

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

MEETING DATE: Friday, April 29, 2022

MEETING TIME: 9:30 a.m.

MEETING LOCATION: **Online via Zoom**

MEMBERS PRESENT: Mary Lask – Board President, Merlyn Sexton – Vice President, Lee Ann Malone - Secretary/Treasurer, Denise Everett, Milagros Severin-Ruiz, Paula Chung

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, Joanne Culver, Althea Levell, Jamie Bartlett Duhart, David Marlon, AM Las Vegas (LVRM Nicki), Amanda Hankins, Amanda Henderson, Ari Cee, Ashley Brown, Becky Messick, Brooke Adams Miceli, Christina Brown, Clarissa Moreno (Jay Rivera), Crane Pomerantz, David Hurd, Hortensia DeJesus, Jennifer Howe, John Greenman, Katie Dalugoda, Kevin Hendrickson, Kimberly Landero, Laura Plowman, Leo Magrdichian, Maria Job, Robyn Feese, Ron Schnese, Tabitha Morlan, 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

Ashley Brown sent in public comment supporting off-site supervision for Master's level clinicians. She addressed the counselor shortage and that the current NRS restricts access to services.

Jeanyne Ward sent in comment regarding shortage of Problem Gambling providers and CASAT's efforts to increase the workforce and Problem Gambling Supervisor pool by allowing LCADC Supervisors to complete additional training to become Supervisors for Problem Gambling Interns.

Adrienne Renwick commented that she is supportive of the proposed amendment SNAAP submitted. She also stated in order for alcohol and drug licensure to remain relevant, consideration needs to be taken regarding some of the limitations placed on supervisors and the Board should consider opening the requirements to those supervisors who are not on-site to allow for the growth of the field.

Kimberly Landero representing ABC Therapy, currently LCADC and LCADC-S and Gambling Supervisor, stated it is hard to hire interns and would like to do off-site supervision with in-person meeting once per week. Would like Master's level interns to have off-site supervision and would like Bachelor's level interns to remain the same. She also commented regarding the discussion to allow LCADC Supervisors to supervise Gambling interns and if this were allowed, she suggested that they would need specialized training since this is a behavioral addiction.

Denise Quirk would like to enlarge the ability to allow other supervisors training and testing to supervise gambling interns. She discussed a supervisor in the field who is seeking consultation to begin the process and start working toward supervising Gambling interns.

No other public comments.

Item 3: Approval of the Minutes- February 11, 2022 meeting

Mary asked the Board if they had any changes regarding the meeting minutes.

Denise would like to change her attendance for meeting on February 11, she was not present.

No other changes

Motion to remove Denise Everett from attendance, Merle makes motion to change Denise's attendance to not in attendance. Milagros seconds the motion and all voted in favor.

Motion carried and minutes approved with correction.

Colleen asks Board President Mary if the agenda items can be taken out of order at this time, which Mary approved

Item 11 and 12: Administrative Hearings

Colleen explains Items 11 and 12 are continued and will be heard at a later date.

Item 13: Administrative Hearing: In matter of David Marlon, Licensed as an Alcohol and Drug Abuse Counselor and Alcohol and Drug Counselor Supervisor, License Nos. 1828-L and 601-S, Case Nos. 2021-09-02; 2022-01-01; 2022-01-02- **for possible action.**

Settlement Agreement reached regarding amended complaint. Colleen explains that Board Members can ask limited questions and then approve or deny the settlement Agreement. If the agreement is denied, then the Board would move forward with a hearing. Colleen and Agata clarify that this is an amended complaint that was recently sent from the Board to Mr. Marlon and this is the recent settlement agreement that was sent to Board members earlier in the week.

Colleen explains that the agreement states that Mr. Marlon admits that he committed the act(s) set forth in the factual allegations in the amended complaint, which was 'failure to adequately supervise and intern' as well as 'supervising without a license' since there was a period of time where his Supervisor's license expired when he was supervising prior to renewing the license. He has agreed to the public reprimand, the settlement agreement itself is the public reprimand. He will pay the Board's cost not to exceed \$2,000 and he will be provided an accounting within 5 days if the agreement is approved and signed. He will also completed 24 hours of continuing education within one year and then on a quarterly basis he will meet with the Executive Director and his interns to discuss how things are going and any issues that have come up. If there were no Board questions, then the Board can approve the settlement agreement as is.

