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Jennifer Ross, *Member*
Marta Wilson, *Member*
Hal Taylor, J.D., *Public Member*
Sheldon Jacobs, *Member*
Lauri Perdue, *Public Member*

MEETING MINUTES
FRIDAY, APRIL 21, 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, Marta Wilson, Jenny Stepp, Sara Pelton, Sheldon Jacobs, Hal Taylor, Jennifer Ross (arrived at 9:09 AM), Lauri Perdue
 - Board members not present: John Nixon
 - Staff present: Joelle McNutt, Stephanie Steinhiser, Senior Deputy Attorney General Henna Rasul
 - Members of the public present: Kari Barker, Khalileah Daniels, Malieka Toston, Jeanette Bussey, Molly Johnson, Ryan Fockler, Sharon Harris, Milena Hernandez, Jane Heenan, Donia Davis, 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)

- No public comment.
- 3. Hearing in the Matter of Jeanette Bussey, Case No. NV19MFT003, to determine whether or not she is in violation of the terms of her Consent Decree (For possible action)
 - Joelle: What you want to focus on is page number seven, line number nine, of the consent decree in your supporting documents. We are having a hearing this morning to determine whether or not Ms. Bussey is in violation of the terms of her consent decree.
 - Steve: This is our opportunity to discuss if we view there is a violation of the terms of the consent decree, and if we determine that there is what we choose to do, because we have full discretion to revoke, suspend, et cetera. I see that the terms which were a fine, which the payment plan could have been established, and I believe the documents say that there was a payment plan established. Joelle, were there any payments made to the fine?
 - Joelle: No.
 - Steve: All right. None. Also, there was a total of 10 hours of continuing education in ethics, specifically related to boundaries. Joelle, were any of those completed?
 - Joelle: No.
 - Steve: So, it seems to me it's pretty clear that the consent decree was not adhered to. Ms. Bussey, would you like to unmute and give us your thoughts?
 - Jeanette Bussey: Yes, sir. I would agree that it was not adhered to. I was in communication when the decree was first signed and put into place about the payment plan and the stipulations. I will just stop to say this was an extremely distressful time of my life. I've been a licensee of the Board for 10 years with no complaints.
 - Steve: Ms. Bussey, we are not here to review that.
 - Jeanette Bussey: I wasn't intentionally trying to not go forward with the stipulations.
 - Steve: While I do hear and I respect that you say you weren't intentionally trying to avoid anything, I'm under the impression you weren't intentionally trying to address the consent decree either. Have you performed any of the CEUs or payments that were requested a year ago from you?
 - Jeanette Bussey: No, I haven't.
 - Jenny Stepp: Do you have any plans to make the monthly payment this month?
 - Jeanette Bussey: Yes.
 - Jenny Stepp: Can you speak to that a little more?
 - Jeanette Bussey: I'm fully prepared and ready to meet all of them as soon as possible.
 - Steve: I have strong reservations accepting this idea of moving forward due to the fact that the only reason we're talking about it, or that it's even an idea to address this, is because we are bringing

this back up a year later. Ms. Bussey, you're saying that you're willing to be compliant with your consent decree? That's very problematic for me.

- Jeanette Bussey: I understand. I completely understand your stance on it. I apologize for that. And I guess what I'm asking for is a chance to make this right.
- Lauri: Can you walk us through what the steps are that you have in place at this point to move forward specifically?
- Jeanette Bussey: I'm prepared to make the full amount of payments by mid-June, and I will sign up and enroll in the 10 hours of CEUs within the next week.
- Hal: Are there specific instances in your life or complications that prevented you from complying with this order that you feel we should be aware of?
- Jeanette Bussey: It has been a very challenging year. I've had my employment end, so it has been a financially challenging year and I have been dealing with some health issues too.
- Hal: What is your employment situation currently?
- Jeanette Bussey: I am working full-time, not as an MFT, but I am working full-time.
- Sheldon: My issue is that given the circumstances that you've been through over the past year or so, I haven't seen any communication during that timeframe with the Board office. It's hard for us to support you when we don't know what's going on.
- Hal: I have a question for the Board counsel. Ms. Rasul, we had a one-year probation on this. Is that probation still in effect or did it lapse?
- Henna: It would've lapsed. So, whatever you determine at this point, whether it is allowing her to comply with the consent decree and adding on additional discipline, I'm going to prepare an order to that effect so you can extend the period of probation if you would like.
- Hal: Ok, thank you.
- Steve: Ms. Bussey, in this last year since this consent decree, have you been practicing as a marriage and family therapist in any way?
- Jeanette Bussey: No sir.
- Steve: Have you been training and getting CEUs for being a marriage and family therapist in any way?
- Jeanette Bussey: No sir.
- Jennifer: It sounds like it's been a dreadful year for you Ms. Bussey, and I am sorry to hear that. Given the initial allegations for which the consent decree was entered into, and the lack of follow-through by Ms. Bussey, I'm not hearing a compelling reason for the Board to go into an additional process when we add all the pieces together.

