

State of Nevada
Board of Examiners for Marriage & Family Therapists & Clinical Professional

MEETING MINUTES

Friday, November 15, 2019 at 9:00 a.m.

Northern Nevada Child and Adolescent Services
2655 Enterprise Road
Reno, Nevada 89512

and

Nevada Division of Child and Family Services
6171 W. Charleston Blvd., Building 8
Las Vegas, Nevada 89146

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

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

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.
Steve Nicholas, Marta Wilson, Hal Taylor, John Nixon, Sheldon Jacobs, and Adrienne O'Neal arrived at 9:21 AM.
Erik Schoen - Absent
Staff present: Henna Rasul – Senior Deputy Attorney General, Lynne Smith, Sherry Rodriguez, Joelle McNutt, Stephanie Steinhiser.
Members of the public: Dr. Yvonne Hart, Bianca McCall, Erick Ferran - McCall's attorney, Constance Knight, Scott Oakley, Lori Ann Kearse in the south; Stacey Lance and Elizabeth Dear in the north.

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)

- Dr. Yvonne Hart: regarding the MFT exam – she gave two examples from her interns that they received from the testing center of problems with the test, problems with the licensing exam, specifically regarding genograms, which takes an inordinate amount of time from the exam and is disconcerting to the test-takers.

- Scott Oakley: MFT-Intern – expressed concern regarding the content validity of the MFT exam and provided examples of genograms from last year and this year. The content validity of the exam has come under scrutiny; he described the types of items on the test, with Type I and Type II errors being found. He has over 7,000 hours logged in his internship. He has spent thousands of dollars on taking the exam multiple times and on study materials. He has received the same score three times, taken the exam five times. He expressed ethical concerns that 11 months later he’s still in the same position with taking this test again. He is concerned over the status of his internship. He’s appealing to the board to consider his situation.
- Elizabeth: discussed the new kind of renewal, and that we may get comment on the fees, but it is a good thing and she thanks the board.

Steve mentioned how helpful it is to have members of our community attend these meetings.

3. Discussion, recommendation, and possible action regarding review and approval of minutes from September 20, 2019 meeting (For possible action)
No discussion on these minutes other than a question from Hal on item #6.

Motion made by Marta to approve the meeting minutes as amended; Hal 2nd. Motion approved unanimously.

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

Supervision Applicant	AAMFT Approved Supervisor or CCE Approved Certificate/Supervisor Course	Transcript of 45-hour Graduate-level Supervision Course	Proof of Mentored Supervisory Experience	APPROVED
Mailee S Shaw	Approved AAMFT Sup			Yes
Debra Maddox		Yes	Yes	Yes

Motion made by Hal to approve both candidates as Nevada approved supervisors; Steve 2nd. Motion approved unanimously.

5. Bianca McCall petitions the board to review her MFT application and qualifications for licensure (For discussion and possible action)

Lynne summarized the supporting materials including the release, application, background information from Ms. McCall, and the timeline was reviewed.

Ms. McCall stated that she disclosed an incident on her initial application but was not required to, so did not disclose on her recent application. She stated that she did miss the deadline for extending her internship license. That she was “misinformed or misunderstood” the date it expired. She stated that she has been maintaining a positive relationship with the board office. When she got the phone call on September 26th, she had a sense of urgency to be able to serve her clients. She believed that there was precedent for extending an internship after it had expired so she also submitted an Extension form as well as an application for licensure. She offered apologies for the conversations that didn’t go well, she can be very verbose at times, but she takes her responsibilities very seriously. She asks the board to review her meeting the requirements for full licensure as she believes that she has met those requirements at this time.

Constance Knight reported that she had it in writing that Bianca’s internship expired on a

certain day. Connie is emotional because it is her responsibility to track that expiration dates as well, and this incident has had an impact on her business and the community. They work in a crisis agency and she believes that Bianca has kept the agency safe. Connie would rather be personally sanctioned as a supervisor than to have Bianca sanctioned as an intern and not able to have a license.

Ms. McCall petitioned the Board for full licensure, but we have to stay within our statutes and cannot count those hours gained from February until now, it is documented in statute that it is the interns' responsibility to track license expiration and hours.

Steve – Ms. McCall's request to be licensed as a MFT cannot be granted since she did not have an internship at the time of her request. He reported that it is not the board's responsibility to track expiration of internships. He stated that her passing the exam will stand but the hours accrued during the period when she held no license and the current status are the issues in question.

