

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

MEETING DATE: Friday, July 29, 2022

MEETING TIME: 8:30 a.m.

MEETING LOCATION: **Online via Zoom**

MEMBERS PRESENT: Mary Lask – Board President, Denise Everett -Secretary/Treasurer, Diaz Dixon, Milagros Severin-Ruiz, Paula Chung, Rory Reid

STAFF PRESENT: Agata Gawronski- Executive Director, Paula Hlade- Licensing Specialist, Colleen Platt- Legal Counsel, and Sophia Long (Sr. Deputy Attorney General)

MEMBERS OF PUBLIC: Nick Tangeman, Julie Dalton, Amy Lewis, Candice Hill, “Aurora (AB)”, “Lindsay”, Mike Thuyns

Item 1: Welcome, Call to Order.

Mary Lask called the meeting to order 8:38a.m. and asked that attendees wishing to speak raise their hand on the meeting platform.

Item 2: Public comments

No public comments were made.

Item 3: Introduction of new member-Dr. Rory Reid.

Dr. Reid introduced himself and stated he hopes to make substantive contributions to the Board. He is a Psychologist, Licensed Clinical Social Worker, and has a background in problem gambling counseling in addition to substance use counseling.

Item 4: Approval of Minutes from Board Meeting on April 29, 2022- *For Possible Action.*

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

Paula moved to approve; Milagros seconded the motion. Vote unanimous and no changes needed.

Colleen notified the Board that the Senior Deputy Attorney General, Sophia Long, is in attendance and will be presiding with Chair Mary Lask over the Hearings set on the agenda. Colleen asked that some items on the agenda be taken out of order to respect Ms. Long’s time.

Item 14: Administrative Hearing: In the Matter of Candice Hill, Certificate as an Alcohol and Drug Abuse Counselor Intern, License No. 2638-I, Case No. 2022-02-04. *For Possible Action.*

Colleen stated she would like to request a continuance on the matter since, while Ms. Hill is present, there is a witness not in attendance

Mary granted a continuance.

Item 8 and Item 9

Colleen informed the Board that Items 8 and 9 will be handled next and while both individuals were not in attendance, the Board can move forward with them in absentia. Colleen will present the matter and Senior Deputy Attorney General Long will be the Board counsel. If there are questions, they need to be directed to Ms. Long.

Colleen explains that NRS 622A.350 gives the Board the authority to move forward with proceedings if licensees have failed to appear for the hearing and have not requested a continuance and since they are not present, the Board can take the allegations in the complaint as true. Ms. Gawronski will be sworn in and asked if they were properly served, the complaint will be reviewed and that the facts are true and the violations of law did occur and if any discipline is warranted.

Milagros asked for clarification on items that had been settled

Item 8: Administrative Hearing: In the Matter of Carol Schaye, License as an Alcohol and Drug Abuse Counselor, License No. 00471-L, Case No. 2021-04-01. For Possible Action.

Agata Gawronski, Executive Director of the Board of Examiners for Alcohol, Drug, and Gambling counselors, sworn in by Ms. Long. Agata stated she has been in this position for close to 11 years. Colleen asked if Agata was familiar with the complaint against Ms. Schaye and if she had the Amended Complaint and Notice of Hearing. Colleen also asked if those were both sent to the address on file with the Board and Agata stated she did have both documents and both were sent to the address on file. Colleen questioned Agata regarding a request for continuance and while Agata stated she did not receive a formal request for continuance, she received an email from Ms. Schaye stating she would not be in attendance. Agata stated a request for continuance was not granted based on this email. Agata denied hearing from Ms. Schaye since this email. Colleen asks that the Board find that Ms. Schaye was properly served notice and that she is not in attendance. Ms. Long asked Agata if the email contained a request for continuance and Agata stated the email did not request one and made mention of being out of town or not being in attendance and that the email was also sent to Colleen Platt, legal counsel. Ms. Long clarified that the Board can find that Ms. Schaye was properly served. Denise Everett moved that Ms. Schaye was properly served and Milagros seconded the motion. The vote was unanimous.

