

**MINUTES FOR THE BOARDS OF EXAMINERS FOR ALCOHOL, DRUG AND  
GAMBLING COUNSELORS**

MEETING DATE: Friday, August 12, 2016- Via teleconference  
MEETING TIME: 9:30 a.m.  
MEETING LOCATION: **TMCC Redfield Campus  
18600 Wedge Parkway Bldg. B, room 102  
Reno, Nevada 89511**

**University of Nevada  
4505 Maryland Parkway  
System Computing Services Bldg  
Room 102  
Las Vegas, Nevada**

**MEMBER PRESENT:** Steve Burt, Darlene Dufault, Paula Chung, Barbara Hunt, Merlyn Sexton, Dani Danley and Maryann Potter.

**STAFF PRESENT:** Agata Gawronski, Executive Director, Saul Singer, Investigator ,Colleen Platt, Board's Attorney, Brett Kandt Deputy Attorney General

**MEMBERS OF PUBLIC:** Linda Barnett, Adrien Crosley, Denise Quirk, David Hopper, John Hunt, Hamlet Aldecua, Bert Wuester, Craig Merrill, Keith Marshall.

**Item 1: Welcome, Call to Order.**

Darlene Dufault called the meeting to order at 9:30 a.m.

**Item 2: Public Comments.**

No public comment.

**Item 3: Approval of the Minutes for May 20, 2016 meeting. (For possible action)**

Barbara Hunt made correction to the minutes on Item 10. Application for Board's review a) Daniel Kantor it said "Barbara Hunt stated that the Board did negate his time of sobriety..." and it should say "the Board did not negate his time of sobriety ". The correction was made and Steve Burt mad motion to approve the minutes, MaryAnn Potter second it.

Motion carried.

**Item 4: Linda Barnett, LADC –request to implement retirement license-discussion.**

Linda Barnett was present in Las Vegas, she provided Board president with the packets to be passed around to all the board members.

Linda Barnett read her statement , providing brief bio and stating that her intention was to reach out to the board regarding our current statues and how the inactive status was being interpreted, miss Barnett made comment that raising fees from \$25 to \$250 plus \$25 administrative fee was “ shock for those of us on inactive status”, also she expressed her concern that giving counselors only one year on inactive status wasn't helpful for those taking care of sick family members or dealing with illness themselves.

She stated that administration's argument that those on inactive status must keep up with the field, her solution to that was to mandate specific training .She requested that this administration would “ hear from people whom are very upset about this situation, and to please notify people that the Board would like to hear their input”. Ms. Barnett stated that “many states have a retirement status for their licensees in place”.

Her other concern was that the state of Nevada is lacking professionals in this field. She stated that coming from New York where she was originally licensed she had to test in our state, and did not understand why like New York, we do not have reciprocity.

She asked for compassion and understanding for those coming from out of state and those who are retiring.

Steve Burt stated that we need to review the information and put the topic back on the agenda, because we had prior discussions and were lucking guidelines, and that the Board agrees with Ms. Barnett's suggestions but it must be reviewed and done judiciously.

Ms. Barnett made a request that Mr. Burt will look into New York's statues, because they are fair.

Steve Burt stated that she was suggesting that we were not fair but we are, and that this current Board inherited the statues and regulations and need to work on what we have and perhaps change it to something that will work in Nevada.

Linda Barnett stated that she did not agree with the statement that we were fair and asked if she should come back to next meeting. She was informed by Darlene Dufault that she was welcome to come to any meeting she wants because it is open to public.

Brett Kendt suggested that Ms. Barnett provides the materials to the Board ahead of time, because they have to be available to the public.

Ms. Barnett stated that that she was working with Agata Gawronski, and wasn't adviced in advance about it. Darlene Dufault stated that the Board will review the materials provide by Barnett and will discuss it again at the next meeting.

**Item 5: Adrienne Crosley-request to take oral examination after 3 failed attempts (for possible action).**

Ms. Crosley was present in Las Vegas, and asked Board's consideration to retest for the fourth time.

Darlene Dufault asked if Ms. Crosley was currently under supervision, she stated that she was not and that she was not working in the field at this time. Steve Burt asked why Ms. Crosley thought she could not pass the oral exam, she answered that it was anxiety and that she was currently in treatment for it.