- Henna: There will be two motions. The first motion is to determine whether or not she's in violation of the consent decree. Then the second motion would address which form of discipline, if any, you would want.
- Motion that based upon the evidence, which has been presented in our documents and in testimony today, we find that Ms. Jeanette Bussey in violation of her consent decree for Case No. NV19MFT003: 1st Hal, 2nd Lauri; No abstentions; Motion approved unanimously.
- Steve: It's time for us to talk about whether or not we continue the stipulations of the consent decree? Do we change it, or do we revoke licensure?
- Jenny: I just want to put it out there for consideration that the steps haven't been taken by Ms. Bussey and although I really wanted to see that happen, it doesn't sound like that has happened. I know that we are an empathetic Board and really root for our colleagues but the fact that no steps were taken, I think that needs to be considered here.
- Steve: I support revoking Ms. Bussey's license.
- Henna: It has to be a certain time period, and it can't be more than 10 years. If it's suspension, it's one year or less. That's the term you'd use. If you're revoking, it's over one year, and you'd have to specifically state how long you'd want to revoke that. Then you would want to state what needs to be done, should she reapply. If you want to consider another consent decree, you need to address the consent decree terms and whether or not you want to add attorney's fees and costs up to today's date or leave them as is. It needs to be all laid out, so I can put that in the order.
- Hal: I would move that the investigative costs or legal costs generated by our having to follow up with this be incorporated by reference to the original consent decree.
- Steve: Do you know if there have been additional monies accrued because of this follow up?
- Henna: There will be fees to draft the new order. The attorney's fees are reimbursement to the Board as those are actual costs that are incurred by me.
- Steve: I'm not concerned about the dollars and cents of this. I'm concerned with the ethics of a practitioner who demonstrated harm to clients through boundary violations, and took zero steps forward, therefore effectively took steps away from progress. I do want to keep this about the ethics of client care and professionalism, and those two considerations were never satisfied or addressed, in my opinion.
- Hal: I'm struggling here. If we had some progress with regards to the original order at this point, we would consider that, but we don't. On the other hand, I certainly think the penalty on the original consent order was very fair. What I would like to do is kick this out somehow, six months or so, and see if we have any compliance. I'm not comfortable at all should she determine that she wants to go back into practice at this point, given her non-compliance with this consent order. Part of me wants to give her a chance to at least show us some attempt to comply with the Board's order. I certainly feel that non-compliance with this order is just another sign that we should be concerned about her practice. Revocation is a very tough discipline. I'm certainly aware that we need to do something here.

