

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

MEETING DATE: Tuesday, August 31, 2021

MEETING TIME: 9:30 a.m.

MEETING LOCATION: **Online via Zoom**

MEMBERS PRESENT: Mary Lask, Denise Everett, Milagros Severin-Ruiz, Paula Chung, Lee Ann Malone, Merlyn Sexton

STAFF PRESENT: Agata Gawronski- Executive Director, Paula Hlade- Licensing Specialist, Colleen Platt- Legal Counsel

MEMBERS OF PUBLIC: Sarah Mesereau-Adler, Denise Quirk, Alicia Rocha, Adrienne Renwick, Jasmine Troop, Jo Culver, Althea Levell, Lena Hatzidopavlakis, Natalia Lapina, CASAT staff, David Marlon, Stephanie Goodman, Julia Smith, Jeff Marotta, Donna Meyers, Kim Garcia, Peter Ott, two unidentified phone numbers

Item 1: Welcome, Call to Order.

Mary Lask called the meeting to order 9:33a.m. and asked that attendees wishing to speak raise their hand on the meeting platform.

Item 2: Public comments

David Marlon, LADC-S, President of State of NV Association of Addiction Professionals commented that many addiction professionals in Nevada are hoping for equity regarding supervision of interns like other Boards and he is thankful the Board is looking at supervision regulations.

Jo Culver- LADC/LADC-S, stated she works in private practice and would like to express gratitude for being able to be a Licensed Alcohol and Drug Counselor in Nevada. She also stated that while we have some of the highest standards for licensure, she believes it is disappointing that we don't have same professional abilities to supervise interns like other Boards and would like that to change.

Silver State Gov. Relations- Sara Mesereau-Adler, on behalf of Vitality Unlimited and New Frontier, expressed appreciation to the Board for the adoption of the temporary regulation allowing for electronic/remote supervision and both providers strongly urge the Board to make the regulation permanent in allowing CADC-I and supervisor to be at different organizations to improve workforce development in Nevada.

Alicia Rocha-Secretary for NV Association of Addiction Professionals, who spoke regarding an intern perspective. She explained that she is CADC-I Inactive, post-grad MFT license, and no longer had a supervisor when separated with her employer. She expressed desire for parity with other MH boards regarding off-site supervision and the ability to supervise when not employed by the same agency, this is a barrier to treatment and access to community care. She would like Board to have hearings on this to re-examine this regulation.

Stephanie Goodman- Executive Director of The Problem Gambling Center. They have two supervisors on-site, problem gambling counselors have difficulty finding supervisors and remote supervision would allow for more flexibility.

No other public comments.

Item 3: Approval of the Minutes for April 12, 2021 meeting for possible action.

Mary Lask opened the discussion and ask for any changes or edits. No changes or edits were suggested.

Denise moves to approve minutes as is.

Milagros seconded; the motion was carried unanimously.

Item 4: Stacy Ledesma- Request for Reinstatement

Mary opens the agenda item by asking for discussion or clarification regarding the settlement and reinstatement.

Agata confirms that Stacy is not in attendance.

Colleen explains that the settlement requires that she be present to discuss her steps for recovery. The item will be tabled at this time in case she joins the meeting today, if not, it will be tabled for the next meeting.

Item 5: Temporary Regulation (for possible action)

Mary opened the topic up for discussion for Board members and asks Board members to review the meeting packet. Colleen clarified the process to make this a permanent regulation and stated that it will still need to have workshop, but today's meeting can discuss questions related to any desired changes to the regulation

Board discussion about the use of the remote supervision and LeeAnn asks Agata if there has been any problem with remote supervision thus far. Agata explains that we cannot determine that as the Board office staff do not currently have a mechanism for gathering information about remote supervision and its current use, effectiveness, etc. Colleen clarified that the regulation has been in effect since approximately May 18, 2021.

Merle discussed the technology available (scanning, video, telehealth etc.) and feels it's a helpful tool.

Paula Chung asked if the form can be modified to ask if supervision is done remotely. Agata and Paula Hlade discussed modification of the form to gather data regarding remote supervision.

Merle stated he uses a counselor professional development plan with his interns which allows for detailed information regarding each of his supervision sessions.

Mary opened the agenda item up for public comment.

