

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

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

**College of Southern Nevada
Cheyenne Campus
3200 E. Cheyenne Ave. Room 2638
Las Vegas, Nevada 89030**

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

STAFF PRESENT: Agata Gawronski Executive Director, Carol Masterson Executive Assistant, Saul Singer Investigator, Coleen Platt Attorney

MEMBERS OF PUBLIC: Denise Quirk, Lane Wilhelm, Joyce Holys, Cherie Bowen, Jeffrey Schombs, Catherine Hamrock, Reginald O’Gwin, Colin Hodgens, Robert Paisano, Nancy Roget-CASAT, JJ Lee,

Item 1: Welcome, Call to Order.

Darlene Dufault called the meeting to order at 9:35 a.m.

Item 2: Public comments

Robert Paisano stated that he should have been on the agenda. Attorney Coleen Platt cautioned Mr. Paisano not to present information that might be heard at a later date and that he was not on the agenda due to administrative oversight.

Item 3: Approval of the Minutes.

Merlyn Sexton motioned to accept the minutes as written. Barbara Hunt seconded the motion, the motion was carried unanimously

Item 4: Introduction of the new Board members; Paula Chung and Dani Danley

Darlene Dufault welcomed the new board members. Both Paula Chung and Dani Danley briefly introduced themselves.

Item 5: Judy Kroshus, LADC-settlement agreement (for possible action)

Attorney Coleen Platt directed the board to the settlement agreement for review and denial or acceptance. The agreement addresses Ms. Kroshus’ supervisors license not her LADC. The board would only be able

to review the agreement. If not accepted it would go to hearing. Steven Burt stated that he had received documents regarding this case previously and would recuse himself if it went to hearing. Attorney Platt stated that the process has been handled previously by Attorney Keith Marcher. Ms. Platt stated what we can do going forward; She would normally draw up a formal complaint notice, once the complaint was received from Investigator Singer, than it is filed with the board. The board would see the alleged facts and the alleged violations of law; this is what would move forward to the hearing. At that time in-between the filing of the report notification to complainant, the attorney can enter into an agreement.

Barbara Hunt made a motion to approve the agreement on item number 5 regarding Judy Kroshus; Dani Danley seconded the motion. Steve Burt and Maryann Potter recused themselves .The motion carried.

Item 6: Amanda Pearson, LADC-settlement agreement (for possible action)

Attorney Platt stated that Ms. Pearson withdrew her settlement agreement and now the Board will move forward with a formal complaint notice. At a future date the board will receive a filed document that contains factual allegations and those allegations will support the alleged violations of law. This will be set for a full hearing.

Item 7: Applications for Board's review: (for possible action)

a. Jeffrey Schombs (for possible action)

President Dufault asked Mr. Schombs to state his case for the board: Mr. Schombs stated that he is currently in the process of approval for CADC-Intern certification. Mr. Schombs stated that he is currently working at the Silver Rock Recovery based out of California; and also working towards his bachelor degree in human services with a minor in addiction.

Director Gawronski stated that the board needed clarification on current employer and list of duties. The application stated that he was doing group counseling, individual sessions, and case management. Director Gawronski stated that this looked like Mr. Schombs was counseling prior to certification and would like an explanation.

Mr. Schombs stated that his job duties are to provide clients with the recourses. He has been in Nevada for 26 years and the company he is working for is based in California. That he just provided resources taking clients to get identification, transport to recovery meetings, FMLA documentation, licenses, silent participant in sessions, make medical appointments, provides AA twelve step- work. Paula Chung asked what Mr. Schombs meant by individual sessions and Mr. Schombs stated that is was not meant on a therapeutic level; he would meet with clients to help them acclimate them to the area, provide resources such as bus schedules. Darlene Dufault asked Mr. Schombs what he was assessing as stated in the application. Mr. Schombs stated he did intakes for new clients and was only helping them with the applications. Dani Danley stated to Mr. Schombs that it sounded like he was practicing; asking Mr. Schombs to explain how what he was doing was not practicing as a counselor. Mr. Schombs stated that he was not giving any advice or providing therapy session. He was there to provide encouragement and resources. He stated he did not do any treatment plans or case notes.

Paula Chung stated that was not what Mr. Schombs wrote; case management, recommendation, individual sessions, documentation and class facilitation. What Mr. Schombs was telling the board is

not what was written on the application. Mr. Schombs apologized stating it was his first attempt at certification. Darlene Dufault addressed Mr. Schombs stating that any representation of doing substance abuse counseling in the state of Nevada requires a license or certification. Mr. Schombs stated that he did understand that; Steven Burt stated that he believed Mr. Schombs did not understand the information being so new to the field.

