



Colleen Peterson, Ph.D., President
Joan Winkler, M.A., Vice President
Richard Harrison, Secretary/Treasurer
Donald Huggins, Ed.D., Member
Erik Schoen, Member
Hal Taylor, Member
Jean E. Griffin, Ed.D., Member
John Nixon, Ed.D., Member

State of Nevada

The Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors

P.O. Box 370130
Las Vegas, NV 89137-0130
(702) 486-7388 Fax: (702) 486-7258

Approved: 08/26/2016

MEETING MINUTES

Friday, February 5, 2016
Nevada State Board of Examiners for Marriage and
Family Therapists and Clinical Professional Counselors
9436 West Lake Mead Boulevard #11-J
Las Vegas, Nevada 89134-8342

1. Call to order/Roll Call – Meeting called to order at 9.00 A.M. by Dr. Colleen Peterson, President.
This meeting was held by teleconference.

Board Members Present

Colleen Peterson, President
Joan Winkler, Vice President
Richard Harrison, Secretary/Treasurer
Donald Huggins, Member
Jean E. Griffin, Member
Erik Schoen, Member
Hal Taylor, Member

Board Staff Present

Sandra Reed
Quinn Kennedy

Members Absent

John Nixon

Others Present

Ms. Rose Marie Reynolds, Deputy Attorney General

Las Vegas Public

Nina Elizabeth Austin
Mariam Bahadori
Roberta Downey
Robert Durette
Ken McKay
Lisa Ruiz-Lee

2. Public Comment – No public comment.

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15. Approve candidates for licensure as Marriage and Family Therapists or MFT-Interim Permits or MFT-Interns.

Kathleen Hocter (LMFT CA 4/30/2012-4/30/2017) (No Exam) (Chk Int hrs) (Supv-Vande Voort, Roberta)

Motion: To accept Ms. Hocter’s request for interim Marriage Family Therapy permit: Mr. Richard Harrison
 Second: Ms. Jean Griffin

Discussion: Question raised regarding supervisory form. Unable to verify documentation of hours. It was determined to revisit later in meeting. Motion withdrawn.

Mariam Bahadori (LMFT KS 9/14/2015-9/30/20017) (Passed Exam) (chk Int hrs)

Discussion: Concern raised regarding documented hours. Ms. Mariam Bahadori asked to respond: Ms. Bahadori asked for clarification on what documentation is in question. Dr. Colleen Peterson responded the summary letter provided, the section on experience. Ms. Mariam Bahadori responded she didn’t understand how to complete the form. Indicated 3,000 was professional hours in the three year period not counting supervision or clinical face to face hours. Dr. Colleen Petersen responded form needs to be completed accurately. Dr. Colleen Peterson provided further clarification to Ms. Bahadori.

Action: Tabled until next meeting. Summary: Dr. Colleen Peterson requested to table Ms. Bahadori until next meeting. Staff to assist Ms. Bahadori with completing forms. Dr. Robert Durett, spoke indicating group has authority to issue a conditional license. Dr. Colleen Peterson requested Deputy Attorney General, Rose Marie Reynolds explain authority on conditional license. Ms. Rose Marie Reynolds inquired if Dr. Robert Durett is inquiring about an interim permit, Dr. Durett indicated if that is true, would like to edit prior comment group has authority to issue an interim permit. It was explained by Ms. Rose Marie Reynolds the problem is the Board is unable to determine hours met with paperwork submitted, also a board approved supervisor is required for an interim permit. Dr. Colleen Peterson expressed Board responsibility to due diligence and proposed to see if board is willing to have a telephonic meeting to accommodate.

Revisit of prior motion for Ms. Kathleen Hocter. Discussion: Ms. Quinn Kennedy verified documents submitted in supporting documents in January 22nd meeting.