Adrienne Renwick described her experience using remote supervision. She offered programs such as "TherapyNotes" and "TheraNest" that supervisors can utilize that are economical as well as Google Meets. If the supervisor signs a Business Associate Agreement with Google Meets, the program will be HIPAA compliant, which allows for sharing of videos. She explained that it's not uncommon to have technical issues come up, but having a backup plan requiring the supervision to be in person is helpful. Also allowing for interns to also request in-person supervision if that works best for them. She also uses Adobe Acrobat to review and sign documents.

Denise Quirk supervises interns and when COVID began, it offered an opportunity for the agency to create a tele supervision plan that has been successful. She offered that "Person Centered Tech" has a course for supervisors regarding remote supervision. The programs used include remote access via "Splashtop", encrypted email via Hush Mail, Adobe, forms sent in encrypted email, "ZoomPro" which allows for encrypted zoom sessions. She explained they've had great success this past year. Denise also stated she has also implemented practices such as asking clients their address, if anyone else is in the room to ensure for privacy, encrypted cell phone usage, and having a backup plan for when technology does not work effectively. She expressed her desire to continue to be involved the discussion to expand and amend the regulation to continue this permanently.

Alicia Rocha asked how licensees are notified and stated there is confusion regarding whether the temporary regulation was in effect currently. Colleen clarified the process and stated after the adoption meeting in May, the Board had to wait

30 days before filing it with the Secretary of State. Colleen stated it is on the legislature website as well. Alicia asked how the professionals in the field when laws are passed. Mary discussed similar situations with Medicaid changes and that those changes are often posted on websites and not blasted out to professionals.

Mary asked for any Board members' changes to the regulation. Board members did not have any proposed changes. Mary asks if there is a motion to direct staff to move forward to make the temporary regulation permanent. LeeAnn makes the motion and Milagros seconds.

Vote unanimous, motion carries. Workshop details for the temporary regulation to be made permanent will be forthcoming.

Item 6: Natalia Lapina Application for LCADC (for possible action)

Agata explained that Natalia applied for LADC and was issued a Provisional certificate in 2018, which was good for six months and expired in 2019. The Provisional expired and since applications are only good for one year and she did not take the written and oral exam, her application was shredded per policy. Natalia inquired about reapplying and was asked to submit all documents again. She submitted an application for LCADC in 2021, but she does not meet NRS 641C. Paula Hlade also discovered that Natalia's degree is not from an accredited institution as required by NRS 641C and her previous Provisional certificate was issued in error. Board packet includes application, correspondence, and relevant information for Board members to review. Agata explained that Natalia has accused office staff of discrimination and losing items, but regardless, her application does not meet the requirements to be issued a license.

Natalia explained past struggles with various agencies in Nevada and their staff members, as well as fighting discrimination lawsuits. She explained that she was given a Provisional certificate in past and does not understand why she cannot be issued a license at this time. Agata explained that the item at hand is her application, and her comments are irrelevant to the discussion at hand. Natalia explained that her school closed, and she is unable to obtain the transcripts and detailed her experience at other agencies in California. Board President Mary Lask asked Natalia to only comment on the issue at hand. Colleen explained that the issue is that her school is not accredited which does not qualify per NRS. Natalia continued to argue with Board members and staff and commented about other professionals in attendance at the meeting to which Colleen again explained it was irrelevant to the issue being discussed. Colleen again explained that the Provisional was issued in error because the previous staff member did not validate her schooling prior to issuing the certificate. Natalia continued to argue with staff and Mary again asked Natalia to refrain from talking over members and to stick to the agenda item and raise her hand prior to speaking.

Paula Chung asked when the Provisional was issued and what it was for. Natalia clarified that it was a Provisional issued for six months.

Agata explained a past instance where a permanent license was revoked under similar circumstances after a licensee had been practicing for years prior to the Board learning that his school was also not accredited. The Board had to decide to revoke his license because it was issued in error.

Colleen explained that the issue at hand is that the degree needs to be from an accredited institution. Colleen's recommendation to the Board to deny the application. Mary asks for a motion to deny the application.

Milagros moved to deny the application.

Paula Chung seconded the motion.

Application denied unanimously based on lack of accreditation. Natalia asks for her money back. Agata explained that the application fees were non-refundable to which Natalia continued to argue.

Mary ended the discussion regarding refund since it was not on the agenda.

Item 7: Althea Levell application for CADC internship.

Althea Levell asked the Board for extension of CADC-I (01038-I) issued August 19, 2011, which expired January 15, 2013. She attempted to renew internship but was unaware of 10-year time limit. She explained she had extenuating personal circumstances with family members as well as her previous supervisor was not actually a Board-certified supervisor and none of the hours she worked counted toward her internship. Althea also explained that another supervisor gave poor supervision and did not instruct interns on what to do. She has currently secured fulltime employment at Westcare Nevada with a qualified supervisor.