Mary asks if there are any questions and if not, if there is a motion to approve.

Denise Everett moved to approve and Lee Ann Malone seconded the motion.

No abstentions, Unanimous vote and motion carried, and Settlement Agreement approved.

Crane Pomerantz asked to be excused.

Marlon apologized to the Board and stated he learned his lesson and it will not happen again.

Item 9: Tenea Smith – Approval or Rejection of Settlement Agreement in Case No. 2021-04-01- for possible action.

Board members were sent a signed Settlement Agreement regarding Tenea Smith where she understands the nature of the allegations, and neither admits nor denies the allegations, but admits that the Board could prove, based on the preponderance of the evidence, that those events did occur. The agreement also states that her license will be suspended for one year. During that one year she will complete 12 units of continuing education approved by the Board and check in with Executive Director on a quarterly basis. After one year, she will come before the Board to review the suspension and the Board can vote to either lift or continue the suspension.

Her supervisor's license will be revoked for a period of 5 years. Her LCADC license will be suspended for the one year and will be reviewed after one year.

Mary asks if there is a motion to approve. Motion to approve the Settlement Agreement by Paula Chung, and Milagros seconded the motion.

Unanimous motion, Settlement Agreement approved.

Item 10: Donald James- Approval or Rejection of Voluntary Surrender in Lieu of Other Disciplinary Action, Case No. 2022-02-03- **for possible action**

The Board sent a complaint with allegations to Mr. James and he has elected to do a voluntary surrender of his license. This means that Mr. James neither admits nor denies the facts in the complaint, but admits that the Board could prove, based on the preponderance of the evidence, that those events did occur.

Merle asked if the surrender is permanent. Colleen states it's not permanent, and that an application can be submitted again, however, it would be flagged and brought before the board again for review and decision.

Mary asks for a motion to approve the voluntary surrender; Milagros moves to approve and Denise seconds the motion.

Motion carries unanimously.

Item 4: Alicia Rocha -SNAAP – Petition to amend NAC 641C.250 Pursuant to NRS 233B.100-**for possible action**

Request by SNAAP to amend 641C.250. Colleen explains that there are time constraints regarding submitting the draft of any regulation change by June 30 and if submitted after June 30, LCB is not bound by timelines as this next fiscal year is a legislative year.

Colleen clarifies that some of the proposed comments regarding the supervision of Gambling interns would require a statutory change, not just a regulation amendment. Agata clarified that CASAT is working on proposed legislation in conjunction with this Board, but this may be confusing people with the current discussion regarding off-site supervision for interns, not related to gambling interns.

Alicia Rocha, MFT-I in S. Nevada and Secretary of State of Nevada Association for Addiction Professionals (SNAAP), discussed proposed changes submitted to the Board regarding supervision requirements.

Merle stated he likes the basic principle of what is being stated but wanted clarification regarding multiple supervisors and/or employment locations. Alicia clarified that the intent is the intern have a primary supervisor who may or may not be on-site.

Milagros wanted clarification regarding the signing of documentation which is required by the state of Nevada for Alcohol and Drug Counselor Interns. Milagros clarified that the other Boards do not require the signing of intern documentation like what is required of CADC Interns. Alicia stated SNAAP still believes supervisors would still be required to sign all required documentation and there would need to be an agreement with the agency and any off-site supervisors so they would be allowed the ability to sign-off on the documentation.

Colleen asked for clarification regarding 'post-graduate mental health licensed intern'. Alicia clarified that it would be MFT, CPC, LCSW Board interns.

Agata wanted clarification regarding who SNAAP is proposing will be supervising the interns.

Kimberly Landero explained that SNAAP is proposing that a Master's level professional can seek outside supervision and allows them to be able to seek supervision in private practice as well.