Barbara Hunt asked Mr. Schombs to explain his criminal record; Mr. Schombs stated that he is in recovery and has a long term history with drug and alcohol abuse himself. He has achieved seven years in sobriety. He had felony in 1994 and several misdemeanor charges. Ms. Hunt asked if he was currently on probation. Mr. Schombs stated that he was not on probation since 2010.

Attorney Platt asked Mr. Schombs to give further information on criminal history, regarding the arrest and disposition of the arrest in 2005 (use of a deadly weapon). Mr. Schombs stated that was dropped to destruction of property. It was a self defense issue involving a knife. He paid restitution. Attorney Platt stated if the board was uncomfortable with the explanation that the board could place him on probation if both parties agree. Attorney Platt stated that the Board was concerned that he was already practicing in the role that he was applying for today. Mr. Schombs stated he definitely was not. Steven Burt stated that he disagreed. He felt Mr. Schombs was acting in a peer support specialist role and they operate in his agency as house managers. Other facilities call them advocates, persons in recovery helping others to coach and provide twelve-step guidance. Mr. Burt stated he was comfortable with the application at this time. Steve Burt motioned to approve Mr. Schombs application as written and clarified. Darlene seconded the motion. Five members voted for and two members against. The motion was carried.

b. Cheri Bowen (for possible action)

Darlene Dufault asked if the Board had read the application; Director Gawronski stated that Ms. Bowen wrote under experience and employer; New Frontier Treatment Center, that she was providing individual therapy, writing treatment plans, progress notes and facilitated groups from December 2015 to present. She still does not have her internship certificate.

Darlene Dufault asked Ms. Bomen to explain about her current duties. Ms. Bowman stated that on the current application when filling it out, she was told to put down what her job description; so she wrote down her future duties.

Director Gawronski stated that the Board received a letter from Ms. Bowen's supervisor (Linda Harper), stated that she was in-fact practicing under the impression that there was a 30 day grace period. This issue of "grace period" was clarified in the past on multiple occasions. There is no grace period. Ms. Gawronski asked under what circumstances she was practicing as an intern if she was not certified as one; Ms. Bowen stated that she was never providing services without her supervisor being present at the time of services. The facility was operating under an impression that they had 30 days grace period to obtain CADC-I certification; even though they were informed by the Board staff that no 30 day grace period was allowed. Darlene Dufault asked if she carried a caseload of clients. Ms. Bowen stated no and that she only saw clients with her supervisor. Director Gawronski stated that this raises another question on what to do with facilities that misinform their interns. She asked the boards direction on how to address that situation. Steven Burt stated that he was working with

CASAT contracted with SAPTA to provide SAPTA certification, he is working on adding the supervision pieces into their certification visits because it's not currently in there now.

Darlene Dufault stated that it is not the responsibility of this board to monitor the facilities but to monitor the supervisors and counselors. That the supervisors need to be the ones held accountable by this board. Ms. Dufault expressed her concern with the practices of New Frontier as an agency.

Paula Chung asked Ms. Bowen exactly what she was practicing at this time. Ms. Bowen stated that she was shadowing and observing. She has been doing this quite awhile since the application needed to go before the Board. Paula Chung asked what Ms. Bowen was hired as: Ms. Bowen stated as a counselor. Ms. Chung asked when she was hired. Ms. Bowen stated in December. Darlene Dufault asked if Ms. Bowen had any other licensing or credentialing to provide treatment. Ms. Bowen stated she just graduated in December with her bachelor's degree. Ms. Dufault stated that she was uncomfortable with the application and that the application clearly said that Ms. Bowen was providing counseling, assessment, and writing treatment plans, which appeared as if she was practicing without a license. Maryann Potter stated that in Ms. Bowen's previous employment with "No Child Left Behind" that she participated in groups and met with families. Ms. Bowen stated that this was behavioral intervention not a therapy. Director Gawronski stated that she was glad this was all coming up as there is another similar situation in the next item and it seems to be a trend in the community to allow this to happen. Steven Burt asked who are we holding accountable here the supervisors that directed her to do it this or the interns following the supervisors instruction.

Merlyn Sexton asked Ms. Bowen if she had ever affixed her name to any documents. Ms. Bowen stated no, she believed Casey Chu (the onsite supervisor) had to sign off on everything. Steven Burt stated that she needed to be very careful about this and if someone went into the agency they would be able to find someone credentialed her as a CADC-I in the system and it would get Ms. Bowen in trouble. Ms. Bowen admitted that her name in the system was listed as CADC-I and that there were people on her schedule and hoping to add them to her caseload when certified. Dani Danley asked what Ms. Bowen meant by her name being in the system under CADC-I, Ms. Bowen explained that the system is brand new and everybody's name (the employees) was added. It was put in waiting for her internship. Darlene Dufault stated that she was very concerned about the agency using credential before it was issued. Steven Burt stated that with the Board having documentation from the supervisor he would like to separate the issues. Mr. Burt made a motion to accept the application for Ms. Bowen at this time. Darlene Dufault seconded; Barbara Hunt abstained, the motion carried.

c. Catherine Hamrock (for possible action)

Director Gawronski stated that Ms. Hamrock applied for internship and the employment verification came in prior to receiving the actual application and verified 196 hours in alcohol and drug counseling, signed by the supervisor.