Mr. Burt went on to ask her to describe what was going on while testing, and if she was able to fill out the worksheets while prepping and answer all of the questions on paper. She stated that she does write up a lot and that she knows the material but the time castrates and than sitting in front of the board members is giving her anxiety. Ms. Dufault stated that what was written on the worksheet was the most important and to not be concerned about the presentation piece, because ones knowledge not presentation skills is being judged. Ms. Gawronski stated that if we could get note from her therapist documenting the anxiety we would be able to accommodate her by giving her more time to prep and or present.

Merl Sexton suggested that she can just read straight trough and that 20 minutes is plenty of time to read 3 pages. Steve Burt made motion to allow Adrienne Crosley to take the oral exam for the fourth time, given that she will coordinate any special accommodations with Agata Gawronski.

Barbara Hunt seconds it. Motion carried.

**Item 6: Request to supervise additional intern; Denise Quirk , CPG Supervisor ( for possible action)**

Denise Quirk was present in Reno, she presented her current five gambling supervisees by names, stating that three of them are scheduled to take the exam within next six months; one within one year and one just started his internship which would be at least two years before testing. Ms. Quirk also stated that she had another two secondary supervision interns and she had another three “potential people”

Steve Burt asked Ms. Quirk to be specific in her request, because her current request was too vague.

She stated that she would like to request to supervise 8 interns.

Steve Burt made motion to deny 8 interns due to amount of time and travel it would require , especially with most of them being in remote locations, but suggested to Ms. Quirk that she could change her request to one additional intern and it would be than voted on.

Darlene Dufault asked Ms. Quirk to explain how she was implementing distance supervision with the rural Nevada, and she stated that she was using VC system, and trough that she would have appointments set up where her supervisees are sitting in session with their client which she practices once a month.

Barbara Hunt made motion to allow one additional intern over six months period. Steve Burt seconds it; Dani Danley recused herself due to conflict of interest.

Motion carried with one abstention.

**Item7: Tami Albitre- Holland,-discussion and possible approval of settlement agreement case no 2016-04—03 (for possible action)**

Ms. Albitre-Holland was not present at the meeting. Colleen Platt presented the agreement to the Board stating that Ms Albitre-Holland’s situation was unique, because the complaint came in during the time of her taking oral exam and passing it, so the board’s staff withheld the certification process and waited for Boards decision. It would mean that she would get fully licensed and her license would be places on restriction for the 12 month period should the Board accept the settlement agreement.

Paula Chung asked for the clarification on restricted license, Ms. Gawronski explained that it's marked restricted, it is formal probation, the person must appear before the Board to report her progress and also must inform her employer about it.

Steve Burt made motion to accept the agreement for Tami Albitre-Holland, Barbara Hunt second it, the motion carried unanimously.

**Item 8: George Howell, LADC, CPG- discussion and possible approval of settlement agreement case no 2016-04-03 (for possible action)**

Mr. Howell was not present at the meeting, Colleen Platt presented the settlement agreement to the members, and copies were included in board packets. Ms Hunt stated that her only concern was that Mr. Howell was not present for the public reprimand, and Ms. Platt stated that it was on her, because she informed Mr. Howell that he did not have to be present for it, since it was a public record and it will be reported and made available to the public.

Paula Chung expressed her concerns about this case and stated that she was worried that it was only "slap on the wrist", Ms. Platt reminded the members that they are only hearing small portion of the case when the settlement agreement is presented and that they must rely on her 's and Ms. Gawronski's judgment.

Steve Burt stated that in some cases both Ms. Platt and Ms. Gawronski do a good job by bringing one of the Board members in to help decide on the case. Barbara Hunt made a motion to accept the settlement agreement for George Howell, Dani Danley recused herself due to conflict of interest, and Maryann Potter seconds it.

Motion carried with one abstention.

**Item 9: Administrative hearing case no.2016-05-01 David Hopper, Respondent (for possible action) (a portion of this agenda item may be heard in a closed session pursuant to NRS 241.030).**

Colleen Platt presented to the Board binders and envelopes with the exhibits and stated that her Mr. Hunt agreed before the hearing to the exhibits they are both going to use.

Board's chair admitted the evidence on the record.

Ms. Hunt made an opening statement, addressing the members of the Board making preliminary objection for the record about the members being in two different locations, stating that it will be difficult to judge via teleconference. Ms. Platt responded that no formal motion was ever filed.

Mr. Hunt went ahead with presenting Mr. Hoppers case.

