

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

MEETING MINUTES

Friday, January 10, 2020 at 9:00 a.m.

Videoconference Locations

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 9:04 AM.

Steve Nicholas, Erik Schoen, Marta Wilson, John Nixon, Sheldon Jacobs, Adrienne O'Neal arrived at 9:08am

Hal Taylor absent

Staff present: Henna Rasul-Senior Deputy Attorney General, Lynne Smith, Sherry Rodriguez, Joelle McNutt, Stephanie Steinhiser

Members of the Public: Dr. Yvonne Hart, Nikita Noel-Smith, Shaqueena Hall, Janet Nording, Roberta Vande Voort, Shayteria Williams, Lori Ann Kears, Gina Flores-O'Toole, Amanda Lyons, Lourdes Calzada-Santacruz, Misty Quantonio, Elizabeth Dear, Dr. Brooks

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)

- Nikita Noel-Smith: she is a licensed intern, she saw that we were talking about the test, she has been an intern for 6 years, in taking the test there are new things that have to be studied, theories that pertain to the LGBTQ population, she didn't learn that in school, she has test anxiety, she has her own practice and has had it for five years, she finds it difficult that the passing score changes each time and struggles to get a passing score.

- Dr. Yvonne Hart: she is here to speak about the test, there are questions on the exam that her interns do not know and some that do not pertain to the MFT field, she feels that the MFT test may be written by psychologists.

- Elizabeth Dear: she is a licensed MFT and a MFT approved supervisor, she is here to talk about Crystal Jacquette, she was denied for primary supervisor, she is not on the agenda today and she wants know why she was not accepted, there is inconsistency in approval process for supervisors, she has looked at the previous meeting minutes.

3. Discussion, recommendation, and possible action regarding review and approval of minutes of November 15, 2019 meeting. (For possible action)

Motion made by Adrienne to approve the meeting minutes as amended; Marta 2nd. Erik abstains since he did not attend that meeting. 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/Supervisor Candidate or CCE Approved Certificate/ Supervisor Course | Transcript of 45-hour Graduate-level Supervision Course | Mentor Signature of Supervisory Experience | Mentor Contract |
|--------------------------|---|---|--|-----------------|
| Mary Teachout, CPC | No | Yes | Yes | No |
| Janet Nordine, MFT | Yes | N/A | Yes | Yes |
| Cynthia Osburn, MFT | Yes | N/A | N/A | N/A |
| Gina Flores-O'Toole, MFT | Yes | N/A | Yes | Yes |

Motion made by Erik to approve Mary Teachout as a Primary Supervisor; John 2nd. Motion approved unanimously.

Motion made by Erik to approve Janet Nordine as a Primary Supervisor; Marta 2nd. Motion approved unanimously.

Motion made by Erik to approve Cynthia Osburn as a Primary Supervisor; Marta 2nd. Motion approved unanimously.

Motion made by Erik to approve Gina Flores-O'Toole as a Primary Supervisor; Marta 2nd. Motion approved unanimously.

Discussion: Marta: every time with go through this process there is something that has been missing, do not have the documentation in our hands to make a decision, this is a process that can be improved.

Erik: stated that the fact that all four of the proposed candidates today were approved indicates that the office is getting the necessary paperwork before putting the candidates on the agenda.

Steve: in the past the inconsistency comes from tightening up on the documentation needed, that may show as inconsistency to the public

Erik: there was a loose interpretation of the NAC and now we are going back to true interpretation of the NAC. The board was trying to be conscientious about the need for supervisors but now we're relying on the regulations.

Lynne: Mary Teachout was denied during the summer and clarifying the actual required documents at the November meeting allowed her to be approved at this meeting.

Stephanie: the application form itself was changed to be more clear and better aligned with NAC requirements.

Sheldon: it was confusing in the past and it is helpful to have clearer language on the application.

Steve: what is the deadline to be on the agenda: **No later than 9 AM the Monday before a scheduled meeting on Friday.**

5. Misty Guantonio petitions the board to approve a secondary supervisor's contract.

She is a MFT intern. She would like Dr. Brooks to be an approved secondary supervisor, he is a LADC. She researched the NAC and NRS regarding what documentation she need needed to have him approved as a supervisor, she conferred with her primary supervisor regarding was needed, she provided the contract and the documentation, she called multiple times and emailed, no response from the office. She conferred with her primary supervisor and her supervisor said that "no response from the Board office is positive", it took five months to get a response for the secondary supervisor contract she turned in, she received a response from the ED that the hours will count but she can no longer accumulate hours using Dr. Brooks as a secondary supervisor. She has been mentored with Dr. Brooks, she has an ethical responsibility to her clients, she would like to petition the Board to use Dr. Brooks for the duration of her internship

Henna: Thank you for your statements and this is not your fault, but this is not an actionable agenda item, Dr. Brooks' name is not on the agenda.