Catherine stated that at the time she sent the information in she was employed with Desert Hope Treatment Center as a Behavioral Health Technician, and that she was completely new to the field and said verification was gross misinterpretation of the information she was asked to provide.

She informed the Board that the hours on the form were for her employment as Behavioral Health Technician.

Darlene Dufault asked if the agency had encouraged her to apply for internship or was it something she pursued on her own. Ms. Hamrock stated that she currently was enrolled in a bachelors program and did not get any help and was waiting for a supervisor. She was trying to get everything in order and submit the supervisor's agreement once obtained. Darlene Dufault asked why under her duties (on the application) it was stated "providing treatment". She asked if Ms. Hamrock hold a license to provide those services other than the license that she was currently applying for. Ms. Hamrock admitted, that she was not holding any professional licenses at this time and that under her duties as a Behavioral Health Technician, part of her job is to facilitate group therapy; get rooms ready, bring clients to group, note who's there, etc. That is what was meant by group facilitation. Ms. Dufault cautioned Ms. Hamrock to be careful when using certain terminology, because it could be perceived as practicing outside of her scope. Merlyn Sexton asked if Ms. Hamrock had ever conducted an educational class with a client. Ms. Hamrock stated that this was not within the scope of Behavioral Health Technician and that she was not providing education.

Colleen Platt, the Board's attorney stated that "Verification of employment" form was in fact certification that Ms. Bowen has been practicing without a license and that the Board should bring the people whom signed it into compliance. Practicing without a license or the criminality of it is not the Board's decision it is district attorney's., Ms. Platt stated that the board has the licensing issue to resolve and decide whether to give her the license. Steven Burt stated that at this time Ms. Hamrock had no supervisor and had not completed the application. Ms. Hamrock stated that she no longer worked for Desert Hope and was a full time student.

Steve Burt made a motion to reject the application. Paula Chung seconded, motion carried.

Ms. Masterson stated that it was expensive to reapply and the application would not be approved without a supervisor and employment at this time. Applications are valid for one year from the time of request. It is a financial burden to ask to resubmit all fees again.

Attorney Platt informed the Board that if they reject the application, it is costly to reapply and because it is good for one year and if she changes her mind and gets a job at another facility, she could theoretically renew the application if Ms. Hamrock gets a supervisor and clarifies some of the documents in question. Attorney Platt asked if Ms. Hamrock understood. She stated yes.

Attorney Platt informed Ms. Hamrock the application could be placed in pending for one year from the date of request, February 3, 2017. Ms. Hamrock would need to resubmit after that date.

Ms. Hamrock's application will be placed in pending status. Steven Burt changed the motion; the motion is to place the application into pending until February 2017. Paula Chung seconded the motion it carried unanimously.

c. Reginald O’Gwin (for possible action)

Darlene Dufault recused herself and Steven Burt took over the meeting.

Mr. O’Gwin informed the Board that his application for CADC-I was denied due to his failed background check. Mr. Burt asked Mr. O’Gwin to give an explanation of his criminal history.

Mr. O’Gwin stated that in 2010 he committed an offense in Texas while homeless and in his addiction at that time. He was indicted on that offense in 2012; then came to Las Vegas, enrolled in a counseling Masters program and interned at Westcare, he was then offered a job and during the background check he was made aware of a warrant for that indictment. Furthermore Mr. O’Gwin hired an attorney and tried to negotiate the warrant but was required to travel to Texas to turn himself in on the charge and made restitution to the injured party. All this took place in the spring of 2014 according to Mr. O’Gwin.

Mr. Burt pointed out that the documentation received by the Board showed disposition in July of 2015. Mr. O’Gwin stated that he misspoke and it was July of 2015 that he traveled to Texas and spent two weeks in jail. Mr. Burt recapped that Mr. O’Gwin was unaware of the warrants at the time of application, and that he believed there had been enough time. Mr. O’Gwin stated that in fact he was aware and had turned himself in and settled all restitutions. He was not aware at that time that there must be two years from being involved in the criminal justice system before applying with this Board. Mr. Burt referred Mr. O’Gwin to the application and that this was not disclosed on the application. Mr. O’Gwin referred to the application checklist and where if there is criminal activity that a statement and documentation must be provided, as he did. Director Gawronski disagreed and referred to documents Mr. O’Gwin provided where extensive information was given but only went to 2012; there was no mention of any criminal justice involvement in 2015. Attorney Platt read the background charges; “arrested for bail jumping and failure to appear for a felony”. Mr. Burt asked for the date of that incident. Ms. Platt stated May 2015. Mr. O’Gwin stated that those charges were dropped. Mr. Burt, stated that he can see how Mr. O’Gwin thought he told the Board in his letter of explanation with the disposition dates all connected to the arrest in 2012. Director Gawronski stated that Mr. O’Gwin does not meet the two year criteria for approval.