Ms. Platt called Hamlet Aldecua in Las Vegas as her first witness. He presented himself and stated that he went to Mr. Hopper to receive psychological evaluation referred by his attorney, and paid \$400 for the evaluation. He described the evaluation process he went through including biometric screening, alcohol and drug use screening and mental health screening

Agata Gawronski was called as second witness. Ms. Gawronski testified about the scope of practice of LADC.

Mr. Hopper was called next to testified and was questioned by both Ms. Platt and Mr. Hunt.

The Board discussed 16 facts presented in “Finding of Facts, Conclusions of law and order” by Colleen Platt and attached in Board’s packet.

Dani Danley made motion that all 16 facts were found to be true. Steve Burt seconds the motion. Motion carried unanimously.

The Board than reviewed nine counts as follows:

Count one: By holding himself out as able to provide psychological services when Respondent does not hold a license issued by the Nevada State Board of Psychological Examiners, Respondent has engaged in fraud or deception in the practice of counseling alcohol and drug abusers.

Count two: By performing practice of psychology on Patient X when Respondent does not hold a license issued by the Nevada State Board of Psychological Examiners, Respondent has engaged in professional incompetence

Count three: By performing practice of psychology on Patient X when Respondent does not hold a license issued by the Nevada State Board of Psychological Examiners, Respondent has engaged in behavior that is contrary to the ethical standards as set forth in the regulations of the Board.

Count Four: By holding himself out as able to provide psychological services when Respondent does not hold a license issued by the Nevada State Board of Psychological Examiners, Respondent violated NAC 641C. 405(1)

Count Five: By charging Patient X a fee for performing the psychological services and receiving the fee when Respondent does not hold a license issued by the Nevada State Board of Psychological Examiners, Respondent violated NAC 641C.405(5)

Count Six: By attempting to diagnose , treat or provide advice for anxiety, depression, adjustment disorder ,psychological factors affecting physical condition , major depressive disorder, single episode, severe, with increased risk for suicide, Respondent violated NAC 641C.405 (9)

Count Seven: By basing his practice on unrecognized knowledge that is irrelevant to the practice of counseling alcohol and drug abusers, Respondent violated NAC 641 C.405 (10)

Count Eight: By failing to serve his clients with professional skill and competence, violated NAC 641C.410 (1)

Count Nine: By violating the provisions of chapter 641C of Nevada Revised Statues and Nevada Administrative Code, Respondent has engaged in unprofessional conduct pursuant to NAC 641C.440

Dani Danley made motion that an all nine counts Mr. Hopper was found guilty. Steve Burt second it, motion carried unanimously.

Darlene Dufault made motion to impose recovery of fees not to exceed \$5000. Barbara Hunt seconds it. Motion carried unanimously.

Dani Danley made motion to suspend Dr. Hopper's LADC license under the condition that within one year he will take 30 continues education units including boundaries, HIPAA, confidentiality and Ethics and upon one year (12 months) of suspension Mr. Hopper will have to take written test and oral examination. The course must be approved by Agata Gawronski and they will not count towards his regular CEU's. In case Mr. Hopper does not pass the exams, the suspension continues until such time when he passes the test requirements, all the costs must be paid before 12 month period. Merlyn Sexton seconds the motion. Motion carried unanimously.

**Item 10: Discussion/possible action regarding legislative changes/seeking bill sponsor, including amending the statues to authorize certified alcohol, drug and gambling counselor to supervise; retirement license; inactive license ( for possible action).**

This agenda item was tabled.

**11) Public hearing for adoption of regulation LCB file NO R063-16 (for possible action).**

Darlene Dufault asked for the public comments. There were none. No comments were received by the Board's office.

Barbara Hunt made motion to adopt the regulation, Steve Burt second it. Motion carried.

**Item 12: Executive Directors report**

This item was skipped.

**Item 13: Public comments.**

John Hunt the attorney for Mr. Hopper made a comment, stating that he was confused as to what happened, and he felt that one year suspension was punitive, and that he will be taking appropriate steps as necessary.

Mr. Hopper stated that he has lots of clients that need to be referred somewhere and he does not want to shut his door and leave them in a cold.

Steve Burt stated that in his opinion Mr. Hopper was already court ordered ( prior to this hearing) to stop practicing psychology and it was evident that six months after the order was issued, he still performed psychological evaluation. Mr. Burt stated that the LADC was suspended immediately and he shall stop performing counseling immediately.

Darlene Dufault suggested that his clients should be referred out immediately,

**Item 14: Adjournment**

Steve Burt motioned to adjourn; Barbara Hunt seconds, the motion carried unanimously.