Paula Hlade asked for clarification from Alicia regarding the language that is being used since there is confusion or misunderstanding regarding the clinical piece of the proposal. Paula asked that Alicia look further into the current practices and/or regulations as some of the proposed changes are currently in practice already.

Agata brought up the recent regulation change and stated that a contract/employment with the supervisor and intern need to be in place for liability issues and asked why this proposal is necessary given the recent changes.

Colleen explained that if the Board were to continue forward with the proposal by SNAAP, the Board would essentially be creating levels of internship within internships and may need statute changes rather than regulation changes. Discussion from Ashley Brown and Milagros Severin regarding the need of a license by this Board as well as whether the pursuit of dual licensure.

Agata asked Alicia for clarification since it has been stated that CPC, MFT, LCSW colleagues may be allowed to practice substance use counseling under the law, but many of them are not qualified and have not had specialized training. However, this proposal seems to be trying to say that those who have a mental health license should be given the liberty to be supervised less close since they have a mental health license. Agata reiterated that alcohol and drug counselor interns need close supervision due to the vulnerable population they serve in order to prevent liability issues, increased complaints, and harm to clients.

Paula Hlade asked for clarification regarding the location of the intern and supervisor and if SNAAP proposed any restrictions on the distance (for example Las Vegas and Reno). Alicia responded that this would mostly apply to those who are working with 'level .5 and level 1 outpatient not level 2 and three and up, that's all treatment settings. What I'm referring to would be low, maybe high intensity on the LOCUS, all that medically monitored stuff, obviously that has to be in person, there's no way around that. For those specifically, it would be working with your supervisor whether across the state, via telehealth." Agata countered that there is no way a regulation change can specify treatment settings and modalities and the regulation needs to be standardized. Alicia stated that it wouldn't necessarily need to be in the regulation, it would 'Ethical practice as a clinician'. Agata again reiterated that you cannot count on the 'honor system' which is evident by the amount of complaints that were on today's agenda alone.

Milagros commented that while she is in both private practice and working for an agency, she does not always see "just Level 1" clients and the acuity level of clients is high in suicidality, substance use, trauma, etc. and the idea of sticking to one level of care is not realistic. Milagros applauds Alicia for her efforts and states that the Board appreciates the feedback, but we all need to remember that we have an ethical obligation to our community.

Colleen explained that the Board would need to take some sort of action today, whether the Board will engage in further discussion, reject the request, or direct staff to move forward with the changes requested.

Board President Mary noted in her opinion, she believes the Petition to Amend should be rejected as the proposed changes would create ethical dilemmas versus fixes. Mary asks for further discussion or a motion.

Paula Chung makes a motion to reject the Petition to Amend. Milagros seconds the motion.

Vote taken and unanimous. Amendment rejected.

Item 5: Clarissa Moreno – CADC-I request to take written exam after three failed attempts- for possible action.

Clarissa Moreno appeared before the Board asking to retake the written exam. She stated she was scheduled to take the written exam in 2020, but when the pandemic started that got postponed and the wait times were lengthy. She said testing is a struggle for her and she's been preparing with more resources and feels her agency is supporting her and helping her study.

Paula Chung asked which areas are the most difficult for her. Clarissa stated she does well in ethics, but mostly the ongoing treatment issues are her focus. Clarissa stated she plans to review the areas she's weak if approved to retake.

LeeAnn asked if she has been able to take the course Agata and Paula Hlade presented, but Clarissa stated she just missed the cutoff. Clarissa noted she is taking the AATBS study materials. She stated she's learning to stay within scope since she's dually licensed and that can cause confusion when testing.

Mary reiterated the exam materials that are out there and that there is a wide range of information that needs to be studied in order to be able to treat and refer at all levels.

Mary asks if there is a motion to allow Clarissa to retest. Milagros stated she is a personal friend and would like to recuse herself. Colleen clarified that she would only need to recuse herself if the friendship prevents her from being objective and impartial. Milagros agreed she could be impartial.

Paula moved that Clarissa be allowed to take the written exam 4th time and Leeann seconded the motion.

Vote is unanimous and motion carried. Clarissa will reach out to Paula Hlade regarding registration.