- Steve: So, in that direction, perhaps we suspend for six months? Obviously, the original fine plus any new legal fees are still due. I still believe that those 10 CEUs, which were pretty light, would still be necessary in addition to the regulated CEUs that one would need for licensure.
- Hal: Six months is what I had in mind to give her an opportunity to show some really strong intention to comply with the Board's orders and our jurisdiction.
- Jenny: So, if we do a suspension for six or 12 months even, the CEUs that are required. I would actually add, maybe instead of additional CEUs, I would add personal therapy, maybe 10 or 15 hours of personal therapy.
- Jennifer: That is what I wanted to bring up.
- Sheldon: I'm right there with Jenny and Dr. Ross, I think that there needs to be a counseling component. I have my concerns with the lack of communication and the lack of responsibility. It is a tough pill for me to swallow.
- Hal: My concern is I'm not sure that we have the authority to order consultation, and we haven't had any sort of diagnosis or any professional indication. I think it might be a great idea, but I'm really unsure that we have the authority to order that.
- Steve: I do agree with you, Hal. I'm always a little bit uncomfortable mandating therapy to somebody. That's got to be their journey, in my opinion. That is an aspirational goal and practice for a therapist, but I don't think that's necessarily one that we can mandate.
- Sara: With the personal therapy, Ms. Bussey is talking about some personal things in her life, and I think if we're going to extend an olive branch for her to complete these things, I think that should be a component of this. I also want to shorten the amount of time it would take for her to complete the original orders of the consent decree. I'm thinking two months to get those boundaries CEUs done.
- Marta: I agree with Sara. Ms. Bussey shared that she had a plan to pay the \$605 by June and that's just a few months away. I'm very concerned, as Dr. Jacobs is about the communication. A quick email or phone call to the office could have curtailed a lot of this conversation right now. My heart really does go out that there were so many personal issues that were happening but at the same time, it is a question of the public and our job as a Board is to protect the public and the severity of the boundary violations were not slight.
- Sara: How about instead of personal therapy, we consider adding some supervision around boundaries? During a six-month suspension, maybe having 18 hours with an approved supervisor to address boundaries?
- Jenny: We have had personal therapy included in consent decrees before, and we don't need to know the details that are discussed in the therapy. That is for our colleague to determine for oneself. What we've asked for though is a letter from the treating therapist just to say they've complied with it and supervision I think is a great idea, but she's not seeing clients right now and that doesn't seem relevant.

- Jeanette Bussey: I fully agree with the therapy, and I've already set that in motion for personal reasons. So, I just wanted to put that on the table, that that's already been scheduled, not because of this, but because of the extreme circumstances over the last couple of years of my life.
 - Steve: I am very comforted hearing you say that and continue that direction toward your growth. Thank you.
 - Hal: This is the problem with putting therapy in a disciplinary order. The therapy now becomes more complex than compliance with the order, which was originally, payment and very specific CEUs to address the issues which were raised by the underlying facts. I think if she wants to continue therapy, that's wonderful, but right now I think we need to deal with the money, a period of suspension and compliance with the CEUs.
 - Jennifer: I don't think that it needs to be complicated and that's me not being an attorney but to be able to say that she will continue therapy with a licensed professional of her choosing who is not related to her by blood or friendship, however it is that that's worded and that the, the a letter from the therapist is submitted with all the rest of her CEU certificates at the end of the period seems fairly simple to me.
 - Hal: In other words, what you're saying is with regard to therapy, she has to be very conscious of boundary issues, when she picks with therapist.
 - Jennifer: Yeah, I mean the initial accusation suggests to me that there are some interpersonal concerns that Ms. Bussey could be addressing in addition to all of the life circumstances that she herself had stated impaired her ability to take any steps toward professional development. So, for me, those tie together very closely.
 - Jenny: We can call it a letter of attendance.
 - Steve: I'm not concerned with micromanaging this woman's therapy. We are willing to give her the benefit of the doubt by suspending her license and giving her some more assignments to do. If she demonstrates compliance with that, I think that she meets the basic standards for re-becoming a professional and if she doesn't, then I think our options are pretty clear. I think we can make this pretty straightforward and simple.
 - Motion to suspend Ms. Bussey's license for a period of six months, reimpose the original consent decree penalties which include a payment of \$600 and the completion of 10 CEU hours in ethics, specifically addressing boundary issues. Those CEU hours are in addition to the normally required continuing education units for licensure. Her additional 10 hours of ethics training and payment of all fees will be completed within the first two months, 60 days of her suspension effective April 21, 2023: 1st Steve, 2nd Hal; No abstentions; Marta and Jennifer oppose; Motion approved.
4. Discussion, recommendation, and possible action regarding review and approval of minutes from the February 17, 2023, meeting (For possible action)
- Sara: I was not in attendance at that meeting, so I'll be abstaining.
 - Hal: I made a comment under section 11 in those minutes. I want to reflect again on the record, those were strictly my comments and not comments by the Board.

