

Joe Lombardo, Governor



Dr. Jennifer Ross, *President*
Jenny Stepp, *Vice President*
Lauri Perdue, *Secretary/Treasurer, Public Member*
Dr. Steve Nicholas, *Member*
Dr. John Nixon, *Member*
Marta Wilson, *Member*
Hal Taylor, J.D., *Public Member*
Dr. Sheldon Jacobs, *Member*
Sara Pelton, *Member*

MEETING MINUTES
FRIDAY, OCTOBER 18, 2024 at 9:00AM

Teleconference

Nevada Board of Examiners
For Marriage & Family Therapists and Clinical Professional Counselors
500 N. Rainbow Boulevard, Suite 201
Las Vegas, NV 89107

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).

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.
 - Board members present: Sara Pelton, Marta Wilson, Jenny Stepp, Sheldon Jacobs, Jennifer Ross, John Nixon, Lauri Perdue, Steve Nicholas, Hal Taylor
 - Staff present: Joelle McNutt, Stephanie Steinhiser, Senior Deputy Attorney General Henna Rasul
 - Members of the public: Mendy Elliott (Flynn Giudici Government Affairs), Nick Vander Poel (Flynn Giudici Government Affairs), Joanne Culver, John Vescio

Public comment is welcomed by the Board. Persons wishing to provide public comments remotely may access the meeting by telephone at (253) 215-8782 or through the electronic link posted on the agenda. Public comment will be limited to three (3) 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)

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 review and approval of minutes from the September 20, 2024, meeting (For possible action)
- Jenny: I think it is on page 14 and Joelle, you were answering a question of mine, but it doesn't quite make sense.
 - Joelle: I see what you are referring to and I will listen to the recording and make those changes.
 - Motion to approve minutes from September 20th meeting with adjustments: 1st John, 2nd Sheldon; Lauri, Steve and Hal abstain; Motion approved.
4. Review, discussion, and possible action to approve the Flynn Giudici Government Affairs lobbyist services contract (For discussion/possible action) – Joelle McNutt
- Joelle: I want to let the Board know that Mendy Elliott and Nick Vander Poel are present from Flynn Giudici Government Affairs. I did request additional bids for services and there were some conflicts, so I decided on Flynn Giudici. I feel that in my conversations with Nick thus far and just interacting with him, I feel that his style and the way that he approaches his work aligns very well with our Board. I feel like what I experience when I deal with Nick is that he is about educating whoever he's talking to. This helps people to critically think about decisions, situations or issues. I feel like it's important to approach the legislature with the heart of an educator and encouraging critical thinking. I really appreciate his ability to collaborate with other people in his field and it's really a strength of his to gain knowledge across the board. I feel like he does a very good job of that and that's important to do your job well.
 - Nick Vander Poel: We really appreciate this opportunity to talk to you today, but also welcome the opportunity to represent the Board at the Nevada legislature. To piggyback on what Joelle said, I really appreciate those words. As a firm with over 40 years of experience in Carson City, Mendy and myself, we believe in transparency but also educating our clients on the process and navigating the halls of the Nevada legislature. It definitely can be overwhelming at times, but our goal is to bring calm but also solutions to the table. I was fortunate enough to actually work Boards and Commissions for two years under a previous governor and so I remember each and every board. I still meet people to this day that I appointed, and it is a rewarding task. So, understanding each and every board and their role in the state of Nevada from the applicant getting their license to the public safety, there's so many elements to it. Then to add onto it, Mendy is the former Director of Business and Industry as well as the Deputy Chief of Staff to a previous governor. The overwhelming experience of Flynn Giudici compliments this Board, and we are very excited about this opportunity. Mendy, do you have anything else you want to add?
 - Mendy Elliott: Good morning and thank you for this opportunity. I think that I've been in the legislative building since 1991. I've been lobbying for a long time and it's our job to make sure that when it's crucial that we bring you in, whether it's a bill or it's a discussion that we bring the experts to the table. We never try to represent the profession without having an expert or expertise at our side. So, we depend on you as much as you depend on us and I think that we want to make sure that we're representing the industry appropriately and the profession appropriately and before we even have any dialogue, we'll sit down with the Executive Director and really get a good understanding of where your strategies are and where you want to go. So, I just wanted to add that.