Motion: To accept Ms. Hocter’s request for interim Marriage Family Therapy permit: Mr. Richard Harrison
 Second: Ms. Jean Griffin

Vote: Ayes: 6; Nays: 0; Abstentions: 0

Passed Unanimously

4. +Approve candidates for licensure as Marriage and Family Therapists (MFTs). (For Possible Action)

Roberta Downey	NV-IP150828003	(Exam Passed)	Supv-Norton
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			(For Possible Action)
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Discussion: Passed exam, has a supervisor and has an interim permit.

Motion: To approve Ms. Roberta Downey for MFT licensure: Ms. Jean Griffin Second: Ms. Joan Winkler

Vote: Ayes: 6; Nays: 0; Abstentions: 0

Passed Unanimously

13. The following Primary Supervisors inform the Board of request for termination of Primary internship supervision with their interns: (For Possible Action)

<u>Supervisor</u>	<u>Intern</u>	<u>New Sup</u>
Leticia Murphy, MFT	Nina Austin, CPC-Intern	(None)

Nina Austin has a new primary supervisor but did not submit for this agenda. Inquiry regarding a supporting letter submitted. No supporting letter submitted. Response from Ms Nina Austin: Ramona Beasley, currently secondary, would need to secure another secondary. Indicated paper work for primary submitted.

Motion: To accept Leticia Murphy’s request to terminate supervision with Nina Austin: Ms. Jean Griffin Second: Mr. Richard Harrison

Discussion: Concerns: Leave Nina with inability to practice.

Ms. Jean Griffin requested to rescind motion of accepting Leticia Murphy’s request to terminate supervision with Nina Austin. Second: Richard Harrison

New Motion: To deny Leticia Murphy’s request to terminate supervision with Nina Austin. Ms. Joan Winkler Second: Ms. Jean Griffin

No further discussion.

Vote: Ayes: 6; Nays: 0; Abstentions: 0

Passed Unanimously

Request for staff to include in next agenda.

19. Request for Advisory Opinion regarding organization of businesses under NRS chapter 89, NRS chapter 78 and NRS chapter 86 and the delivery of services by marriage and family therapists and clinical professional counselors. The Request for Advisory Opinion asks the following questions:

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1. If a business plans to hire or contract with marriage and family therapists and/or render clinical services, are they required to organize the company as a professional entity under NRS 89?
2. Does the board have authority to grant a license to practice marriage and family therapy to a private corporation under NRS 78 or limited-liability company under NRS 86, or would the board require compliance with NRS 89?
3. If so, what is the process for these entities to obtain such a license?
4. If a business organizes as a non-professional entity under NRS 78 or 86, does it mean that the business is not subject to the requirements of NRS 89? In other words, can they avoid NRS 89 requirements by simply deciding to organize under NRS 78 or 86?
5. Can a marriage and family therapist practice marriage and family therapy in a company if it means an unlicensed mental health professional (e.g., owner) has the right to direct or control his/her professional judgment?
6. Does the Stark Act (42 U.S.C. § 1395nn) apply to marriage and family therapists?
7. Would the marriage and family therapy company be able to refer its clients to the foster care company in which it has a financial interest as defined in NAC 439B.530, or would that be in violation of NRS 439B.425, NAC 439B.5402, or the Stark Act?
8. Would the marriage and family therapy company be able to accept referrals from the foster care company in which it has a financial interest as defined in NAC 439B.530, or would that be in violation of NRS 439B.425, NAC 439B.5402, or the Stark Act?
9. For example, if a business owns a foster care company, and they own (in part or whole) a company that renders marriage and family therapy (organized under NRS 78 or 86, assuming that is acceptable), can their foster care company refer their clients to their company that renders marriage and family therapy without violating NRS 439B.425, NAC 439B.5402, or the Stark Act?
10. If a marriage and family therapist renders marriage and family therapy as an employee or independent contractor of a company organized under NRS 78 or 86 whose ownership includes unlicensed persons, and the company bills for the clinical services and receives the payment, is the marriage and family therapist engaging in fee splitting or unprofessional conduct as described in NAC 641A.243 or NAC 641A.252 (notwithstanding exceptions in NRS 695B, 695C, 695F and 695G)? Is that permissible?
11. If a company organized under NRS 78 or 86 whose ownership includes unlicensed persons obtained a contract to render marriage and family therapy, could the company contract out the marriage and family therapy portion of the contract to a marriage and family therapist and allow the marriage and family therapist to bill insurance companies directly while the private corporation also received reimbursement via said contract for procuring, overseeing, and accepting responsibility for (but not rendering) the marriage and family therapist's services? Or would such an arrangement constitute fee splitting or unprofessional conduct as described in NAC 641A.243 or NAC 641A.252 (notwithstanding exceptions in NRS 695B, 695C, 695F and 695G)? Is that permissible?