Director Gawronski brought up another issue with this application and pointed out the employment history section, where Mr. O’Gwin wrote that, he was providing clinical evaluation, treatment planning and counseling. Mr. O’Gwin explained that the list of duties came straight from his job description and that what he wrote was what he would be doing once he was certified as a CADC-I. Maryann Potter asked if with his Clinical Mental Health Counseling Degree he was doing an internship for any other Boards. Mr. O’Gwin stated no, his internship with Westcare was during his master’s program. Ms. Potter asked if he had applied for any other licensure internship ie; CPC, MFT, etc. Mr. O’Gwin stated “no”.

Mr. Burt pointed out two separate issues with the application; Mr. O’Gwin’s employment history, and his use of job description, which made the Board staff believe he was practicing outside of the scope and secondarily the perception that he may have left some criminal history off the table and that he may have been involved in some criminal activity in the past two years. Merlyn Sexton asked if Mr. O’Gwin was currently on probation, and Mr. O’Gwin answered “no”.

Attorney Platt asked Mr. O’Gwin if the incarceration in 2015 was tied to the arrest in 2012 “fraudulent forgery” item. Mr O’Gwin stated it was tied to the original 2010 arrest. The indictment happened in 2012, warrant in 2015 and the arrest soon after; he was homeless at the time and unaware of his legal issues until the background check was completed by Westcare. Mr. O’Gwin states that he turned himself in and made restitution. Attorney Platt commented that he was arrested on May 4, 2012 and the charge was forgery to defraud and harm another. Mr. O’Gwin stated that he did not recall that to be the case. He stated that in May of 2012 there was a theft charge. Attorney Platt said that, this was the day before. Mr. O’Gwin stated that he spent two weeks in jail then and bonded out, went to court and was not aware of any other charges. Mr. Burt stated that the application did not include any criminal activity in 2012.

Paula Chung made a motion to reject the application. Dani Danley seconded the motion. The motion carried with two recusals.

Item 8: Review and Discussion of Clinical Supervision stipulation requiring on-site supervisor – Steven Burt: (for possible action)

- a. Review, discussion and clarification of the term “on-site” (for possible action)

Steve Burt explained that the board changed the regulations effective July 1, 2015 in the effort to reduce ability of someone who just became an intern to open private practice by hiring an outside supervisor to meet the minimum requirements. The legislative intent was to achieve high quality clinical supervision in the state.

- b. Review and discussion of the use of technology in providing supervision (for possible action)

The use of technology in the Rural Nevada became very popular and the Board had to start looking at exceptions to the rule if there were any. The Board’s staff needs clarification and directions; the staff is currently bound by the statues that were passed with no wiggle room. Mr. Burt stated that the board has the ability to guide them and provide interpretation. Mr. Burt invited people to the table to discuss the issues. Nancy Roget joined the board to discuss CASAT’s role in providing training for supervision.

- c. Review and discussion of possible exceptions to the on-site supervision requirement (for possible action)

Mr. Burt asked Las Vegas side to begin the discussion; Robert Paisano stated that there is confusion in Southern Nevada as to what on-site supervision meant.

Nancy Roget , Executive Director of CASAT was present at Reno location stated that the intention was to create pipeline of supervision. A major trend is many of the Boards have all created guidelines, while they are not all staff guidelines, but technology based supervision as a reform of the issues regarding the grain of clinical supervisors. There are not enough supervisors in the field so technology based supervision is being utilized. CASAT is looking at technology based supervision nationally and invited NAADAC and IC&RC to their committee meetings to talk about technology based supervision. Ms. Roget stated that it was her guess that having supervisor’s onsite five to ten

years from now will not exist. It will all be done using technology to provide the clinical supervision. Utah has specific guidelines for clinical supervision. "What we are looking at is a workforce shortage, especially in the rural Nevada. We have some real specific guidelines that meet HIPAA and CFR42 requirements." Ms. Roget stated that CASAT's training for supervision was working well and they also offer one to technology based supervision. Ms. Roget expressed her concern about limited clinical supervision in rural Nevada and that she would rather see qualified well trained supervisors via technology than no access to care and supervision by limiting it to the "onsite supervision" mandate.