Colleen stated she has spoken with both witnesses and they stated they were fine with moving forward without testifying. Witnesses "Aurora" and Amy Lewis stated this was true. Colleen asks that the Board find that the alleged facts are true and the violations of law did occur. Mary made a motion that this the alleged facts were true and the violations did occur and Rory seconded. Unanimous vote, motion carries and the Board find facts in complaint to be true. Colleen directs the Board to 641C.720 regarding disciplinary options.

Colleen recommends fine imposed for \$1000 for each of 8 counts, revoke the license for a period of 10 years which is the maximum amount allowed, and impose reimbursement of the Board's cost, not to exceed \$5000.

Mary moves to follow those recommendations. License revoked for 10 years. Milagros seconded the motion. Vote was unanimous and the sanction imposed is revoked license for 10 years, \$1000 for each of 8 counts, and reimbursement for Board's costs, not to exceed \$5000.

Item 9: Administrative Hearing: In the Matter of Rex Smyly, License as a Clinical Alcohol and Drug Abuse Counselor and Clinical Alcohol and Drug Abuse Counselor Supervisor, License Nos. 563-LC and 6558-LCS, Case No. 2022-02-02. For Possible Action.

Colleen opened the item stating there had been previous email conversations regarding a possible settlement, but there had been no response from him since. Colleen reminded the Board that Agata Gawronski, Executive Director, was still under oath. Agata was asked if the address on file with the Board is the address the items were mailed and if there was a Certificate of Service. Agata stated this was correct. Colleen asked that the Board find he was properly served and failed

to show for today's hearing. Mary made a motion to find that Mr. Smyly was properly served and not in attendance for the hearing. Vote was unanimous.

Mary made a motion that the alleged facts are true, and the violations occurred. Diaz seconded the motion.

Three members in addition to Mary voted 'yes' while Ms. Chung and Ms. Everett abstained from the vote.

Mary made a motion for the Board to accept the Board discipline actions of \$1000 for each count, revoked license for 10 years, and reimbursement for Board costs, not to exceed \$2500. Milagros seconded the motion and the vote was unanimous.

Ms. Long was excused from the meeting as there were no other Administrative Hearings left on the agenda.

Item 5: Julie Dalton, CADC-I- request to extend her internship past the allowed 5 years- *For Possible Action.*

Julie informed the Board that she was grandfathered in under the 10-year internship in 2011. She explained various life changes that required her to leave her internship and stated when she returned to internship, she only practiced as an intern for 2 of the 10 years. She also stated she took the written exam but did not pass by one point. She would like to request an extension for one year with her supervisor to strengthen the areas she did not pass.

Dr. Reid asked Julie how many more hours she needs to meet the requirement. She stated she has been able to meet the hours requirement but would like to gain more clinical experience and pass the exam. Paula Chung asked what roadblocks she believes prevented her from passing the exam. Julie stated she has test anxiety but is also new to assessments and would like to review ASAM more. Julie felt that she needs to review more holistic treatment approaches that were on the exam as well. Milagros offered the CASAT practice course as a study option.

Dr. Reid asked if 12 months was enough time and Julie stated she believes it is. Dr. Reid suggested 18 months due to the pandemic and other potential issues. Dr. Reid made a motion to give 18 months to Julie to pass her exams. Paula seconded the motion and the vote was unanimous.

Item 6: Desiree Carillo- LCI- request to extend her internship- *For possible action.*

Desiree was not in attendance. Discussion regarding five-year allotment for interns and if starting a new internship license restarts the clock. Colleen clarified that this was correct since this is a new internship license category.

Item pulled from Agenda

Item 7: Kobie West, CPGC- request to waive 2-year requirement to become CPGC-Supervisor – *For Possible Action.*

Kobe was not in attendance. Discussion regarding the need for Gambling Counselor Supervisors and Mr. West's credentials. Dr. Reid asked if there was any precedence set for such a request. Colleen clarifies that she does not believe the Board can waive the requirement as there is no provision in the regulation to allow for waiver. Dr. Reid requested to recuse himself based on the lack of CPGC Supervisors and the potential that those interns would then be served by Dr. Reid. Colleen clarified that he does not need to recuse himself. Board agreed that the waiver cannot be granted and item pulled from agenda.

