

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

MEETING DATE: Friday, April 18, 2014- Via telephone conference

MEETING TIME: 9:00 a.m.

MEETING LOCATION: **Board of Examiners for Alcohol,
Drug & Gambling Counselors
400 W King Street, Suite 111
Carson City, NV 89703**

MEMBER PRESENT: Dianne Springborn, Jackie Wotherspoon, Darlene Dufault, Merelyn Sexton, Maryann Potter and Steve Burt.

STAFF PRESENT: Agata Gawronski Executive Director, Carol Masterson Executive Assistant, Keith Marcher, Deputy Attorney General

MEMBERS OF PUBLIC: Barry Lovegren,

Item 1: Welcome, Call to Order.

Dianne Springborn called the meeting to order at 9:00 a.m.

Item 2: Public comments (limit 5 minutes)

Dianne Springborn asked the public for the comments. No comments

Item 3: Discussion and decision for final approval to the changes on NRS 641C and NAC 641C (for possible action)

Dianne referred to Steve Burt (Chairman of Subcommittee) for updates: Steve stated that they have been meeting weekly for the past 18 months. The committee has made a couple of significant changes

1. We discussed attempting to remove the word (bye) for MFT, LCSW, Psychologists, Nurses, etc. to practice alcohol and drug counseling. When we realized that we were going to potentially hit some bumpy roads on the way to getting some of our other regulations approved. We decided to take these things in order and take this one step at a time.

2. Regulation to add into (we believe) NRS for certification of Peer Recovery Specialist.

Steve also stated that it is important to remember that this meeting was called in an attempt to get these all final approved by the entire board (given the work the sub-committee has done) so Executive Director Agata Gawronski, can meet the deadline for the Legislative Counsel Bureau. Without ever being through

this process before, he believed the Legislative Counsel Bureau would be a working process. That they will look at the information and respond to the board with propose legal rhetoric and language of our intensions.

Dianne Springborn asked if everyone had read the purposed changes: All members stated that they had read all documents.

Dianne stated that under NAC 641.425 confidentiality of information that she believed a word intern was missing. Also missing shall maintain prior to confidentiality. Agata Gawronski stated that it should read: "A licensed certified alcohol and drug abuse counselor or certified alcohol and drug abuse counselor intern, shall maintain the confidentiality."

Merlyn Sexton stated that NRS 641C.420 G says "6 hours of confidentiality and 6 hours of ethics included in the initial hours", then after receiving certificate must again redo those CEU's within 90days. Agata Gawronski stated that the proposed change is to add g) to have CADC's and CADCI's complete confidentiality and ethics prior to receiving certification. At that point they would not have to repeat during the first 90 days.

Maryann Potter proposed a question to Steve Burt regarding Peer Support Specialist. Confused about language of waiving requirements, after discussion the board suggested this should be removed.

Dianne asked if there were any more comments or questions: Agata Gawronski stated we agreed to proposed changes to (not our NRS, but to 629.031 Provider of Health Care defined.) Wants to make sure that we included all professions that we are licensing and the language is correct. Maryann Potter stated as long as we state pursuant to NRS 641.C we should be ok.

Steve Burt stated that they have added a section about holding people criminally for holding themselves out as an alcohol and drug counselor without a license from this board. And currently we have no jurisdiction over those people, so we have added it in as a misdemeanor we have listed that language from the social work regulations. It makes it a misdemeanor to hold yourself out as an alcohol and drug abuse counselor when you are not licensed by the board.

Dianne Springborn asked for a motion for the changes to NRS641C and NAC641C: Darlene Dufault motioned that we accept the changes, Marryann Potter second the motion unanimously carried.

Item 4: Discussion and decision for final approval of the purposed changes on NRS629 regarding definition of provider of health care (for possible action)

Steve Burt made a motion to accept the proposed changes regarding definition of provider of health care, Darlene Dufault seconded, the motion carried unanimously.

Item 5: Public Comment (limit 5 minutes)

Barry Lovgren stated his name and that he was a private citizen. He stated that on February 4, 2014 he submitted a complaint to the board about violation of the prohibition in NRS641C.910 about a person calling himself a Detoxification Technician without certification from this board. Stated that it was a "dumb law". He specified in the complaint that the board should seek to repeal it, and today the board did

just that. The outcome was what he had asked for, but the process was not what he expected. Mr. Lovegren proceeded to read his public comment, (see attached letter).