Paula Chung asked if a supervisor goes into a facility a couple times per week and works with interns is this considered onsite. Darlene Dufault stated that we are looking for quality assurance. She felt if they are full or part-time employee, they need to be a part of the environment there. Someone could in essence set up an agency just to be a supervisor.

Meryl Sexton stated he thought if an agency had a supervisor on staff, a licensed staff member could oversee the intern.

Agata Gawronski suggested that supervisors can be allowed offsite as long as a secondary supervisor is present onsite and available to sign off on all treatment plans, assessments etc.

Robert Paisano stated that due to current mandate of onsite supervision he was obligated to take on additional interns, meaning overseeing their operations or applications. Mr. Burt stated that two supervisor could take on ten interns signing off as primary on some and secondary on the other. With that there is accountability for both onsite supervisor and the offsite supervisor. Mr. Burt suggested that if supervisors have five onsite interns, they could get an offsite supervisor and Mr. Paisano would be able to sign off as a secondary onsite supervisor.

Ms. Dufault asked for clarification if a supervisor has five interns, can they sign as a secondary on five others. Looking at the reality the secondary would be providing a lot of the guidance. Mr. Burt stated that anything we do can be taken advantage of and or considered a loop hole.

JJ Lee, LADC and member of public was present at Reno location and stated that she was a clinical supervisor and has experienced a similar situation to the one of Mr. Paisano's. "My concern is that some agencies did not get their acts together in time and we now have number of agencies that aren't even able to take an intern. Say they have 20 interns and onsite supervision for 10, which is where people hire me to take on the additional interns as supervisor. If you can find a place to work to get your hours then you can pay me to supervise you. What I do is work with the employer of the intern to make sure the agency is in compliance and that's a supervisor's responsibility and that supervision can happen." Director Gawronski stated that this was exactly what this Board is trying to avoid, the agencies that have no onsite supervision with only interns on staff. JJ Lee presented herself as an example, and state that she currently had four interns one young man is an intern for Crossroads, which provided services for Alta Vista, so essentially employed by Alta Vista who have professionally licensed people on board but they are not clinical supervisor, she said she believed they are social workers, MFT's, etc. but there is no licensed clinical supervisor for drug and alcohol counselors. JJ Lee stated that she is addressing this with Alta Vista and asking them to reform." I am not getting satisfaction from Alta Vista and would be happy to supply the Board with my emails about the situation. It ranges from ethics, and situations that may be

fraud. Maybe this is a case by case situation and you would need to look at the clinical supervisor specifically at these sites”. She stated that she was taking it very seriously and did not plan her career around being a supervisor; she stated that her point was that there were interns in the community whom needed positions and that she was helping them find positions and make them understand that she was committed to visiting onsite and asking questions. Darlene Dufault stated that most Boards require an onsite supervisor. JJ.Lee stated that there isn’t very many paid internships in the community. Ms. Dufault disagreed and stated all her interns were paid. The Board agreed that most internship's were paid internships.

Lane Wilhelm, LADC and member of the public addressed the board, he stated that in the rural areas it is difficult to find qualified supervisor and to bring the interns on and keep them in the areas. Rural Nevada does not have the budget to hire full time onsite supervisors. Mr. Wilhelm stated that, they do have policies and procedures to assure quality care, he suggested that the term “ onsite “needs to be looked at individually and as organizations we need to be clear what the regulations are, and clear that the individuals under the agency are well supervised. Carol Masterson gave an example of an intern operating as a sole provider in well known treatment agency. The only oversight said intern was receiving was distance supervision via videoconference.

Dani Danley spoke and expressed her concern about Ms. Lee’s situation and the fact that there were no alcohol and drug counselors on staff. J.J. Lee stated all she knew of was her CADC-Inters that she supervised; everyone else was social worker, MFT or psychologist. There is not a LADC supervisor or counselor on staff, where her interns were employed.

Steve Burt stated that with health care reform in place, there were many agencies moving into our region convinced that they will be able provide all these services because they will get reimbursed for it; as a field (CASAT and SAPTA included,) this Board should be concerned about the MFT’s, and social workers untrained and treating in an incompetent way; they have the professional credentials to do it, but not the competencies as J.J. Lee has experienced with Crossroads. Mr. Burt reminded everyone that when we first started the process, the Board’s staff has interpreted” onsite supervision” as that there is a member of the agency whomever that is, whom has the competency to provide supervision for alcohol, drug or gambling counselor interns, he further stated that there were some concerns about not having competent counselor onsite and how it could be potentially dangerous situation when treating addictions.“Crossroad is on the other side of town from Alta Vista and onsite at Alta Vista does not mean onsite at Crossroads. So we want somebody onsite to make sure somebody doesn’t die”. Dani Danley stated that it was her understanding that it was ok to not have clinical supervisor on site as long as there was LADC or CADC in the building so if something went wrong they would know what to do.