- Motion to approve minutes from February 17th: 1st Marta, 2nd Sheldon; Sara abstains; Motion approved.
5. Discussion, recommendation, and possible action regarding review and approval of minutes from the March 31, 2023, hearing to review regulations (For possible action)
- Motion to approve minutes from March 31st: 1st Marta, 2nd Sara; Lauri and Jennifer abstain; Motion approved.
6. 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
Kari Barker	Yes	N/A	N/A
Milagros Severin-Ruiz	Yes	N/A	N/A
Philip Glessner	Yes	N/A	N/A
Alicia Arnold	Yes	N/A	N/A
Joshua Dickson	N/A	Yes	Yes

- Motion to approve Kari Barker, Milagros Severin-Ruiz, Philip Glessner and Alicia Arnold as Primary Supervisors: 1st Jenny, 2nd Sheldon; No abstentions; Motion approved unanimously.
 - Steve: Josh Dixon was one of my interns many moons ago, but I do not believe that biases my decision on this.
 - Motion to approve Joshua Dickson as a Primary Supervisor: 1st Lauri, 2nd Marta; Jennifer abstains; Motion approved.
7. 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	1,466	Yes	Yes	No
Donia Davis	259	Yes	Yes	No

- Sara: So, looking through Mr. Fockler's supporting documents, he did not become an associate MFT in California until November 18th, 2022. And he's asking for hours to be approved between the time he was employed around graduation from his university. Between then getting his intern license in California. I'm not comfortable approving those hours, but I think there was some confusion around, and I think I might be able to help settle some of that. So, the board, you don't have to petition the board for the 500 hours you accrue when you do face-to-face hours with clients at university. There's a form on the website, you can submit that any time during your internship. So, I would suggest going back and counting those hours between November 18th and when your

Nevada intern license was issued January 19th. I think those hours would probably get approved by us. Mr. Fockler, I also wanted to make sure we clear up any confusion about what group therapy means too. You also mentioned that you provided 116 group hours to other mental health providers, group leaders, and proctors. That doesn't count as group therapy. You would have an informed consent process. The people in your group would be your clients for us to consider those as group hours. I think your role was as mentor, not as a therapist during that period of graduation to your associate licensure. Is that correct?

- Ryan Fockler: So as far as the mentoring hours go, I was hired by my site, Higher Ground Orange County, which was also where I spent my practicum. They received a grant to increase their mental health presence in the community. So, while my hours spent there were under the title of mentor, part of that was because of California's 90-day rule, which part of that is simply because of the time that it takes in between applying for your license in California and receiving it. I graduated in July. I was hired immediately after that. So, while I was classified as a mentor, my role was generally giving advice to the MFTs that were there during their practicum. So as far as group hours go, I understand why that might be somewhat of a gray area. They might fall a little bit more under the instruction category. I guess I'm not a hundred percent clear on exactly what you're asking and how that would apply to Nevada law.
- Sara: My concern is if we agree to approve those hours, that means we're okay with you working as an unlicensed MFT and I don't think that was your intention.
- Ryan Fockler: That was not necessarily my intention. I think this might be a little bit of a discrepancy between California law and Nevada law because of the 90-day rule.
- Sara: In Nevada, there is a period where interns have to wait to get issued their intern license so there is a gap unfortunately. They're not allowed to practice during that time. I would suggest counting those hours between November and January and coming back and petitioning, that would be what I would consider.
- Jenny: We also request a letter from a previous supervisor, and I was wondering if you would be able to provide that.
- Ryan Fockler: I asked my previous supervisor, and he is going through some serious medical issues at the moment. He did write me a letter, although it didn't quite pertain exactly to what I had asked him. I'm not certain that he's able to provide those at the moment, but I can certainly ask and supply that to the Board if need be.
- Steve: Ryan, is there anyone else at the agency that could document the accuracy of those hours?
- Ryan Fockler: There are two other supervisors that could certainly do that. I can reach out to them.
- Steve: It seems to me that the Board would have a comfort level counting hours from November, not from graduation and that a letter vouching for your time and your hours there would be helpful as well. Mr. Fockler, will you please recalculate hours from November up to the time that you got here and started? Will you please find some sort of letter from that employer? Is that reasonable?
- Ryan Fockler: Just to clarify, so in between my graduation date, which was towards the end of July and then into November, I would recalculate without those hours, without the direct client face-to-face hours?
- Sara: I like the issue date as our boundary there. November 18th, 2022.

