AGENDA ITEM #4

Inclusion of letter dated 08/23/18 from Elizabeth Dear, Jennifer Ross, and Brinn Wallace to the Nevada Commission on Ethics and the Governor’s Office to be added as public comment from previous meeting on 08/24/18

(Advisement)
Dear Ms. Haag,

We write to express concern for the function and process of the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors. As clinicians who have been licensed for several years, and who supervise interns, we are seriously concerned about the Board’s process and priorities. In a profession where clients are often alone or with members of their families in the room with the clinician, we have a duty to uphold the highest standards and to ensure adequate training for potential licensees. Clients come to us with serious issues, including thoughts of suicide, which must be handled knowledgeably and ethically.

Our concerns as they relate to the potential impact of the changes currently being proposed by LCB R094-18 are as follows:

- The Board is proposing the removal of the screening tools of letters of reference, interviews, and official transcripts without replacing these standard protocols with some other method of ensuring adequate competence and ethical standing of applicants.

- The Board proposes to weaken continuing education requirements to allow licensees to avoid in-person trainings altogether, and to expand their options to include “attending a meeting or event of a coalition, committee or board related to community health care.” Under these proposed guidelines, one could satisfy the annual CE requirements by simply attending MFT/CPC Board meetings, participating in community health care activities, teaching a professional workshop, and taking five hours of on-line courses, having never been in class with their peers to discuss any of the nuanced ethical issues that occur in all of our practices. This change is not in the public’s best interest, and exposes the public to significant risk of clinicians operating in isolation.

- While the Intent to Act states the primary aim of these changes is to “protect the health, safety, and welfare of the public by removing barriers to behavioral health care by streamlining Board processes, enhancing academic requirements, facilitating and expediting licensure, and improve regulatory clarity,” the actions do not reflect these goals. The general loosening of requirements to become a licensed MFT or CPC, while intended to create increased opportunities for rural constituents to access mental health care, is a counterproductive act; the isolated nature of work in rural areas would necessitate an even more careful vetting of professionals to ensure that rural consumers are receiving ethical, competent care.

- To clarify a misperception, we would like to state that we support the broadening of the scope of practice for CPCs. We want to ensure that in broadening this scope, the changes to NAC do not abandon the responsibility to the public in protecting the safety of clients from fraudulent or unethical practices.

While we have outlined these concerns, among others, in considerable detail in writing for the public meeting on Friday, August 24, 2018, the primary impetus for this letter to you is our concern for the process through which these changes have been handled. We would like to express concern that there has not been adequate procedural due process regarding LCB R094-18. Our concerns in this area are as follows:

- The Board, while claiming to operate transparently, has not posted minutes until months after public workshops and public meetings. This is especially troubling in the case of proposed changes to the NAC discussed at three public workshops that, if approved, would directly impact the Board’s ability to carry out its protective function to its fullest.
Several changes are proposed to NAC 641A, many of which were not discussed at three separate public workshops. There appear to be several oversights that have impacted the legitimacy with which the changes were authored, and we believe there to be a serious risk for potential harm to a constituency that our Board of Examiners has been created to protect.

Concerns expressed by members of the public who attended the workshops is not accurately represented in the minutes. The Board has also been sporadic in how it records its minutes. As participants in the public workshops, we have noticed our comments and letters sent to the board for the record have been watered down or simply not included when in opposition to the direction of the majority of Board members. For example, Elizabeth Dear, one of the authors here, spoke at length about her objection to several changes, and her input was summarized in the minutes in the manner below:

“She stated that she has submitted proposed changes to Mr. Jake Wiskerschen and Mr. Erik Schoen. She explained her educational and licensure background, and she stated some changes she would like to see on some of the requirements.”

This is not an accurate record, and it suggests a subtext of an agenda being pushed past the input of the public, an entity that includes clinicians informed about their practices and professional responsibility for the public.

In review of the supporting materials made available as part of the public record (i.e., letters in support of the proposed NAC changes), the majority of them appear on the professional letterhead of the Board president. Without knowledge of how these letters were requested or provided, and without making any allegations of improprieties, we would like to note that this occurrence supports our request that procedural due process be more closely examined to ensure that there have not been any actions made by or on behalf of the Board to impact the outcome of the public workshops and associated processes.

In closing, our primary concern with these specific NAC changes is that they benefit the Board and licensees more so than the public. The purpose of a Board to protect the public and ensure the ethical and legal practice of those whose practices it oversees. We believe that the Board can become more efficient without putting public safety at risk, and we would like to see more resources allocated to assist the Board in functioning more efficiently. Due to the issues and concerns outlined above, we propose that LCB R094-18 be tabled until such time as there is an adequate vetting of these procedural and public safety issues.

Respectfully and with thanks for your consideration in this matter,

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