Ms. Masterson stated that she has tried to inform the facilities of upcoming classes with CASAT so if there are qualified LADC’s in the facility that they should seriously look at getting supervision training. Director Gawronski said that she understood that it may involve additional pay and work but this was an agency issue not this Board’s issue and that it has been sufficiently addressed from our end.

Maryann Potter stated that in her opinion the reason some LADC’s do not want to become supervisors is because they don’t want that responsibility and we should not force it.

Director Gawronski stated that it is not the intention to force them to become supervisors and they would not do a good job if forced, the intention here is to prevent interns from practicing independently.

Lane Wilhelm stated in their facilities there was a system in place to address these issues. Mr. Burt stated that he felt we had clarity on number one that what we want to say is that the supervisors work for the agency not the intern. Director Gawronski said we must be careful in the wording because the agency will go hire a supervisor to visit the facility once a week and meet the requirements. Darlene Dufault agreed, and felt that a supervisor needs to be on staff not coming in from the outside, stating “it is important to have licensed LADC/CADC on staff; an intern is not qualified to answer some of the questions that arise.”

Attorney Colleen Platt stated that the term “onsite” in regulation could mean a couple of different things. It reads “at the treatment facility/treatment agency”, which raises question number One:” what is a treatment agency?” Ms. Platt stated that the Board does not have jurisdiction over the agencies to mandate hiring supervisors; the intern either works at a treatment agency at which the services are being provided or the services are going to be provided at the practice of the LADC Supervisor, Ms. Platt pointed out that the language in the regulation is permissive and allows clinical supervision in both, it’s called the legislative digest, furthermore when read all together it says that the supervisor can direct the intern at the facility to do whatever it is that the intern is able to do. Ms. Platt also pointed out the fact that there was no definition of what clinical supervision meant to the Board and that the sole information for on site and of site supervision provided in the regulation was that all documents produced by the intern must be signed by an LADC Supervisor; Ms. Platt stated that there is no differentiation between a supervisor that is onsite or offsite. The Board cannot mandate that the agency have an LADC supervisor on staff; the language in the Regulations is talking to the intern and not the agency or supervisor, it is telling the intern that they can only provide services at a treatment agency or at a supervisor’s office. All of this is at the discretion of a supervisor.

Mr. Burt suggested that perhaps exception could be made for the SAPTA certified both rural and urban agencies that have policies and procedures with the oversight built into them through certification or funding requirements, and the Board can be assured that the quality assurance over the clinical surfaces are delivered and adequate; Mr. Burt stated that whether this group agrees that SAPTA certification is meaningful in any way for the purposes of supervision, he is working on strengthening the supervision at the SAPTA funded agencies’ through the certification instrument.

Darlene Dufault stated that it would take more than this discussion today and that we put this on the agenda for the next meeting. Ms. Gawronski, asked the Board to give the answer to Mr. Wilhelm’s question today until we can get back to discuss in further detail.

Ms. Dufault stated yes we could, asking Mr. Burt to summarize each area and give guidance to Mr. Wilhelm. Mr. Burt asked Mr. Wilhelm to explain what he specifically was asking for. Mr. Wilhelm stated that he wanted to ask the Board to look at programs that are not in the SAPTA network. There are agencies certified by CARF for example, they may requirements written into them. As far as an answer today, Mr. Wilhelm stated he was comfortable with it and he will continue doing what he was doing until further discussion and policies are in place. Paula Chung asked what we are doing with the private agencies that are not regulated. Mr. Burt stated that the Board will always have some agencies with no jurisdiction over.

Carol Masterson asked the Board for guidance in situation where individual is applying for internship with their place of employment identified as non-SAPTA/ private agency, and how she could determine whether there are licensed counselors onsite. Attorney Platt, stated in those situations, has the intern identified a supervisor, and the answer is yes, if the intern is not providing the services at an agency or the supervisor's place of business both of them would be considered out of compliance. Then a complaint is filed, it goes to Saul Singer, She will draft a complaint notice of hearing filed with the Board and at that point the intern and supervisor know what they have done wrong and we enter into settlement agreements or we come before the Board for a full hearing. This will bring the field into compliance.

Darlene Dufault stated in order to adequately address the issues, we would need subcommittee to discuss all the questions that have come up and develop a plan. Mr. Burt turned the meeting back over to President Dufault.