- Jennifer: To clarify, you're suggesting none of the hours prior to the November date and then all of the applicable hours after?
 - Sara: Correct, because his role wasn't clinician, his role was mentor at this job.
 - Steve: According to Nevada laws, we will give it the date of his associate MFT practice on November 18th.
 - Ryan Fockler: While my role was mentor, I was still seeing clients face-to-face as applicable under California state law. Would my direct face-to-face client hours, which were applicable under the 90-day rule in California, between my graduation date and my AMFT date, would those still count, or should I exclude those?
 - Steve: Exclude those, Ryan. Begin on November 18th when you were an approved intern or associate as of November 18th. We don't recognize California's 90-day rule. We recognize their associate date.
 - Ryan Fockler: Thank you.
 - Steve: So, in regard to Donia Davis requesting 259 hours. It looks straightforward.
 - Sara: I appreciate the attendance sheets too. They're very thorough. They help us do our jobs.
 - Motion to approve prior experience hours from out-of-state for Donia Davis: 1st Marta, 2nd Lauri; No abstentions; Motion approved unanimously.
8. Disciplinary Matter – Recommendation for Dismissal (For possible action)
- a. Case No. NV21MFT004
 - Stephanie: The complaint was actually withdrawn by the complainant, so obviously without that we don't move forward.
 - Motion to dismiss Case No. NV21MFT004: 1st Jennifer, 2nd Sheldon; No abstentions; Motion approved unanimously.
9. Review, discussion, and possible action regarding Milena Hernandez's application for licensure as a MFT intern (For discussion/possible action) – Joelle McNutt
- Joelle: Ms. Hernandez was originally licensed by our Board from February 4, 2011, to February 4, 2017. She reapplied for a new number at that point because you can only hold an intern number for six years. Her most recent internship ran from February 17, 2017 to January 31, 2023, when her primary supervisor dissolved the relationship. So, since that was also a six year term, Ms. Hernandez is applying to continue to be an intern here in the state of Nevada and therefore needs to apply again. Part of the application is a request for background clearance and those results were positive. You'll see that in terms of the response to the ethical questions, she did answer appropriately on her application.
 - Sara: I'll be abstaining from any vote on this one. Millie and I have a prior work relationship and I want to make sure any vote is free of any bias.
 - Steve: I have incredibly strong hesitation in moving forward granting this intern application after reviewing her supervisor's letter. There are some egregious violations of Medicaid fraud and harm to the taxpayers and harm to the public.