Item 6: Althea Levelle- request to extend internship pursuant to NAC 641C.290, as amended by LCB File R046-21- **for possible action.**

Colleen gave the Board explanation regarding internship history and supervision in the past and clarified the new regulation change and the Board's options when hearing an extension request. The board 'may' grant the extension, if the Board finds that (1) the reasons or causes necessitating the request are the result of circumstances unforeseeable or out of the control of the intern, (2) the length of requested extension is reasonable under the circumstances, and (3) the certified intern will complete the training necessary within that requested extension amount of time

Althea appeared before the Board and explained that she was pursuing her Bachelor's degree and was placed at Montevista Hospital under Bobby Owens Jr. and Althea later found out that Mr. Owens was not an actual supervisor approved by this Board. The hours she accrued throughout 2007, were not valid and approved. She explained that she was in an unpaid position with Tonia Marcune and accumulated hours, however, she left Nevada and did not let her interns know. Althea stated she left the state, became a caregiver for years, explored another career path and then adopted a foster child and was not able to finish her hours. Althea is approved for the reduction to 1500 hours and she has only accrued 100 hours, but is willing to restart her internship. Althea has obtained full-time employment and is currently shifted to a Behavioral Tech while she awaits the Board decision and will apply for a counseling position and would like to request one year to 18 months.

LeeAnn asked if she has a Board approved supervisor and Althea stated she does have a direct Supervisor willing to supervise her hours at WestCare in Las Vegas.

Mary made motion to approve Althea internship extension for 18 months. LeeAnn seconded the motion, which was voted unanimously to approve. Request to extend internship for 18 months granted.

Althea asked for clarification if this is the date of application, or the date of this meeting. Colleen clarified that it would be from the date of application.

Item 7: Christina Brown- request to extend internship pursuant to NAC 641C.290, as amended by LCB File R046-21- **for possible action.**

Christina appeared before the Board and stated that in 2016 and 2017, she completed 337.75 hours, but at the time she was working for the state part-time and was offered a full-time position and was completing her online Master's program. She officially put her internship on 'hold' and was corresponding with Carol Masterson. She completed her program and then became a caregiver in 2019, and her plans to restart her internship were put on hold. She is currently working toward her Social Work licensure as well. She is currently working at Renown and would like to implement her internship where she currently works. She may also accept a position with the AWARE program to complete her internship hours as well. She would like to be a 'substance abuse social worker' and will need 1162.25 hours to complete the internship.

Mary asked how long Christina would need to complete, but Christina has been in contact with various agencies/supervisors and estimates 18 months. Mary stated there would need to be a firm timeline on how/when this would occur and where. Christina stated she was waiting to determine if the Board was going to approve the extension.

Discussion related to the hours on file and the needed hours, but there are no hours on file unless Christina's former supervisor has those records. Discussion regarding Christina finding supervision prior to being granted the extension, but Agata offered that it's unlikely that Christina would be able to find a supervisor if she is unsure she would be able to even complete an internship without Board approval.

Paula Chung brought up concerns that the locations Christina brought up for possible internship hours do not necessarily have the SUD clientele needed for the CADC-I certificate. Discussion regarding possible supervisors and whether finding placement is feasible for her without knowing if her internship is going to be extended. Further discussion regarding the hours she would be working toward the internship and Christina is unable to determine that at this time.

Mary moves to allow for 90 days to find a supervisor and 24 months to continue internship and Merle seconds the motion.

No abstentions: motion carried unanimously.

Item 8: Kevin Hendrickson- request to extend internship pursuant to NAC 641C.290, as amended by LCB File R046-21-**for possible action.**

Kevin Hendrickson stated he is two weeks away from BSW from UNLV. He is requesting a total of six months to be able to practice as an intern while he awaits testing. This would allow the continuation of care for his clients. Agata and Paula discussed the current timeline once Kevin submits his application and transcripts are received. Mary makes motion to allow 16 months to continue internship while he works on passing the exams. Paula Chung seconded the motion.

No abstentions: motion carried unanimously.

Item 14: Public Comments

No public comments.

Item 15: Adjournment

Board President Mary Lask adjourned the meeting at 12:38 pm