Item 9: Gambling Patient Placement Criteria (GPPC) to be established as a standard reference publication for use by all agencies involved in treatment of gambling disorders – Merlyn Sexton (for possible action)

Mr. Sexton stated that GPPC (Gambling Patient Placement Criteria) which started in 2010, it's going to be updated and hopefully published by 2016. The oral board examination for certification of problem gambling counselors includes the Gambling Patient Placement Criteria (GPPC) as one of the references provided to the candidates; he further stated that while sitting on the oral board panel he observed that some of the candidates were not familiar with the GPPC and it was his recommendation that the manual be made a standard reference for all the problem gambling counselor and Interns treating gambling disorders in Nevada.

Attorney Platt asked if the Board was looking for a motion to make GPPC mandatory for the oral boards. Mr. Sexton stated it is being used at the oral boards but some of the candidates don't appear to be familiar with the manual. Ms. Platt asked if this was going to be adopted by reference to use as a standard practice, because it may require regulatory change. Steven Burt said he thought it was more an internal policy issue. Meryl Sexton stated it is being used in the agencies and has been used in the oral boards since 2010 so that decision was made a long time ago.

Director Gawronski stated that it is the same as mandating ASAM as reference material. Darlene Dufault stated that we don't mandate but that we recommend ASAM. Dani Danley stated that being one of the counselors whom wrote GPPC she attest that the manual is evidence based. Paula Chung agreed. Ms. Gawronski asked Mr. Sexton to clarify that this is a recommendation especially for those coming from out of state that had no knowledge of the GPPC and kept failing," this is why we have said this will be a standard recommended tool for assessment." Dani Danley made a motion to make the Gambling Patient Placement Criteria recommended tool for the oral boards to become a certified problem gambling counselor. Paula Chung seconded the motion, the motion was carried unanimously

Item 10: Review and discussion of scope of practice with regards to anger management – Steve Burt (for possible action)

Mr. Burt directed the Board to the packet and provided definition of the scope of work for anger management. He stated that anger management was being broadcasted as a service that is delivered by

CADC, CADC-I, or anyone who feels they can provide that service. This item is on the agenda to provide clarity as to whether it fits into the scope of work under this Board regulation. Three examples that need to be discussed were;

- a. CADC/LADC who is engaging in counseling of individuals for anger management and that individual does not have substance abuse disorder diagnosis.
- b. CADC/LADC who is engaging in the counseling of anger management with a alcohol/drug client
- c. LCADC is engaging in counseling with a client who does not have substance abuse diagnosis.

Darlene Dufault stated that if someone doesn't have substance abuse diagnosis, anyone certified or licensed by our Board shouldn't be treating them and that they should be referred to a qualified mental health professional. Director Gawronski asked for clarification, and it was agreed by the members that only scenario b. "CADC/LADC who is engaging in the counseling of anger management with a alcohol/drug client" would be approved by this Board.

Saul Singer stated that in his practice, he treated clients with anger management issues and often times it was a bi-polar disorder-mental health diagnosis. Mr. Singer stated that the client should be screened for disorder that might be causing anger. He stated that a CADC/LADC is not going to be doing that, and was worried that if the Board allows the anger management counseling to occur with the addiction work by one person, that client is not going to get a mental health referral.

Director Gawronski stated that the question came up because there is an anger management manual that is an educational manual, for group discussion as educational material. So if anger management was part of education, that would be fine, but affirming Mr. Singer as saying just treating anger management as a separate issue that would not be ok.

President Dufault stated that according to the licensure under our board, if drug and alcohol or gambling counselors are doing an assessment and they recognize or suspect mental health disorder they are required to refer that client to mental health provider. That is very clear in this Board's regulations.

Merlyn Sexton stated that this is an issue created by Nevada Probation, where they mandate clients to get anger management program completed; he further stated that, if anger management issue comes up in the screening and assessment process, or later in the treatment, that's where the manual and group comes in and where yes applies to scenario (b). As far as anger management specific it comes under other agencies that can do that for Nevada Parole and Probation. Darlene Dufault stated that yes, but for educational purposes only. MaryAnn Potter asked where can this education be obtained by LADC's to properly address Anger Management issues. Dani Danley stated that there is free Anger Management manual by SAMHSA available online. Director Gawronski clarified what Ms. Potter was suggesting was that there should be more courses in CEU's that Board could require to do within already mandated 40 CEU's each renewal. Darlene Dufault stated that she felt we were walking a fine line when requiring certain type of treatment modality then we are holding ourselves out for issues when it comes to whether or not this is an effective treatment modality.

Steven Burt made a motion that anybody certified or licensed by this board may only engage in anger management counseling with alcohol and drug abuse clients that have been properly screened for mental health diagnosis and with proper training in anger management.

Barbara Hunt seconded, the motion was carried unanimously

Item 11: Discussion of Protocol/Policy for Board follow-up on Counselors self-reporting a relapse – Darlene Dufault (for possible action)

President Dufault reported that she was recently made aware of a very public relapse of Licensee.