- Milena Hernandez: Good morning, Board and thank you for your time. I really appreciate it. I'm sorry that I have to be here today with this whole situation that has been very, very traumatic and taxing. I was under the impression today that I was going to be speaking only on behalf of my renewal of internship and not on the cases at hand.
- Steve: When you apply for an internship, you have to go through a background check. So, when we received information about the background check, there obviously was a lot of documentation there that the Board was not aware of. As a licensed intern when these violations happened, you didn't let the board know. We found out through a background check. So that's why we're here talking about that stuff. Our job right now is to consider whether or not we want to grant you an internship license. So, you don't, you don't have to say a thing if you choose not to. I would like to know, during your internship when these situations did happen, did you inform your primary supervisor?
- Milena Hernandez: No. I did not.
- Steve: Thank you for that. That is very alarming. According to the public press release from the Attorney General, more than \$100,000 was deposited into Ms. Hernandez's account for fraudulent services. More than \$25,000 was attempted to be deposited but was denied. All these occurrences happened evidently, without her supervisor's knowledge. The state decided not to pursue the civil penalties, which would've amounted to \$39,978,587.44. Those would be civil penalties that the state decided not to pursue. I have more of the Attorney general's release, issued 36-month probation, pay more than \$350,000 in restitution, and then an additional \$100,000 in additional restitution. The fact that her primary supervisor was in the dark, until she wasn't in the dark, absolutely startles me. Her original primary supervisor is here. Is that you, Ms. Harris? Would you like to give us any, uh, consider any information to consider?
- Sharon Harris: I have been Ms. Hernandez's supervisor since day one and over the last two years and three months, she told me she was busy studying for her exam after all these years. She has yet to pass her test. She told me she was not seeing any clients and that she was studying for the exam. When I asked her how she was living and paying her bills, she told me she was a really good saver. That was her answer to me. She called me and told me that she had some important things to talk to me about. We met on Sunday the 29th. She had a friend with her for support, and she had these paper documents from the court, and she started sharing with me her story, but she didn't tell me the whole story and she withheld some documents. I saw about Medicaid fraud. I saw that in 2020 that she was approached by a Medicaid officer, and she never told me anything about it. She also had a business of her own, which I didn't know about. I thought she was operating that business to see clients, but she told me that she connected with this company called Supreme Management, and they asked her if they could bill under her provider 14 and she allowed it and she did not tell me anything about this. They were billing faulty claims. Now she says that she didn't know any of it and she was duped. She said they were billing for dead people. They did all these things. She said she didn't know what was going on. She said she asked many times to meet with the biller, to look over things and they wouldn't. Everything was kept from me. I saw the deposits to her bank. She paid off her car, she paid off all these things and I was floored. I couldn't believe what I was seeing. That's why I withdrew immediately as her supervisor. She's a huge liability to this community and as an MFT and I feel like her license should be revoked.
- Steve: Ms. Harris, she was an enormous liability to your license. There are quite a few primary supervisors on this Board, and as one, I'm terrified of that. I want to be very clear with what our initial role is right now in this conversation. Are we willing to approve an internship application? It is our opportunity to review all of our documents to consider granting an internship license. That would be before we review what an internship proposal would look like. So, I would like any other board member's comments.

- Sheldon: I have a lot of concerns beyond the fraud and the criminal stuff, but also the lack of accountability. That is making it hard for me to see this in any other way. That's a big issue for me, that accountability piece on top of everything else. So yes, I have a lot of grave concerns.
- Hal: May I ask Ms. Heenan a question?
- Steve: Not yet Hal, because that conversation would be appropriate if we were going to move forward with an internship license.
- Sheldon: Ms. Hernandez, if none of this was ever found out, would you have allowed for this to continue to happen?
- Milena Hernandez: Thank you. Board members, the paperwork that you have before you from the courts was settled. What is written on there is not what really occurred. I met these two individuals. They had a company named Supreme Management, which I told them that they needed to open up a company because they were not going to have a company under me. They wanted to work under me, or they wanted me to see more than a hundred clients and I said, no, absolutely not. At that time, Sharon is correct. I had been studying for my MFT test. Whether it's taking me three years or five years or seven years, I've continued to study. That is not a crime. That is not a problem. The crime here is that I take sole responsibility because I gave my Medicaid password to someone unethical who used it against my company and against myself. That that is what I told the court. I went to court three times. The judge understood and she said, "Ms. Hernandez, I understand that you might have been scammed by these two individuals". Yes, they did bill on dead people on my company's NPI, not on my personal. All this had to do with my company NPI. Two Medicaid investigators came to see me. They were asking me about another company I worked for. I explained to them the situation. I was doing groups for this company. They said, "Do you have any records? Do you have any pay stubs? I showed them the pay stubs. I showed them the notes. They said, "Ms. Hernandez, your notes are very ethical. They're very good. We've seen many notes here in the valley, and the notes have been horrific, horrible". They said, "your notes are one of the best we've ever seen. You have all your client records". The reason that was ordered to me was because I asked them over and over to give me all the notes on all the clients. They did not produce them. That went on for about five months. I said, if you guys do not gimme the notes, I'm going to call Medicaid. At that point, they decided to send Medicaid 168 records.
- Steve: Ms. Hernandez, we are not here to retry or review any of these cases. Did you ever report anything to your supervisor or to your Board?
- Milena Hernandez: No. I did not report it to my supervisor because in 2020, the Medicaid investigator told me we're going to figure this out.
- Steve: Ms. Hernandez, you didn't use your primary supervisor for any of the things that her license, her license, in good standing was ultimately liable for and that seems to escape you.
- Milena Hernandez: No, it doesn't escape me.
- Steve: Then you didn't care.
- Milena Hernandez: No, it's not that I didn't care. It's just I didn't want Sharon to be involved in this and I didn't want her to feel ashamed.
- Steve: Ms. Hernandez, I think you're underscoring my point. You deliberately avoided talking to Ms. Harris, your primary supervisor, whose license you're working under.

