

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

MEETING DATE: Friday, November 18, 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 Cooperative Extension Building  
8050 Paradise Rd  
Room 105  
Las Vegas, Nevada 89123**

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

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

**MEMBERS OF PUBLIC: Reno:** Linda Barnett, Denise Quirk, Jackie Zimmerman, JJ Lee, Colin Hodgen, Hal Taylor; **Las Vegas:** Linda Walker, Jenny Casino, Lotti Knaus, Kevin Hall, Jeffrey Carson, Annette Sober, Linda Barnett, Dajana Djukic, Alyson Martinez, Leo Magrdichian

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

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

**Item 2: Public Comments.**

Linda Barnett, LADC was present at Las Vegas location and addressed the board regarding retirement status for Nevada LADC's. She stated that she believed a fair amount of time should be allowed for retired LADC, and more than current allowed time of 12 months.

Ms. Barnett expressed her concern about not hearing back from attorney Platt regarding current interpretation of the statues allowing only 12 months of inactive status.

Linda Barnett read out loud her email exchange between Colleen Platt herself and Agata Gawronski.

She objected current interpretation of NAC 641C.275 and did not agree that it was only allowing one year one time inactive status. She requested from the Board to investigate the "injustice "and for this issue to be placed on the next agenda.

**Item 3: Approval of the Minutes for August 12, 2016 meeting. (For possible action)**

Barbara Hunt had one correction to the minutes; on Item 9 it should have said Mr. Hunt not Ms. Hunt. Steve Burt reported 6 typos to the minutes, statues and statutes, and misspelling of Brett's name. Mr. Burt made motion to approve the minutes with corrections, Barbara Hunt second it.

**Item 4: Administrative hearing: Case No. 2016-04-02 Jeffrey Carson, License No. 1269-L**

Mr. Carson was present at Las Vegas location, Ms. Platt informed Madame Chair that late night before the meeting the settlement agreement was reached; therefore the Board will not hear the case. She further stated the Mr. Carson was going to admit to the facts, dismiss count 1, will agree to constitute 2, 3 and 4.

He will agree to admit to the 8<sup>th</sup> alleged facts; Mr. Kendt advised the members to refer to the complaint and notice of hearing in the board packets.

He does not admit to the violations but does admit that the Board could prove it based on the evidence collected in the process.

Mr. Carson agreed to reimburse Patient X \$3500 over the course of 6 months and remit the cost of this investigation to the Board not to exceed \$1000 within one year; he will take Ethics and Boundaries course within six months of effective date on the agreement.

If Mr. Carson fails to comply with any of the requirements his license will be suspended until he comes to compliance with all the terms.

Hal Taylor, the attorney for Mr. Carson was present in Reno and asked to speak and stated that the settlement agreement reached the night before was presented accurately by Ms. Platt.

Steve Burt expressed his concern about the agenda item being significantly changed.

Attorney Kendt, stated that the board was permitted to entertain the settlement agreement results, and should the board care to, the agreement could be approved at this meeting.

Darlene Dufault stated that she would like to see monitoring of some sort on top of all the other terms Ms. Carson agreed on. Steve Burt asked if she was asking for probation. Mr. Hal stated that he has a problem with this because it would change the nature of what was going to be reported.

He stated that reporting back to the Board after taking required courses would be fine.

Darlene Dufault stated that she wasn't necessarily asking for probation but would like to see a mechanism in place to ensure that the Patient X is being reimbursed and that settlement requirements were being met in timely matter.

Brett Kendt clarified that it was the responsibility of the staff to ensure that all the terms of settlement agreement are complied with if there is breach in the agreement it would be a responsibility of the staff to bring it to Board's attention.

Mr. Hal argued that maybe ethics classes should be updated since the cases of ethical violations are keep happening. Paula Chung stated that it is required by law to take Ethics classes every two years and that basic Ethics class would cover issues of dual relationships etc.

MaryAnn Potter asked what would be the process for Mr. Carson going forward. Ms. Platt clarified that at this point his settlement agreement does not have any suspension included in it, that he will be able to continue his practice and that the agreement will become public document and anyone will be able to see it.

Mr. Haul added that from now on Mr. Carson will be obligated to report this disciplinary action to the potential future employers etc.

Barbara Hunt made comment that she was glad Mr. Carson and Mr. Hal were present at the meeting and also she thought that monthly payments towards the restitution will serve as a constant reminder and it will be addressed.

Steve Burt made motion to approve settlement agreement as presented by Ms. Platt, Ms. Potter second it.

Darlene Dufault called for the vote 6 votes for and one against.

Motion carried, the settlement agreement was approved.

