

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

MEETING MINUTES

Friday, February 5, 2021 at 9:00 a.m.

Teleconference Location –
Zoom

<https://zoom.us/j/6475292787>

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 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.
 - John Nixon (left at 9:40 AM), Steve Nicholas, Hal Taylor, Sara Pelton, Marta Wilson, and Adrienne O'Neal
 - Absent: Sheldon Jacobs, Erik Schoen
 - Henna Rasual, Lynne Smith, Joelle McNutt, Stephanie Steinhiser
 - Members of the public: Enros Manaligod, Toni Garguilo Westbrook

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. Discussion, recommendation, and possible action regarding current proposed legislation impacting NRS/NAC 641A (For discussion and possible action)

Steve: I insist on as much transparency as possible for our board. I received an email from Jake Wiskerchen with proposed language regarding SB44 which concerns barriers to licensure. You also have material on SB40 which covers healthcare data collection and SB5 which considers telehealth and data collection. SB44 addresses

barriers to licensure. With our technological advancements and easy reciprocity process, I approve of this system of reciprocity because it ensures that people are in line with our ethics and laws of practitioners in Nevada which are written for the protection of the public. Our reciprocity platform works. We've all seen the numbers that our licenses by reciprocity counts have gone way up.

I see SB44's proposed language as concerning as it nullifies our reciprocity system with no-questions portability and I wanted to bring that to the board's attention. I want to discuss and get your perspectives on whether we, as a board, will endorse this proposed language or not endorse it. I will be at Zoom meeting with the state senator who is proposing this bill next Tuesday to voice our position as a board. I do want to reinform the powers that be that our board has eliminated the barriers to licensure.

John: how is SB44 different than our current practices?

Steve: it is largely a social work bill but it also has been expanded to include 641.A and other behavioral health boards. It essentially takes reciprocity and replaces it with portability.

John: ahh, so essentially practicing in Nevada with a license from another state.

Hal: I understand applicants having trouble getting transcripts in the middle of a pandemic. But the amendment is taking the extra step of licensure out of the picture. Do we know what they are asked about on the questionnaire? On our application we do ask a question about past criminal activity.

I think this is dangerous for practitioners. If an out-of-state licensed MFT or CPC has a complaint or action against them while practicing in Nevada, it could get thrown out with Nevada not having jurisdiction. This seems to be the first step on a hidden agenda to get rid of licensure boards.

Stephanie: I am licensed in a number of states. We, as a board, have really removed the barriers to licensure. We worked really hard in previous legislation to accomplish this goal. We know there is a shortage of practitioners in the rurals, that has been the case for a long time but they deserve quality vs. quantity. My concern is, if someone does something wrong, where does the citizen file a complaint if they don't have a license with us, our mandate is to protect the public, and where does the complaint get adjudicated? How do these citizens served by out-of-state licensees have any voice if something goes wrong for them?

Steve: we have had to abstain from weighing in on complaints in the past that are not within our purview.

Henna: these people wouldn't be under your purview as a board and you wouldn't have jurisdiction on these out-of-state licensees.

Stephanie: as a licensee, I want my license to mean something and this takes that away. It would hamstring our ability to protect the public.

John: psychology boards have an interstate compact. In our field there is no uniformity across state licenses so it does not work for our board. Social work has more uniformity across states which makes it more amenable to portability.

Adrienne: I was wanting to organize our thoughts and what is our role and the legislative process. Our primary role is to protect the public. I have no problem with us

not endorsing the amendment, it opens the door up to us not having the ability to enforce the laws. Other states haven't vetted as stringently as Nevada does.

Marta: I agree with the concerns about this proposed amendment to SB44. I have had concerns with the pandemic that we have out-of-state licensees practicing without oversight. I agree with Hal that this may be a move toward getting rid of independent boards.

Adrienne: how does it help the rurals?

Steve: telehealth and collecting data is good for the rurals. But the argument for portability is to get more qualified practitioners in the state but there's no guarantee that they will end up in the rurals. We've been changing our standards for quite some time without necessarily seeing positive results in the rurals. I don't think that portability does that either.

Stephanie: if you are a practitioner billing Medicaid or Medicare, you have to be licensed in the state in which you are billing. So in the rurals, cash pay or private pay clients might not readily be an option for many people there.

Sara: I appreciate the intent of trying to expand and impact services to the rurals. As MFTs and CPCs, we are not even able to accept Medicare assignments. I don't see where the proposed language will ultimately benefit the rurals. I don't feel like we should endorse the proposed language at this point.

Steve: Joelle and Lynne, I'm curious what you think the impact of this might be on the board office.

Joelle: if we're talking about people not having to be licensed through reciprocity then that will be a financial impact on the board's revenue stream. If they never have to be licensed here in Nevada, we lose out on that renewal fee. I was not here for SB37 but I know that was a huge moment because then we were better able to streamline processes and serve the public.

Lynne: in tracking legislation, they just introduced SB 100 yesterday which is the Nevada physical therapy board possibly joining an interstate compact. With an interstate compact there is structure in place and accountability is defined in the case of complaints. AASCB and ACA are both exploring the benefits of portability. We, as a board, essentially meet the intent of portability with our reciprocity regulations and office processes.

Steve: reading ACA's statement portability vs. reciprocity:

The crisis in licensure portability occurred because state licensing boards developed their rules and regulations independently of each other. This resulted in, as an article in Counseling Today put it, "little consistency from state to state regarding licensure titles, counselor scope of practice, and education requirements to become a counselor". There are currently over 45 counselor licensure titles, no two scopes of practice are the same, minimum graduate credit hours vary from none stated to 60, and supervision requirements vary from 500 to 4,500 hours. State counseling boards recognize that licensure portability is in crisis, as characterized by one licensing board Chair who stated in a second Counseling Today article that, "I see this [licensure portability] as the most important discussion point in the regulatory process for our profession".

This is a huge topic that isn't going to go away. But again, because there is such disparity amongst all of the states and DC for people who could work here; we in Nevada have already codified the bar that we believe practitioners need to be at or above. And portability would eliminate that.

So, I'm asking the board members, I want everybody's input, please write your thoughts in an email to Lynne by Monday. Also, please write whether you endorse the proposed changes to SB44 or not and any other thoughts on the senate bills which impact 641A.

Stephanie: these are all important conversations we should be having together.

Steve: the possible action to endorse or not endorse the proposed changes to SB 44

Motion to not support proposed amendments to SB44 made by Hal; 2nd Sara. Motion approved unanimously, no abstentions.

Henna: I would recommend a motion for you to represent the Board in the call.

Motion for Steve to represent the Board for SB44 made by Marta; 2nd Hal. Motion approved unanimously; Steve abstained.

4. 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)
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No public comment.

5. Board member comments

Marta: I've gotten several new interns within the last few months who have come from out of state and it has been incredible how quickly the new interns are being licensed. With my history of dealing with the board and what went on in the past, it's quite a contrast. They also report their positive experiences with the board office, especially Joelle, all the while maintaining our academic standards and mission to protect the public.

6. Adjournment (For possible action) Meeting adjourned at 9:41 AM.