- Sharon Harris: You put my license on the line.
- Steve: Ms. Hernandez, we're not here to review any of those cases. Whether you see those as just or unjust, that might be your opportunity to legally go after those other bad actors. Our opportunity here today is simply to allow you to have another intern application or not.
- Milena Hernandez: Right. I should have, I agree. I should have told Sharon in 2020 that Medicaid came to see me. Looking back now, I thought I could handle this on my own. I thought this would be fixed because they would go after these two individuals. That's really what I thought. I didn't have any intention to blindside Sharon. We've always had a great relationship for 12 years. She's always been excellent, a nice and kind person. I should have told Sharon when this was happening because I was afraid, and I should have told her, because you're correct. It was her license on the line. I didn't think this was going to go as far as it did. I thought the investigation would be closed immediately and they would say, oh, Ms. Hernandez, we figured out the situation with these two scammers. That's really what I thought.
- Steve: Perhaps you have some legal recourse with those people you used to work with or work for, but that's not what we're here to talk about today. Board members, to see if we want to approve an internship license. And if we do that, then we can consider what an internship proposal would look like. So, there are two pieces and we need to address the first one.
- Hal: I have a question for Ms. Heenan. I want to know whether or not she was made aware of the criminal matters when she agreed to act as a supervisor?
- Jane Heenan (potential new supervisor): Millie has been upfront and honest with me, Mr. Taylor. I was aware of those things.
- Motion to deny Milena Hernandez's application for licensure as a MFT intern: 1st Jenny, 2nd Lauri; Sara abstains; Motion approved.

10. Review, discussion, and possible action regarding Malieka Toston's application for licensure as a CPC intern (For discussion/possible action) – Joelle McNutt

- Steve: I am not alarmed by the background check results. I am incredibly comforted and pleased by the letter of explanation.
- Sheldon: You mentioned in your letter that your arrest was in May 2013, and then it was indicated that you started a road to recovery in 2014 after successfully completing rehab. And so, can you, can you speak a little bit more to the rehab piece? How long did that last? The timeframe seemed very close for me, so I'm just curious.
- Malieka Toston: I began my road to recovery May 3, 2013, which was my last arrest for an open container for 20 years. I struggled with depression and anxiety. I was going through a problematic divorce, and I didn't have the coping skills that I have today. So, I enrolled in the Salvation Army six month program, and I began my journey to recovery after that. um, I began going to school. I have been in school truthfully for the past nine years. I'm a doctoral education student, and I've worked really hard to be the woman that I am today. So, my road to recovery has been rigorous. I have not stopped working on myself so that I may help the public. I'm a licensed alcohol and drug counseling supervisor. I have five interns that I supervise. I have been a counselor since 2018. I completed my internship, my master's degree, and now I'm a doctoral level student. Not to mention, I have not had a drink since 2013.

- Steve: Your story is amazing. I mean, just the spirit of your journey, of your arrival and continual open mind to keep arriving. That is everything that an amazing therapist is right there, walking their journey and helping other people walk their journey.
- Malieka Toston: Thank you. I really appreciate that. As you can see, I'm at work right now. I work at a methadone clinic. I currently have 66 clients on my caseload, as well as being a clinical supervisor for five interns.
- Jenny: As a Board member and a professional in this field, it's really refreshing to see a person come along and do their own work. You are the kind of person that I am excited to bring into our fold. So, I know I have the information I need to make a decision.
- Sheldon: This is a tremendous journey that you've been on. Some of you know that I've been through a lot myself and it's not an easy thing to overcome some of those challenges, and adversity and to come out on top. There's a lot of triumph in that and so I commend you for all the work that you're doing and have done.
- Sara: I have a quick question. In your letter, what does it mean that the cases were disposed of on October 29, 2015?
- Malieka Toston: It means that they closed them. They felt that I had paid my debt to society. They went ahead and closed the cases, and they're going to throw them out. Eventually, my record is going to be sealed, but my attorney has to work towards that.
- Motion to approve Malieka Toston's application for licensure as a CPC intern: 1st Jenny, 2nd Marta; No abstentions; Motion approved unanimously.