Ms. Dufault stated that she directed the Licensee to the board's office to self report, which was done. This individual is a court official in a drug court program with the County. The County's staff expressed their concerns to Ms. Dufault about this counselors' well being and questioned whether the Board was going to allow her to continue to practice and to supervise interns, especially due to public nature of the relapse, where the Licensee posted details on social media and made it accessible to her clients. Ms. Dufault stated that she used to be involved with an impaired physician panel and was wondering if there was something that this Board should be doing to prevent impaired counselors from harming the client, and also to protect the interns from impaired supervisors. Ms. Dufault expressed her desire to discuss the issue with other members and possibly mandate reporting to the Board. Director Gawronski stated that there is nothing in the regulations to prevent impaired counselors from practicing if no crime was committed. Ms. Platt stated that the Nursing Board has procedures in place to address situation like this and would be willing to reach out to see how they handle these types of situations. And she believed that it was done internally. Mr. Burt stated he didn't understand what the question was because most always someone has filed a complaint with the Board when a counselor or intern used substances in a way that lead to criminal charge. Ms. Dufault stated that in this particular case, the counselor did not purchase illegal drugs nor had legal issues. She legally purchased alcohol and had current prescription. She abused the drugs and alcohol and it lead to a Legal 2000. None of her actions were illegal, but raised concerns. Mr. Burt stated that if in her original application she declared herself in recovery, then this section of the application implies that we expect her to remain so, and what we would do in a case like this was very clear to him, Mr. Burt stated that he would expect the complaint to be filed with the Board, and we would have the discussion about that particular case. Ms. Dufault stated that this is where the question arises, that it was her understanding that because there was no crime, which we need information from our council on how to proceed with this. Ms. Dufault asked what complaint would be filed. Mr. Burt stated the word relapse being used would instigate the complaint. Mr. Singer stated that if it is the case of abuse (of substance), it most certainly would be ethical violation and he believed in the regulation there is something stating two years you have not abuse drugs. Director Gawronski stated that the question appears on the renewal application and this is where we currently can address it. This calls for a policy so in the future we can address it, and what to do in a case of self report. Ms. Dufault stated that the Board needs policy and she does not want to discourage self reporting but that we need something in place to address it.

Attorney Platt stated the one thing the Board could do in this specific situation, would have been to summarily suspend her license given the fact she was placed on legal hold and is she a danger to the public if she is providing services. In those types of situations, that is always an option. Ms. Platt stated that the county doesn't understand that there is an interest, that you can't just take it away without a

hearing and a notice, so it does beg the question “what do you do? “. The Board could summarily suspend but it would require 45 day follow up.

Attorney Platt gave an example “Agata gets notice that there is a public safety issue related to a licensee. She calls legal representation up and says this is the situation. Public safety is an issue we summarily suspend. The Board’s office sent a notice that their license is summarily suspended, and that starts countdown of 45 days to call a meeting and present evidence to the Board to continue suspension or have a finding that there is no suspension or move forward with some type of disciplinary action. At that point the Board could put that person’s license on probation; subject to going to counseling etc.) That is a scenario for a person that is a danger to the public. “

Ms. Dufault asked if the Board could still pursue that with this particular case; Attorney Platt suggested reaching out to the counselors to make sure she is remaining sober.

Ms. Dufault stated that there would be no action as we do not have policy in place but would like to know who has the authority to act upon a suspension of a licensee if she gets a report like this in the future. Ms. Dufault asked if Executive Director had an authority to take action in a case like this, Ms. Platt stated yes.

Item 12: Executive Directors report (FY 2015/16 budget update and audit results)

Steve Burt stated that in the audit, the independent auditor entered into our balance sheet approximately \$179,000 that is a distribution of the PERS’s deficit at the state level, Mr. Burt stated that he did not believe that was in fact real number, that it wasn’t anything the Board will be held accountable for and it felt very political. Although the auditor had the right to do this he felt it was “shenanigan like”. That being said Steve Burt requested an independent auditor that doesn’t work for other state licensing boards. Attorney Platt stated that she believed that rule is an accounting rule that is actually required. She stated that it was not just this Board but all the state agencies. It is to just be aware that it is out there. Mr. Burt stated that we all have a fiduciary responsibility to know that it’s on the balance sheet and profit and loss statements and that the explanation may not be on the reports. Mr. Burt stated that he was satisfied with this explanation.

Item 13: Public Comment

Denise Quirk thanked the Board for endorsing the GPPC and stated that if the Board would consider her one of their helpers she would be glad to assist.

Item 14: Adjournment

Darlene Dufault asked for a motion to adjourn; Steve Burt motioned that the meeting be adjourned, Dani Danley seconded. The motion carried unanimously. The meeting adjourned at 1.30pm.