Erik: we are bound by the language of the NAC which states only a licensed person be designated as an approved supervisor.

6. Vendor review of InLumon's contract and non-performance (For discussion/possible action)

Lynne: InLumon had targeted specific deadlines in automating our systems. InLumon has failed to meet all of the deadlines that they put forth. We were able to go live mid-November for license renewals. There was a glitch on 12/18 with primary email address issue. On 12/30, all license outputs were blank. On 12/31, the primary email issue

happened again, and it could not be replicated by InLumon. InLumon has never corrected any of these issues, the application piece is still not working, the office is still using Access since the data cutover on 10/23. The renewals are up to date and mailed as of today. We have a stop gap with files and data that has not been entered. InLumon billed for the first quarter only, we have paid for the first quarter, we have not been billed again, neither database is accurate. CyberSource is our online credit card processing system which had to be shut down in July since it was not secure and now InLumon has failed to make their credit card processing secure with CyberSource.

I am asking for the board's permission to go out into the market again for an appropriate online solution for our back-office processes.

John: can we cancel this contract without penalty?

Erik: do we have other options? This isn't our first time in being disappointed with a technology vendor, they tend to overpromise and then they cannot meet the deliverables and you end up with many delays. Can we get our money back from the first quarter, do we own the data? Can they document that they have scrubbed the data?

Lynne: we received value for payments through December 31st as far as the renewal process. We will proceed slowly and cautiously in researching alternative systems.

Motion made by Erik to terminate the InLumon contract due to non-performance and lack of deliverables; John 2nd. Motion approved unanimously.

7. Lynne Smith petitions the board, to reinstate board member per diems for board meetings (For discussion/possible action)

Erik: now that we have adequate funds, we can begin paying per diems again. In the past, board members were voluntarily opting out of payment previously due to lack of operating funds in the past.

Lynne: \$150 per day is the statutory rate. I will update the form and send to all of you.

8. Marta Wilson petitions the board to review options for testing for licensure (For discussion/possible action)

Marta: she contacted the Drug & Alcohol board was able to switch to a different national test. Marta called AAMFT and NBCC with no response initially, then NBCC transferred her to CCE. Do any board members know if there are other states using anything different from AMFTRB? Can we have a minimum passing score?

Steve: when Lynne and I were in DC at the AASCB conference, there were other states who mentioned the same frustrations about passing rates and the AAMFT test.

Henna: we can make a written exam and if we create our own exam, we can designate the passing score.

Marta: I have so many interns that are studying diligently, it is a financial burden, their anxiety levels are impacted, and their psyche's impacted so she continues to be concerned about this exam.

John: we have been given to understand that the AMFTRB test will be taken from 200 questions to 180 questions.

Steve: can we call California to see what their exam entails?

Sheldon: the California test is harder than the National exam.

Steve: let's keep this on the agenda

9. Disciplinary Matter – Recommendation for Dismissal (For possible action)
 - a. Case No. NV12MFT003 - Stephanie provided brief, general advisement of case and reason for dismissal, complainant never responded to request for more information.
Motion to dismiss Case No. NV12MFT003. 1st: Marta 2nd: Sheldon. Vote: Passed unanimously.
 - b. Case No. NV12MFT004 - Stephanie provided brief, general advisement of case and reason for dismissal
Motion to dismiss Case No. NV12MFT004. 1st: Sheldon 2nd: Marta. Vote: Passed unanimously.
10. Report from President (Advisement)

Steve: echo the frustrations that InLumon's failure to perform after all their promises; first let's get into the 21st Century, then time to start reviewing the statutes and codes so see what we need to tighten up.
11. Report from Treasurer (Advisement)

Present an accurate budget for next year, monthly balance sheets and reports once we have the audit results. We have a responsibility as a board to protect the public and support the licensees, but we also must know where we are at financially.
12. Report from Executive Director (Advisement)

Started an audit on Dec 1st, we will wait for the report from the auditor – the CPAs have promised audit results on 1/13/2020. Financials will be caught up to date once the adjusting journal entries are completed.

LCB requires quarterly statistics. Licensed 432 individuals in 2019 – 111 CPCs, 105 CPC-Interns, 99 MFTs, 117 MFT-Interns.