11. Report from President (Advisement)

- Steve: I would like the Board to consider having me be in the Chair for one more year because our positions are coming up this June, and then putting in a Vice President who's got a lot of future on this Board. What I would anticipate next year entailing is essentially the transition to a new Chair. I just wanted to create a conversation and say that I would be willing to sit in this chair and help transition a Board member who has a lot of years in front of them on this Board. As far as the rest of the President's report is concerned, I can't thank Joelle and Steph enough for how much work they do that probably goes unnoticed with this Board. We are impeccably organized. We are swift in action. We are in compliance with all things. Our budget is in the black. The math all looks great and that is because of that office.

12. Report from Treasurer (Advisement)

- Sara: I'll piggyback on that. Not only are we in the black, but we also have a very healthy reserve in our bank account at this point in the renewal cycle. I'm happy about that. Joelle and I are going to meet next month to talk about the budget for the next fiscal year. We were very conservative last year, so this year I think we can see where we can change some things up a little bit. I'll be completing my treasury duties at the end of this fiscal year too. So, I wanted to give a heads up to the Board on that. It's fun, for anyone interested. It's fun working with Joelle, and you learn a lot.

13. Report from Executive Director (Advisement)

- Joelle: It is a pleasure to serve the Board. Thank you for all your hard work as well. I gave you a copy of the report that was sent to the Governor's Office and the Director of the Legislative Council Bureau in response to Executive Order 2023-04, that was due on April 1, 2023. I did receive confirmation from both of those offices that it was received. I am in the process of writing the report for Executive Order 2023-003. That is due May 1, 2023. I wanted to give you an update on the lease for our space. The Department of Public Works said that our lease is under review with no ETA. We do have a month-to-month option after our lease expires. So, we have a little bit more time to secure our space. I hired another part-time person that is in training right now. I included the productivity spreadsheet. We had another record month of applications in March. I anticipate our volume is just going to keep increasing, which is why we have another part-time person to help.
- Steve: I noticed we have licensed 222 new professionals this year and we're only in the middle of April. That's awesome.
- Jenny: Joelle, your Governor's report was phenomenal.

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

- Henna: Working on several cases with Joelle and Steph.

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

- Joelle: The third Friday would be the 16th. We probably will have a disciplinary hearing, so we need to solidify dates and make sure we have quorum.
- Henna: I don't expect it to be more than one day so we can just set aside Friday at this point.
- Steve: Should we reserve the 16th and the 23rd for a regular meeting?
- Henna: You might want to do the 23rd just in case, that way you have it on your calendars. There is a new attorney now, that is why it was continued. So, plan for having both those dates.
- Steve: Okay, so let's reserve both of those dates. I appreciate it.

16. Board member comments

- Marta: I really appreciated what you shared, Steve and I would certainly support you remaining on for another year and helping with the transition and keeping it on our two-year track and then getting somebody into the chair position a year from June.
- Steve: I've been very honored to be in this chair, and it's my opinion that a transition versus just kind of a hard stop might be more effective for us. That's my thought and if you guys in June want to nominate someone else, then you get to do that too.
- Sheldon: It has been great to serve under your leadership, Dr. Nicholas. So much has happened. There's going to be a legacy that you leave behind based upon the work, your style, your leadership, everything. It's been a real honor.
- Jenny: I really appreciate Joelle, how you get everything out to us. The agenda, supplemental documentation out ahead of time. Today was kind of odd that we had some stuff trickling in, and I would just request that we make a hard and fast deadline on when things go out.

- Joelle: I can do that and moving forward. I will hold those deadlines.

17. 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.

18. Adjournment

- The meeting was adjourned at 11:05 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.

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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/>