#### **Item 5: Clinical Supervision –discussion about on site supervision guidelines (NAC 641C.250)**

Agata Gawronski spoke and stated that the Board's office has been experiencing a lot of issues surrounding our decision to have a clinical supervision on site.

Because we have been going back and forth on this issue for the past few meetings and the goal for this meeting was to establish guidelines and how are we going to execute it.

Steve Burt clarified that the purpose of the regulation was to prevent entirely private practice of CADC-I's from happening.

He pointed out the unique situation in the rural Nevada, where Interns are running an office as an off shoot of major treatment agency and fall under the umbrella of the same employer as their supervisor therefore meeting the criteria of onsite supervision, Mr. Burt said it was fair in his opinion and cleared, also because the agencies he was referring to were all SAPTA certified and or funded so there was quality insurance piece to it.

Ms. Gawronski stated that she faces the question of onsite supervision on daily basis and it is hard to determine at times what the right answer would be.

As an example , recently she was asked by one of the Supervisors if contracting one hour per week with an agency where the intern worked was meeting the criteria of onsite supervision, in Gawronski's opinion the answer was no, but she asked the members for opinion and perhaps policy to be put in place.

Attorney Kendt interrupted with reminder that Nevada Supreme Court repeatedly stated that you cannot enact the policy of general public it must be adopted as regulation,

And this regulation we are discussing would call for revision. Steve Burt stated that it would now require this discussion to be turn to the legislative subcommittee and considered for legislative re-write.

Merlyn Sexton stated that he was counter signing the work of his interns in the electronic health records and that kind of oversight was difficult but possible for those in distant locations.

Darlene Dufault stated that she was less concerned about the signatures but more worried about the lack of clinical oversight at the agencies where fresh out of college interns were practicing.

Paula Chung agreed with the statement and expressed her concern about the quality of supervision in the state.

Steve Burt stated that maybe defining treatment agency would help answer the questions of onsite supervision. And if we would consider adding SAPTA certified agencies.

Colleen Platt confirmed that treatment agency was in fact defined in the last regulation re write.

“Treatment agency is a public or private agency which provides for the treatment of alcohol and drug abusers or problem gamblers”, Dani Danley stated that if we were to specify this regulation with SAPTA it would take gambling counselors out of the equation.

Ms. Platt stated that maybe the Board should focus more on the regulation defining duties of the supervisor itself. She also pointed out that currently worded supervision regulation did not require ongoing on site supervision, but if that is what the board was going for, it would call for the re write.

J.J. Lee, LADC was present in Reno and asked to be allowed public comment and was inquiring about the definition of treatment agency, which was clarified by Ms. Platt.

Denise Quirk, LCADC, CPGC asked to speak and her question was about her supervision of gambling counselor interns. She was asked by multiple students if they would be able to intern at her private agency Reno Problem Gambling Center. She asked if she would be able to supervise their volunteer hours without paying them and was told by the Executive Director that it was fine. Ms. Quirk asked for clarification if it was ok for them to practice at her private practice and at her non- profit organization and was told yes, as long as the services are provided on site. Ms. Quirk than asked if the same intern comes to her office and provides services, can she go and provide services on her own under Quirk’s supervision. The answer from the Board was “no”. Denise Quirk said that “it was absurd” because she was providing the same amount of supervision and why can’t the intern practice away from her office.

Steve Burt stated that one of the main reasons behind this regulation change was to prevent interns from opening private practice and see clients without supervision.

Darlene Dufault stated that we have to indicate specifically in the regulation that the intern and supervisor must both be employed by the same agency.

Steve Burt suggested that we should prohibit private practice in the regulations to avoid further discussions and confusion. Mr. Burt made motion to direct staff to develop some language regarding prohibited activities, Barbara Hunt second it. Motion carried unanimously.

J.J. Lee had comment stating she had very specific example “ let’s say I have an intern at Step 2 that I’m clinical supervisor for but I don’t work at Step 2 , however I oversee her, I go over and look at her records and so forth, under the statute as it exist it should be ok?”.

Steve Burt stated that we are unable to answer specific question at this time.

Brett Kandt stated that the board must stick to the agenda item, which does not include any advisory opinion for Ms. Lee, the question cannot be answered under the existing regulatory scheme that is it may require further rule making to be able to provide definite answer to such questions.

MaryAnn Potter asked Ms. Lee if she was contracted by the agency; her answer was no in one case and yes for the other intern.

Darlene Dufault asked if there was a secondary supervisor on site. Ms. Lee said “in one agency there could be secondary in the other agency no”.

Mr. Burt asked legal counsel what would be the process of providing advisory opinion.

Colleen Platt stated that there is NAC 641c.635 and 640 authorizing for advisory opinion and advised Ms. Lee to request one from Ms. Gawronski.