Thanks to Sherry, the Department of Public Safety audit went well. We have to apply for an ORI number with the FBI. Also completed a report to the Nevada Sunset Subcommittee that was required.

Our lease is up this November and we will be moving to an office that has a bathroom.

Met with the Deputy Director of VFA and she reported that there is a pool of money available that is not being utilized for veterans with physical issues due to exposure during deployment, presumptive conditions, that we, as therapists, can help connect vets to.

Steve: many people don't understand the numerous areas that the office is involved in.
13. Report from Complaints Investigator (Advisement)

Not as many complaints coming into the office currently, working on gathering data for the LCB statistics in a timely manner. It is difficult to answer how many open complaints there are currently because it was not prioritized in the past and they were spread out in Hal's office and the board office, not all were opened appropriately.
14. Report from Senior Deputy Attorney General
No comment.
15. Board member comments
Sheldon: a message for the interns to stay positive, he had his own issues with a learning disability in taking the national exam and was able to complete the test.
16. Discussion regarding future agenda items and future meeting dates:

- a. Friday, February 21st @ 9:00 AM – Telephonic meeting for supervisor approval, accounting results, and technology
- b. Friday, March 20th @ 9:00 AM

17. Public comment.

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Amanda: we are students in the north, going into internship: wanted to be informed, what she learned from this meeting: there are so many things to be aware of and stay informed.

Lourdes: it is important to stay informed especially if she wants to contribute to her community. She looks forward to attending more meetings.

Dr. Hart: thank you for giving me this opportunity. I have been coming to the meetings for one year now and has been talking about the test, how long is it going to take to resolve this? It is so demoralizing to the interns taking the test and not being successful.

Steve: we're working with no movement in the regulations as far as the national AAMFT exam. We will continue to explore other options in future meetings.

Elizabeth: she is thrilled that board members are opting in for the per diem rate and thank you for your service. Follow up discussion on the supervisor qualifications – putting a list of requirements for supervisors on the website would be helpful. It would be helpful to know what the best way is to communicate with the Board office. In looking at possible software, it would be helpful to have a list of interns and supervisors. She also is curious about what qualifies for classes in terms of classes for academic reviews.

Roberta: she is the state representative for AMFTRB, and they do respond so someone might want to take that responsibility over. Thank you for all the work that you do.

Shayteria Williams: recent graduate in MFT from Capella, personal statement, supposed to be on the agenda, I feel compelled to speak for safety and assurance of others, there was a discrepancy regarding the application fee, she emailed the ED, the website is not updated, she was denied to be grandfathered in under the old application fee. She wonders who holds the Board accountable; who protects the consumers and how do they feel about entering this field. The \$150 was not advertised on the website and she doesn't understand why this error doesn't entitle her to the lower fee.

Steve: some of the inefficiencies are being addressed, the fee structure has a start and end date, legally we are upholding the law. I hear your frustrations, but we are tied to the existing fee structure.

Erik: I feel like the resident historian and feel compelled to give some board history. Revenues have been marginal at best, but we have not had the funds to hire a full-time executive director. It is remarkably slow to develop capacity, a lot of what you are asking for are courtesies, we are legally following the law. Your concerns are duly noted.

Shayteria: I don't think it really matters, my comments are not to take away from all the hard work that all these board members are doing, my intention was not to butcher anyone, it needs to be said from the prospective of the consumers, if it is so hard to interact with the board you won't have anyone to license. These conversations need to be had. Consumers are having issues passing the test and that's why we need to stick together. Thank you for your time.

Nikita: the mental part of taken the exam, I paid over \$1000 taking this test, if we fail, we study all the system theories and individual theories, the last time I took the test I took it very hard, I had a fleeting thought of suicide. The CPC doesn't have systems, so they are heavy on diagnosis. The board has been excellent, when I came out of school, I asked other interns for my information, I asked my supervisors coming out of school. I have over 7,000 hours with clients, I realize that I have to pass the test. Would I need to do the application to become a CPC and take that test?

Lynne: you would need to fill out an application for CPC licensure, the hours will transfer, and meet the academic requirements, and then apply to take that test.

John: you need to pass the academic review and if the classes were modeled after CACREP, you should have all the educational requirements.

Lynne: SB 37 was passed in June; it became R0951-19 and we heard from LCB that we need a few more documents until we get formal approval through the LCB.

Marta: I do have interns now that have filled out CPC application, because they've been traumatized by the MFT exam so please look at what the academic requirements are

18. Adjournment (For possible action) 11:09am