Colleen clarified 641C.290 which is the regulation governing the internship timeline. Prior to 2014, the time limit was 10 years, but this was changed to five years from the date of the internship issued. This regulation went into effect on Dec. 22, 2014. Althea had accrued 103 hours and would need 1397 hours more.

Agata discussed the explanation regarding the 10-year clock and the discussion regarding the timeline not stopping regardless of if you leave the state, let your license laps, reapply, etc.

Colleen clarified this is a regulation and cannot be amended to allow for exceptions and recommended that her application be denied since the regulation specifically provides for 10 years. Some Boards have the ability to waive regulations, but this Board does not have that authority. Colleen recommended the request be denied, but if the Board feels that this regulation needs to be looked at again and make changes to clarify.

Paula Chung asked for clarification on whether Ms. Levell can reapply as a 'new intern' and begin with a new internship number and Colleen clarified that this regulation does not allow for this. Colleen recommended the Board engage in regulatory changes if the Board feels this needs to be changed and allow for applying to the Board for an 'extension'.

Paula asked for clarification regarding timeframes and what the Board can do at this time.

Althea asked for clarification regarding the Provisional certificate and if it would be an option for her. Colleen explained the difference between the previous agenda item and Ms. Levell's situation.

Merle asked about her current education and Colleen clarified that she is short of her hours, which is preventing her from becoming certified.

Milagros agreed with Colleen that she'd like to open the discussion about amending the regulation in the future.

Agata asked Althea if she completed hours in another state and Althea stated she does not at this time.

Mary asked for motion to approve or deny application based on internship timeline expiration of 10 years.

Milagros moved to deny Althea's application.

Denise seconded the motion.

Vote unanimous, application denied.

Mary asked for motion to reconsider the action regarding the previous regulation.

Paula moves to reconsider.

Denise seconds the motion.

Vote unanimous, motion carries.

Mary asked for motion to amend 641C.290 to allow for the application to come before the board for review for extension to move to discussion workshop.

Milagros moved to amend previous motion.

Paula seconded the motion.

Discussion and vote

Unanimous vote, motion carried to move the discussion to the workshop.

Althea asked for clarification about the current motions and Colleen explains the regulatory process for future amendments to the regulation.

Althea asked if she needs to ask to attend next meeting. Colleen clarified that she will possibly be able to reapply in November or December.

Item 8: Executive Director's Report (Profit & Loss Budget overview)

Director Gawronski sent updated budget to board members and stated the Board lost \$8,000. She explained that the Board had significant drop in applications and renewals likely due to COVID.

Operating costs also increased; mail reduced other than original transcripts and background reports from DPS. Board packets for oral boards and certificates are still being mailed, but mail has dropped. Agata worked with bookkeeper regarding the budget for this fiscal year. The office is very much automated. An audit is forthcoming and Agata will work with auditor.

No further discussion. Mary asked for motion to approve.

LeeAnn moved to approve the budget and Milagros seconded the motion. Report carried unanimously, approved as is.

Item 9: Legislative Updates

Colleen discussed bill SB181, which decreases the number of supervised hours required for LCADC from 4000 to 3000 and implements an education requirement. The requirement breaks down the required hours specific alcohol and drug counseling specifically to 1000, and LADC requirement also lowered from 4000 to 3000 hours. The bill is effective Oct 1, 2021.

Paula Hlade asked for clarification regarding the timeframe from those who are currently in the testing process, etc. and Colleen clarified that the statute will be in effect October 1, 2021, so any prior applications would have already had their hours accrued.

Item 10: Reelection of the officers- for possible action

Paula moves to keep current Board members and LeeAnn seconds.

Motion carries unanimously.

Item 11: Public Comments

11:09 am- Natalia Lapina, asked if the issuance of the Provisional license was Board error and stated she would like her money back. Agata asked legal counsel if the fees can be refunded, and Colleen stated it will be discussed offline. Natalia continued to press the issue, despite being advised by Agata and Colleen that this would be discussed at a later date and she would be notified the decision.

11:16 Colleen explained Natalia's commenting time is up and Board President Mary ends the discussion.

No other public comment.

Item 11: Adjournment

Mary Lask adjourned meeting 11:17am

Next meeting TBD as well as upcoming workshop.