Dianne stated that the board has a lot of issues on its plate and that our focus right now has been on these legislative changes that we want to make and we can only do so much, in so much time. We may not work on your time line, and we may not work in your process, the way you would like us to do but we will take it under advisement, and we will look into this at a later date.

Barry Lovegren stated that he felt there was enough time to respond to his complaints.

Steve Burt stated how hard this legislative subcommittee management and regulation change for NRS and NAC and tracking the changes was , that started with the legislative subcommittee under Kevin's leadership to the current date. This is a challenging process and Agata Gawronski, has done a phenomenal job in meeting this deadline with some significant changes in the regulations and been a trooper in getting it done and maintaining some level of sanity.

The board was unanimous in complementing Mrs. Gawronski on her hard work, dedication, and leadership in this process.

Item 6: Adjournment

Darleen Dufault motioned that the meeting be adjourned, Maryann Potter seconded, and motion was carried.

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Public Comment Before the April 18, 2014 Meeting of the
Board of Examiners for Alcohol, Drug, and Gambling Counselors

My name's Barry Lovgren and I'm a private citizen.

On February 4th I submitted a complaint to this Board about violation of the prohibition in NRS 641C.910 against a person calling himself a Detoxification Technician without certification from this Board. That's a dumb law, and I'd specified in the complaint that an acceptable outcome would be the Board seeking repeal of it. Today the Board decided to do that.

The outcome was what I'd asked for, but the process wasn't what I'd expected. What I'd expected was what was posted on the Board's website, its "Policies and Procedures Regarding Allegations/Investigations." That policy states that, "The Board and staff wish to share with you" a protocol in which the third step is to send acknowledgment of having received the complaint and the fourth step is the Board deciding whether it needs to be investigated. What actually happened wasn't at all what I'd expected.

A month after I submitted the complaint I'd still heard nothing. When I asked the Executive Director, she told me that the Board hadn't taken action on the complaint at its March meeting. The complaint wasn't even on the meeting's agenda, so I sent the Executive Director an e-mail citing the Board's policy, and copied the Board. I heard nothing from the Executive Director, but I did hear from the Treasurer; I was told that the posted policy is no longer policy, and that my complaint isn't within the Board's jurisdiction. Since then the policy has been removed from the website but it hasn't been replaced with anything.

Then, over two months after my submitting the complaint, the Executive Director sent me acknowledgment that the complaint had been received and had been resolved with a finding that statute hadn't been violated. Except that what was acknowledged and declared resolved wasn't the complaint I'd submitted; it was a complaint of violation of the provision of NRS 641C.500 that authorizes the Board to adopt regulations for Detox Techs if it wants to. I not only hadn't submitted a complaint about violation of that statute, I don't think it's *possible* to violate that statute. I'd submitted a complaint about something entirely different, about violation of the prohibition in NRS 641C.910 against a person calling himself a Detox Tech in the absence of certification by this Board, a misdemeanor under NRS 641C.950. I sent the Executive Director an e-mail pointing this out, pointing out that I'm still awaiting a response to the complaint that I *had* submitted, and reminding the Director that an acceptable resolution of the complaint would be the Board seeking repeal of the prohibition.

Today the Board decided to do just that, resolving my complaint in the manner that I'd asked. The Board made that decision acting upon a recommendation made last week by its Legislative Subcommittee, which is chaired by the Treasurer, the person who'd told me that my complaint was outside the jurisdiction of the Board.

My complaint is resolved, and the outcome is what I'd asked for. But the process was very strange.

I suggest that the Board review its protocols for dealing with complaints. I think the Administrative Procedures Act in NRS 233B.050 requires you to review each of your policies every three years anyway, and doing so would prevent problems with obsolete and dysfunctional protocols that aren't followed. After you've ensured that you have a functional policy, it should be posted on your website so citizens know what to expect when submitting a complaint. And I hope that the process you call for isn't the process I've experienced.