- Hal: What I worry about is that the uniqueness, not of your commitment, of the process we've been through over the years comes through. This is not a stereotypical board. We don't see it that way. We've got you're interested in education. We are really interested in education; we're interested in supervision. We're interested in being a place where if issues within the industry come up that are appropriate for this Board to consider, we will do that. We are open to discussions with members of the public, with members of the profession. We've tried to work very hard to make sure that procedurally we cover things appropriately. Protection of the public is a big issue for this Board, and we'll do anything that we can do to do that appropriately and transparently. We just don't want to be treated stereotypically.
- Nick Vander Poel: We're fortunate enough to meet not only the incumbents of the Nevada legislature but also the candidates. I think it's imperative for the Board to know any way you want to look at it, 25% of the Nevada legislature in 2025 will be freshmen. So as our job to educate them on the issues and a recurring theme that we've heard in our meetings with individuals that are running for office, as well as incumbents who are coming back; we are hearing about housing, economic development, but also an issue that continues to come up that I believe this Board plays a vital role in Nevada is mental and behavioral health. That is an issue at the top of these candidates and incumbents list. To your point, this Board and this industry play a vital role to the state of Nevada.
- John: Just curious then on your initial reading of awareness of mental health, workforce development, protection of the public, given the current movements as we're looking to other states and the idea of a super board and the demotion in a sense to making the individual licensure boards more like advisory bodies. What's your initial read of that and thought of how you might address that?
- Nick Vander Poel: The initial read of it is it's very complicated. I believe the MFT/CPC Board has operated in a manner that is well-respected and is very niche. The role you play in Nevada is like a third leg in a stool. Going back to your question about the super board, I can tell you it's not an easy task of what they're trying to accomplish. And obviously we are there to listen. We're there to offer alternative solutions.
- Mendy Elliott: I think that from the perspective of public safety, right, this is really what the board is here for primarily is public safety and more importantly licensing and making sure that it's a seamless process. There have been some discussions about how this is going to slow the process down. Is this going to have the opposite effect of what they're trying to actually accomplish?
- Steve: I think you're hearing us pretty clearly that we're very concerned that a one size fits all application to mental health licenses throughout the state would be creating a generalized process and taking the surgical and therefore ethical direction out of it, in oversight and protection. What our board can do for MFTs and CPCs surgically and ethically, because we are a Board of folks largely in the profession, our oversight is much more accurate at protecting the public and maintaining ethical practitioners. I noticed on the paperwork for our supporting documents that you all have worked with the Social Work Board. Can you speak to the services you've provided in consultation for them?
- Nick Vander Poel: Yes, we do currently represent the Social Work Board. If I remember correctly, I did speak to this Board previously. The Council of State Governments through a grant with the Department of Defense created compacts in various professions. We were brought on to get the Social Work Interstate compact passed. We learned a lot last legislative session, but now I'm happy to report that 22 states now have joined that compact. That's the role that we play with the Social Work Board.
- Steve: Can you two describe your levels of comfort that you can represent us successfully in our initiative that you can help us get what we're looking for?