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12. Does the Board of Marriage and Family Therapists permit marriage and family therapists or clinical professional counselors to share or split professional fees?

Rose Marie Reynolds stated Board received a request from attorney in reference to specific questions. Board has jurisdiction to answer questions over which board has jurisdiction: NRS Chapter 641A and NAC Chapter 641A. The first five questions have to do with the way in which a business is organized under NRS Chapters 86, 78 and 89. Opinion Board does not have jurisdiction to answer the questions, Board does not license businesses. Question 6 deals with Stark Act over which Board does not have jurisdiction. Questions 7, 8 and 9 also refer to Stark Act and NRS Chapter 439B.425 and NAC439B.5402 which are similar provisions to Stark Act. Delegated to Department of Health and Human Services. They have an advisory opinion process to answer questions 7,8 and 9 outlined in Nevada Administrative Code 439B.600,610,620,630 and 640. Questions 5 and 12 - Board can give opinion and probably questions 10 and 11.

Question 5: Can a marriage and family therapist practice marriage and family therapy in a company if it means an unlicensed mental health professional (e.g., owner) has the right to direct or control his/her professional judgment?

Response: No. Reference made to AAMFT Code of Ethic 6.1, Conflicts Between Code and Organizational Policies.

Motion: Mr. Hal Taylor Response to questions 1,2,3,4,6,7,8 and 9 be after review of the questions the Board does not appear to have jurisdiction to respond to them. Second: Jean Griffin.

Vote: Ayes: 6; Nays: 0; Abstentions: 0

Passed Unanimously

Motion: Ms. Joan Winkler Question number 5, move that the board answer the question by saying principle 6 in the AAMFT Code of Ethics 6.1 conflict between code and organizational policies include our response that marriage and family therapists must focus on code over organizational policies. Second: Ms. Jean Griffin

Discussion: Dr. Colleen Petersen clarified an MFT can never relinquish his or her ethical legal or professional obligation. Reference made to AAMFT Code of Ethics principle 6, principle 1, Conflicts Between Code and Organizational Policies.

Motion Amended by Joan Winkler to include the Discussion comments. Second: Jean Griffin.

Vote: Ayes: 6; Nays: 0; Abstentions: 0

Passed Unanimously

Question #10 discussion: Code of Ethics principle 7 warrants MFT not offer or accept kickbacks, rebates, or bonuses for referrals. Principle 1.7 No furthering of interests. MFT do not use professional relationships for clients to further their own interests. Question raised 1.7 addresses fee splitting. Further discussion regarding fee splitting. Ms. Rose Marie Reynolds addressed another principle, NAC 641A.243(5): MFT or CPC shall not give or receive directly or indirectly a fee commission,

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7. The following individuals petition the Board to approve them as a Secondary Supervisor for MFT-Interns. (For Possible Action)

Alicia Tucker, CPC Insurance – Yes NV License Issued- 7/26/2013

Alicia Tucker wants to be approved as a secondary supervisor. She is an NVTC approved clinical supervisor. She has not been licensed for three years. Out of state, licensed with interim permit. Mr. Donald Huggins addressed concern agenda reflects secondary status for MFT supervision.

Motion: To deny request for Alicia Tucker to be approved as secondary supervisor for MFT interns: Mr. Donald Huggins Second: Ms. Joan Winkler

Discussion: None.