Henna – the regulations state that a one-time internship extension is allowed but must be done when the internship is still active. Therefore, a new application for internship must be received and processed for Ms. McCall to have a valid internship license.

Steph – affirmed that all hours received to the point where her internship license expired will be carried into the new license once it is approved.

Hal moved to deny Ms. McCall's application for full licensure, Adrienne 2nd. Motion approved unanimously.

Hal wants to advise Ms. McCall regarding his concern about the application disclosure of criminal matters. He noted inconsistent answers between the two submitted applications. He stated that the question is "have you been arrested" and that the conviction language is that you are found guilty and convicted. Once you successfully complete a criminal matter, it is not expunged unless you file paperwork with the court. Otherwise, it is a conviction which has been vacated. He stated to please use caution when answering questions regarding arrests, and that criminal attorneys don't know what is required for licensing law.

Steve stated that it is profoundly misleading to advertise oneself as a LMFT when one is licensed as a MFT-Intern. It is codified that it should be spelled out so as to not be misleading when one is advertising one's license. In fact, it is illegal to misrepresent yourself according to NRS 641A.430.

John stated that to claim to have full licensure when one is a licensed Intern is a very serious issue.

Adjourned at 9:50 AM for a 10-minute break. Resumed at 10:00 AM.

6. Steve Nicholas suggested that the board discuss requirements sometime in mid-2020 for in-home therapy performed by interns, safety protocols for these situations, and whether the Board needs to be reviewing MOUs/safety plans for interns working alone. (Item tabled)
7. Board discussion regarding MFT testing issues requesting discussion regarding the possible substitution of the NCMHCE exam for the MFT exam for MFT Interns in extenuating circumstances rates which is a huge barrier to licensing otherwise competent clinicians. (For discussion)
 - MFT testing issues - Tabled it so that we can come back to it
 - Hal: does any other state use the NCMHCE test for MFTs? No
 - Steve: the national pass rate is 50% and the NCMHCE is 55%

- Adrienne: reached out to a previous board member
- Marta: we should have a standardized pass rate and that 10 years ago we had a 70% pass rate. AAMFT allows for each state to determine their own passing rate
- Steve – about 10 years Nevada allowed for 70% to be the passing rate
- Lynne: the issue from last discussion was portability was the issue with the state specific passing rate
- Steve: CPC exam instead of MFT, CPC is a better representation of skills
- John: designed for CPC, MFT is exclusive to the MFT knowledge base
- Steve: we need an operational definition of what extenuating circumstances are; preferred path is systemic that is inherent in who they are
- Lynne: propose that “extenuating circumstances” be defined as someone who has not passed the MFT exam three times
- Marta: the interns are not lazy about studying for the exam and an intern has taken it six times, effects morale, stages of readiness, test anxiety, as Scott mentioned ethical considerations and about the mental health of our interns
- Steve: anecdotally other states are not happy with their pass rates
- The regulations allow us to set our own passing rate and does it need to be codified?
- If someone goes to another state and they say they have passed the exam are they misrepresenting themselves on the application?
- Sheldon – reported that Nevada has a huge shortage of qualified clinicians so barriers to licensure are problematic
- Marta – will call the Drug and Alcohol Board regarding the alternative exam that they are currently using
- Steph – NRS 641A.230 allows for
- Steve - the exams are not measuring the effectiveness of a therapists, but just as there are certain requirements in a graduate. Steve is not in support of using NCMHCE to assess MFTs. But he is in support of considering a state-determined pass rate.
- Agendize discussion and possible action for a flat passing standardized test score.

8. Marta Wilson petitions the board to discuss Board regulations regarding MFT Supervisor Candidates (For discussion/possible action)

Marta wishes to clarify what are the acceptable documents for becoming approved as a Nevada MFT supervisor. She reported that the AAMFT allows AAMFT Supervisor Candidates to supervise master’s students and post-graduates and has a form called the Supervisor Candidate Verification Report.

Board discussion reiterated the four paths to becoming a Nevada Approved Primary Supervisor:

- AAMFT Approved Supervisor (provide certificate)
- ACS Approved Supervisor (provide certificate)
- AAMFT Supervisor Candidate (provide Supervisor Candidate Verification Form)
- Graduate level course-work in Supervision and 25 mentored supervision hours.