#### **Item 6: Linda Walker- request to receive distance supervision**

Ms. Walker was present in Las Vegas; she presented her case to the Board stating that she completed over 3500 internship hours at West Care and she is now working with State Mobile Crisis providing counseling services via tele health. Ms. Walker stated that she was receiving constant monitoring and on site supervision as well as case stuffing, weekly meeting with MFT supervisor and an onsite psychologist. She is now asking the Board’s permission to have an offsite LADC supervisor to complete her remaining hours, she also stated that she finished her MFT supervision hours and is taking the national MFT exam the next morning. Ms. Walker stated that she has supervisor working for the state in Reno, willing to provide distance supervision if approved. She asked the Board to make an exception and grant the supervision for her to be able to finish remaining 400 hours. Dani Danley asked why she had trouble finding supervisor in Las Vegas, Ms. Walker stated that it was the onsite component that was problematic.

After discussion, it has been decided that Ms. Walker would qualify for LCADC and or LADC after taking her NCMHCE test and becoming an MFT.

Ms. Walker was informed that she would not need 4000 hours as an MFT but only 1000. Linda Walker asked for her request to be withdrawn and she stated that she will apply for LCADC after her NCMHCE test was completed.

**Item7: Jenny Casino-request to supervise additional interns**

Ms. Casino was present in Las Vegas; she asked the Board if she could supervise additional CADC-intern. Barbara Hunt made motion to approve the request for the period of six months and if Ms. Casino needs additional time after that, she would come back before the board. Paula Chung second the motion, motion carried unanimously.

**Item 8: Lotti Knaus –request to extend her 10 year internship**

Lotti Knaus was present in Las Vegas, and asked for the extension of her supervisory hours. She stated that she hadn't had much time to study for the exams with her busy work schedule, she is now 78 years old and her agency is up for sale, she would like to test after the sale is completed.

Steve Burt asked Ms. Knaus when she completed the hours and she stated it was probably 2 years ago and added that she does not do much counseling due to her administrative duties; she also stated that she has medical condition which would require special accommodations while testing. Steve Burt suggested that Ms. Knaus applies for licensure, takes the test and obtain provisional certification in the meantime and it would allow her to practice during that time. Steve Burt stated that we cannot extend the internship and she qualifies to be licensed. Darlene Dufault added that we can make the accommodations needed to take the test. Steve Burt made motion to deny the request to extend the internship hours, Barbara Hunt second it. Motion carried unanimously.

**Item 9: Request to take the oral boards for the 4<sup>th</sup> time**

**A) Kevin Hall**

Mr.Hall was present in Las Vegas; he addressed the Board and requested to take the orals for the fourth time stating that he had experienced a lot of medical issues recently and also a loss of family member. Paula Chung asked Mr. Hall where he was working; he stated that he was employed by Monte Vista Hospital and asked what his duties were and if he had onsite supervision. Mr. Hall stated that he is doing assessments, groups and individual sessions.

Ms. Chung also asked if he had onsite supervision and he said yes, Ms. Chung than asked in which areas he was failing and he responded he wasn't prepared. Steve Burt made motion to accept the request to take the oral test for the 4<sup>th</sup> time, Merlyn Sexton second it, motion carried.

**B) Jackie Zimmerman** was present in Reno, and requested to test for the fourth time, she stated that she tends to panic a lot and loses her focus before the panel; she stated that she has been since practicing with a lot of people, in front of friends and family and she said that being in front of the board today helped. Ms. Zimmerman stated that she had some personal struggles and suffered loss of her husband and other family members in the past 6 months and that she wasn't ready to take the test. Steve Burt asked if she knew what her trouble were with the presentation, she stated that she had to learn ASAM from the scratch coming from out of state and she did not receive the quality supervision that she needed. Paula Chung made motion to approve the request to test, Steve Burt second it, motion carried.

### **Item 10: Annette Sober- request to terminate probation**

Annette Sober was present in Las Vegas. Colleen Platt presented the original case when Sober's license was put on probation for minimum of one year and it was subject to terms and conditions, she was ordered to practice under direct supervision for one year, and other terms. Ms. Sober stated that she met all the requirements of her probation and paid all the fees. Steve Burt made motion to approve the request to terminate probation based on the evidence that she had met all the requirements of the probation. Barbara Hunt seconds it. Motion carried unanimously.

### **Item 11: Settlement agreements**

Darlene Dufault asked the members if they read agreements and if they would like to have discussion before voting, it was suggested by the Board's counsel to go over each agreement individually.