Vote: Ayes: 5; Nays: 0; Abstentions: 0

Passed Unanimously

Request to include correctly on next agenda.

8. Ms. Triston Neeson petitions the Board to accept her Nevada State Background check as sufficient for the background check requirement.

Have state background check, FBI background 3 times with denial, request for name check – 4-6 weeks to get back, only in 2nd week of getting name check back.

Motion: To accept state background check as sufficient: Mr. Hal Taylor Second: Ms. Joan Winkler

Discussion: None.

Vote: Ayes: 5; Nays: 0; Abstentions: 0

Passed Unanimously

9. Ms. Stephanie Auclair petitions the Board to accept her Nevada State Background Check as sufficient for background check.

Submitted FBI under old process – unable to complete name check. Would need to fingerprint again, be denied 3 times with FBI check in order to complete a name check.

Motion: To accept Ms. Auclair's petition to accept the Nevada State Background Check as sufficient and agree to give her license: Ms. Joan Winkler Second: Mr. Hal Taylor

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Vote: Ayes: 5; Nays: 0; Abstentions: 0

Passed Unanimously

10. Ms. Dena Johns, MFT, petitions the Board to approve her to supervise a seventh intern.

Motion: To approve Ms. Dena Johns petition to approve for a seventh intern: Ms. Joan Winkler
Second: Donald Huggins

Discussion: Joan Winkler – 7th intern is approved. Clarified item #12. No further discussion.

Vote: Ayes: 5; Nays: 0; Abstentions: 0

Passed Unanimously

11. Ms. Constance Knight, MFT, petitions the Board to approve her to supervise a seventh intern.

Motion: To approve Ms. Constance Knight petition to supervise a 7th intern: Mr. Erik Schoen
Second: Mr. Hal Taylor

Discussion: Mr. Erik Schoen appreciates Ms. Knight provided reasoning in the letter.

Vote: Ayes: 5; Nays: 0; Abstentions: 0

Discussion: Concern letter lists 3 interns removed from caseload. Clarification was provided that she is only requesting a 7th and doesn't have that many interns.

12. Approve new interns and internships.

Stephanie Auclair (MFT-Intern)

Primary – Tristan Thibault*

Bianca McCall (MFT-Intern)

Primary – Constance Knight*

Triston Neeson (CPC-Intern)

Primary–Dena Johns*

Secondary – Andrea Krueger*

Motion: To approve new interns and internships for Stephanie Auclair as a MFT intern, Primary Tristan Thibault, Bianca McCall as MFT intern with Primary Constance Knight and Triston Neeson as CPC intern as Primary Dena Johns and Secondary Andrea Kruger: Ms. Joan Winkler Second: Mr. Erik Schoen

Discussion: Outstanding background check. Previously accepted them to move forward.

Vote: Ayes: 4; Nays: 0; Abstentions: 1

Passed noting a recusal of Ms. Jean Griffin for Stephanie Auclair due to her being the Mentor for Tristan Thibault.

14. Approve candidates for licensure as a Clinical Professional Counselor (CPC) or CPC-Interim Permit (IP) or CPC-Intern.

Rachel Drake (LCPC IL 7/17/2015-3/31/2017) (No Exam) (Supv-Schoen) (Chk Int hrs)

Discussion: Erik Schoen shared additional supervisor form hasn't been provided. Decision to table.

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20. Public Comment: No Public Comment.

21. Future Meeting Discussion and Dates:

- a. Next Board Meeting Scheduled for: Next February 12th, 2016 from 9:30-10:30AM
- b. Next Board Interviews Scheduled for: N/A
- c. Other Discussion Items: Item #16 was not discussed, will be included in next meeting.

22. Adjournment.

Meeting adjourned at 10.35 am by Colleen Peterson.

Submitted By: _____
Quinn Kennedy, Interim Executive Director

■ This conference was recorded.

Board Minutes are subject to revision until approved at a Board meeting.

9436 W. Lake Mead Boulevard #11-J, Las Vegas, Nevada 89134