No action needed.

9. Disciplinary Matter – Recommendation for Dismissal (For possible action)
 - a. Case No. NV13MFT018 - Stephanie provided brief, general advisement of case and reason for dismissal
 Motion to dismiss Case No. NV13MFT018. 1st: Marta 2nd: Sheldon. Vote: Passed unanimously.
 - b. Case No. NV16MFT001 – Stephanie provided brief, general advisement of case and reason for dismissal
 Motion to dismiss Case No. NV16MFT001. 1st: Marta 2nd: John. Hal recused himself. Vote: Passed unanimously.
 - c. Case No. NV16CPC005 – Stephanie provided brief, general advisement of case and reason for dismissal
 Motion to dismiss Case No. NV16CPC005. 1st: Hal 2nd: Marta. Vote: Passed unanimously.
 - d. Case No. NV180502-05 – Stephanie provided brief, general advisement of case and reason for dismissal
 Motion to dismiss Case No. NV180502-05. 1st: Sheldon 2nd: Marta. Hal recused himself. Vote: Passed unanimously.
 - e. Case No. NV19MFT006 – Stephanie provided brief, general advisement of case and reason for dismissal
 Motion to dismiss Case No. NV19MFT006. 1st: Adrienne 2nd: John. Vote: Passed unanimously.
 - f. Case No. NV19MFT008 – Stephanie provided brief, general advisement of case and reason for dismissal
 Motion to dismiss Case No. NV19MFT008. 1st: Marta 2nd: Sheldon. Vote: Passed unanimously.

10. Report from President (Advisement)
 - His online renewal was smooth, it is terrific to have the renewal license in pdf form.
 - Some of the reported issues are security of the portal and the state business license questions. The standard of care questions are not going to be changed at this time.
 - NRS 622.240 mandates gathering business license information.
 - Steve wrote a letter explaining the legislative process and need for fee increase which is being sent to licensees who are complaining about the new fee structure.
 - Sheldon Jacobs welcome! You will need to go to a training for new board members.

Sheldon introduced himself with his education and experience and he is attending the board member training on Monday provided by the Attorney General's office.

11. Report from Treasurer (Advisement)

Erik has been granted permission for the Wells Fargo accounts and will periodically review bank transactions – deposits, bill pays, debit card expenses, Visa payments, and payroll.

12. Report from Executive Director (Advisement)
 - Online portal is up and running for renewals
 - Online License Verification should be up and running next week

- Collected \$30,000 since opening online renewals and we had to verify one person that answered yes to ethical questions
- You cannot get back into change any answers to those questions, any alterations to those questions will not be allowed once a license is renewed.
- New copier to help archive project since license documents must be kept for 30 years
- DPS audit happening in the next few weeks
- We will be audited by our CPAs next year due to the increase in revenues

13. Report from Investigator (Advisement)

Stephanie reported that we are getting through the complaints with a target on the newest complaints first. Within the next month or so, she will be going to Reno to review a difficult case with SDAG Henna Rasul as well as other open cases.

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

No report at this time although it's great to have our Complaints Investigator.

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

- a. Friday, January 10, 2020 @ 9:00 AM (Public Meeting)
- b. Friday, February 21, 2020 @ 9:00 AM (Public Meeting)

16. 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)

- Bianca McCall would be remiss not to take the opportunity to address some of the items in transcripts and to agendize her understanding of previous board approvals of extension requests as setting a precedent for such exceptions. She stated that her business refurbished their website and notified the creator of the website of the errors on the website. She requested that she be put on the agenda for the January meeting with the request that her internship be extended, after the expiration, so that she can count those hours between February 2019 and September 26, 2019 since she believed that she had a license at that time because she was not notified of her lapse until September.
- Steve: reported that the board is bound by statute that mandates that someone hold licensure status while practicing and therefore counting the hours and granting you a full license is not possible.
- Bianca McCall: understands now that she is not eligible for full license but requests that her internship status be extended.
- Stephanie: an internship extension is not on the table because you cannot extend something that does not exist. The hours could be considered and that is something that could be agendized.
- Steve: Asking Ms. McCall to resubmit an application for internship if she would like to, and to let the board know if you would like to be on the agenda in January

17. Board member comments – Happy holidays!

18. Adjournment at 11:19 AM.