#### **a) Juanita Chapman,**

Steve Burt recused himself from the conversation and future voting because Ms. Chapman is his employee, Barbara Hunt also recused herself due to conflict of interest. Colleen Platt presented settlement agreement to the Board, stating that it was alleged that Ms. Chapman violated various NAC's and agreed to pay \$300 investigative cost and attorney fees to the board and she will pay \$1500 fine by making monthly payments for 12 months, she agreed to complete educational courses within 6 months.

Juanita Chapman was not present at the meeting, she was given notice but decided not to participate according to Ms. Platt; Dani Danley made motion to accept the agreement as written and presented, Paula Chung second it. Motion carried with two refusals.

#### **b) Lindsey Holland**

Ms. Holland was given notice but chose not to participate in the meeting; Paula Chung recused herself due to conflict of interest, Colleen Platt read the settlement agreement to the members. Ms. Holland acknowledged that she was required to maintain appropriate professional boundaries with the client; she admitted to violating NAC and NRS 641C; Ms. Holland's license will be put on probation for 12 months, will pay \$1000 fine in 12 monthly installments, and will take ethics and professional boundaries courses within six months. Steve Burt made motion to accept settlement agreement as written and presented. Dani Danley seconds it. Motion carried with one abstention.

#### **c) Judy Marshall**

Darlene Dufault recused herself due to conflict of interest, she handed the matter to Steve Burt. Ms. Marshall was notified about the meeting but decided not to attend.

Colleen Platt read the settlement agreement. Ms. Marshall admitted to authorizing supervision hours of her intern that were not provided to supervisee and engaged into falsification of those records; as part of her discipline, her license as Supervisor is revoked for period of one year, she will pay \$500 for investigative cost and will make monthly payments.

Paula Chung made motion to accept settlement agreement as presented. Dani Danley second the motion, motion carried with one abstention.

### **Item 12: Proposal for the lobbyists for the Legislative Session 2017**

#### **a) Richard Perkins ( the Perkins Company)**

- b) **Misty Grimmer ( the Ferraro Group)**
- c) **Jeanette Belz ( J.K. Belz& Associates)**
- d) **Zev Kaplan**
- e) **Rocky Finseth ( Carrara Nevada)**

Agata Gawronski presented to the Board the selection process she went through with Colleen Platt trying to find the best fit for this Board and current legislative needs. She stated that most of the candidates came up with the same fees, so money should not be deciding factor in the selection process for the members. Paula Chung stated that she likes Mr Perkins the most out of all of the candidates.

Merlyn Sexton agreed with her opinion, Darlene Dufault stated that she also liked his experience the most , Steve Burt stated that he likes his proposal the most because he sounded very confident that he can get it done for the board. Ms. Hunt stated that she liked Ferraro Group the most and that Mr. Ferraro has close relationship with the governor but it appeared that we would not be able to retain him but Missy Grimmer, and that some of the changes we are going to try and oppose at the legislature are coming from the Governor's office so it negated the purpose. Paula Chung made motion to approve Richard Perkins to be our lobbyist and authorized the Executive Director to work out the contract.

Dani Danley second it, motion carried.

**Item 13: Discussion and possible selection of possible bill drafts regarding authorizing certified drug and alcohol counselors to supervise, implementing a retirement license, implementing an inactive license.**

Colleen Platt explained the way our current NAC was worded and why it was controversial whether a licensee can be placed on inactive status one time for 12 months or if it was allowed to do it multiple times.

Another suggested change was to authorize CADC to be eligible for supervision certification. Paula Chung suggested that CADCs should be certified for 5 years before applying for supervision certificate.

Agata Gawronski stated that CASAT could assist us with developing training for CADC supervisors. It was agreed that proposed change will be 3 years of experience for the CADC to become supervisor's vs. 2 years for the LADC's.

Also it was proposed that retirement/inactive status must be addressed with other proposed changes.

Dani Danley made motion to approve bill draft, Merlyn Sexton second it. Motion carried.

**Item 14: Executive Directors annual evaluation – Darlene Dufault**

Darlene Dufault presented the evaluation to the members and proposed 5% raise, Steve Burt stated that 7% raise would be appropriate. Steve Burt made motion to accept Executive Director's annual evaluation inclusive of 7% raise in her salary. Paula Chung second it, motion carried unanimously.

**Item 15: Executive Director's budget proposal for FY 2016/17**



Agata Gawronski presented proposed budget to the members for the state fiscal year 2016/17. It was approved by the Board.

**Item 16: Election of the officers**

Darlene Dufault stated that we need to do annual election of the board officers,

Paula Chung made motion that we keep the same board officers, Dani Danley second it. Motion carried unanimously.

**Item 17: Public comments**

No Public comments.

**Item 18: Adjournment**

Meeting adjourned at 1.30 pm.