and pathways to licensure and that one of the barriers to patient care is managed care organizations not having accessibility and openness.
- John: I am concerned to see how those provisions of that legislation will pan out. I think it's a good thing to watch and see what happens with it and see what the threat may be to the public good. On the one hand we have economic development and, and workforce growth, but then the public safety needs to be a priority. I think that we've done a very conscientious job these recent years trying to walk through those waters in a way that preserves public safety as well as develops the workforce. So, with the managed care organizations just an interesting footnote is what I've run into before is part of the caps are imposed.
- Marta: That's exactly some of the discussions that I was having with other colleagues where that, what John said is happening and yet so many of our agencies have these long waiting lists which would suggest that the providers really aren't available and yet insurance companies are saying, we have enough providers but then why is there a two month waiting list to get into see people?
comment.

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)

- Roberta Vande Voort: My husband and I want to thank you for all you have done. We appreciate it.

19. Adjournment

- The meeting was adjourned at 10:42 AM.

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 or mftbd2@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 mftbd2@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 or mftbd2@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/>