- Mendy Elliott: We've been very successful in the legislative process once we have a clear understanding. I have been representing boards since 2011, since leaving the Governor's Office. We start meeting with legislators and candidates. We'll be doing that. We're doing it now. Nick's down in Vegas. I've been doing it already, talking about the clients that we have and their goals and objectives. On the flip side of that, we're talking to the majority leader, the speaker, about their goals and objectives. What do they want to see? Once we have our clients in the stables and we understand where they want to go, we ask our clients to prepare a brief white paper, so we know their goals and objectives and then we're sitting down with legislators. Then we can basically go through our client base and what their goals are. These are our objectives. We want to hear from the leadership as to what issues they might see with the issues that our clients have. We know where there might be people on the other side, other lobbyists that might not be in support of what we're trying to do, but if we can get legislative leadership on board with the goals and objectives, it makes the dialogue a lot cleaner. When we do understand that there's an issue, we go into meetings with the people that are not in support of our goals and objectives, and we try to negotiate what is a medium. That's the way it works. It's really important for the firm that we operate in the area of education, understanding why the Board wants a particular issue, and then we can articulate that to the legislative leadership or even to the executive branch, to the Governor's Office because at the end of the day, we've got to get him to sign the bill too. We can get it through the building, but then the Governor, or his policy people, have to understand what we're trying to do. I know this is long circuitous answer, but this is a partnership. When we have a client, we work together and to have an understanding, it's really important for us to understand where you want to go. Sometimes we can't get there in one session or it might take us a couple of sessions.
- Marta: I think one of the concerns that I felt was when Joelle brought this to us after she had attended the meeting in August, was the way that it was presented to her, and this is my understanding of what Joelle shared, was that this is a done deal and it's going to happen in two years and get ready. I just kind of feel concerned about the urgency of this. I'm wondering with your expertise in going through these things before, is that even realistic that they could say that to Joelle? I felt when she was sharing, it almost felt like we didn't even have a choice about it because it was going to happen.
- John: It was like a gut punch.
- Mendy Elliott: There's not one board, there's not one profession, there's not one industry that is in support of this.
- Nick Vander Poel: You are not alone on this island. You can say that it is done but you still have to go through the Nevada legislature. That's the people's house and they listen to their constituents. There are going to be a lot of questions involved in this process.
- John: One of your current clients is the Social Work Board. In the event that there is something that the Social Work Board puts forward or we put forward that the other board may be at variance with, how do you handle that?
- Nick Vander Poel: If we identify a significant conflict, we will approach Executive Director McNutt and have that conversation. In my conversations with the Social Work Board, from what I can see right now, what they're working on does not have any conflicts. They're only focused on the interstate compact and there's no other language that's being considered. And so, I believe that helps in this process of addressing the conflict issue.
- Jennifer: In initiating a contract with Flynn Giudici and our work with you, that while we have sort of this one big issue that we are most interested in, there are a couple of other things that are of

interest to our Board, and I want to clarify that we have to pick our issue and that's the thing we get help with. There are other things out in the world, would we have support with those?

- Mendy Elliott: So, here's the way the session works. As bills are dropped, we read every bill. We look for the chapter laws that would impact you and any bill that could potentially impact good or bad, we send that over to the Executive Director. They send it out. We get feedback from you. The feedback comes back. If there's an opportunity that as we work through the partnership, if there's an opportunity, hey, such and such is doing X and is this something that maybe this board might be interested in to expand scope of practice or there's a concern that someone else is impeding on scope of practice, those opportunities, because the legislative session is very fluid. I hope that helps.
- Steve: I reviewed the dollar signs on it and I'm assuming if it were this far in the conversation that we can handle that. Is there clarification on that?
- Joelle: Yes, we have extra funds in our reserve.
- Sara: I had one last question. I don't think most members of the public really understand what's happening right now. How do we get the word out without creating panic or misinformation getting passed around?
- Nick Vander Poel: Obviously our goal is to educate you and the public and bring clarity to this issue. Going back to my original statement, you're not alone. This is going to impact a significant amount of the licensed industry in the state of Nevada. So, it will get confusing. That's part of the legislative process. But as our goal is to bring a very direct message that if you as Board members are asked, we will be providing a really definitive answer that you can reply with and explain to the public who inquire.
- Jenny: What is the best way to be in communication? What will that process look like?
- Nick Vander Poel: We will work directly with the Executive Director. Our job is to communicate with the Executive Director and then disseminate information out through them.
- Sheldon: I know that you have multiple clients so how will you prioritize us?
- Nick Vander Poel: When we go through the legislative process, every client is a priority. I would say, multitasking at its finest. I've been involved in the process of Nevada politics almost 20 years. You learn to see everything that's happening through the lens of the Nevada legislature. When you look at bills being introduced, statutes being opened, the light bulb goes off and you are always thinking about your clients.
- Motion to approve the Flynn Giudici Government Affairs contract: 1st Steve, 2nd Hal; No abstentions; Motion approved unanimously.

5. Discussion regarding future agenda items and possible future meeting dates

- Jennifer: We do have a meeting on the books for November 15th. At this point, I wonder if it would be possible to have a representative from Business and Industry come to our next meeting to talk with us more about this and give the Board a chance to ask questions.
- Joelle: I can reach out to the Director of Business and Industry and the Deputy Director of the Office of Boards, Commissions and Councils Standards and send them an invitation to our November 15th meeting to come to speak to the Board.

6. Board member comments

- Sheldon: How did the Board office move go?
- Joelle: It was not without its challenges, and it is done now. It went well. Thanks for asking.
- Marta: In response to Jenny's question, I appreciate your answer, that you will help us provide accurate information to the public.

7. 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.

8. Adjournment

- Meeting adjourned at 10:01 AM.