Item 10: Administrative Hearing: In the Matter of Melissa Molenda, Certificate as an Alcohol and Drug Abuse Counselor Intern, License No. 7050-I, Case No. 2022-02-01. *For Possible Action.*

There was a signed settlement agreement with Ms. Molenda, who was not in attendance. She agreed to a public reprimand during this meeting. She will be meeting with Exec. Director monthly, continuing education, and pay Board costs not to exceed \$750. Colleen asks that the Board approve the settlement agreement and stated she can answer questions about the

discipline, but not questions regarding the underlying facts or allegations. Colleen and Agata worked closely regarding the facts of the allegations and what the licensee needs to come into compliance.

No questions by the Board so Mary made the motion to approve the settlement agreement. Paula seconded the motion; vote was unanimous.

Item 11: Administrative Hearing: In the Matter of Bruce Mufson, Certificate as an Alcohol and Drug Abuse Counselor Intern, License No. 349-LCI, Case No. 2022-01-03-For Possible Action.

There was a signed settlement agreement with Mr. Mufson, who was not in attendance. He neither admitted nor denied the allegations but agreed that there was a preponderance of evidence. Mr. Mufson agreed to a public reprimand and to pay the Board's costs. The hours that were signed for the intern in question will not count toward the required hours and will need to be redone.

Denise made the motion to approve the settlement agreement. Diaz seconded the motion; vote was unanimous.

Item 12: Administrative Hearing: In the Matter of John Headley, Certificate as an Alcohol and Drug Abuse Counselor Intern, License No. 2390-I, Case No. 2022-01-05. For Possible Action.

There was a signed settlement agreement with Mr. Headley, who was not in attendance. He neither admitted nor denied the allegations but agreed that there was a preponderance of evidence. Mr. Headley agreed to a public reprimand, meet with Exec. Director and his Supervisor monthly for one year, complete 24 hours of continuing education, and pay Board costs not to exceed \$750.

Mary made the motion to approve the settlement agreement. Denise seconded the motion; vote was unanimous.

Item 13: Administrative Hearing: In the Matter of David Rogers, License as a Clinical Alcohol and Drug Abuse Counselor and Clinical Alcohol and Drug Abuse Counselor Supervisor, License Nos 510-LC and 204-LCS, Case No. 2021-02-01. For Possible Action.

There was a signed settlement agreement with Mr. Rogers, who was not in attendance. He neither admitted nor denied the allegations but agreed that there was a preponderance of evidence. He agreed to voluntarily surrender Supervisor's License for 5 years, complete 24 hours of continuing education and pay Board costs not to exceed \$750.

Denise made the motion to approve the settlement agreement. Paula seconded the motion; vote was unanimous.

Item 15: Executive Director's report – 2021/221 fiscal year budget report and 2022/23 budget proposal- For Possible action.

Agata stated the budget was only behind approximately \$1,500 which is an improvement. Applications increased in the past fiscal year.

Mary made the motion to approve the budget proposal and Denise seconded the motion. Vote was unanimous; budget proposal approved.

Item 16: Reelection of the officers- For Possible Action.

Paula Chung nominated Milagros for Vice-Chair and she accepted the nomination. Denise seconded the nomination. Vote was unanimous.

Denise made motion for Mary to remain as Board President. Milagros seconded and the vote was unanimous.

Agata reminded the Board that Lee Anne Malone will be terming out in October and the Board will need to elect new Treasurer. Colleen explained that the member stays on until replacement starts and explained the role of the Treasurer. Denise nominated herself for Secretary/Treasurer and Diaz seconded the motion. Unanimous vote.

Item 17: Public Comments

No public comments.

Colleen went over the possible outcomes with the Board regarding the two Hearings that were held during the meeting. She stated she will be drafting an order going over the Board's actions, which will be sent out to the Licensees. They can then ask for reconsideration and the matter can be taken to District Court. Colleen anticipates one or more of them asking for reconsideration.

Item 15: Adjournment

Board President Mary Lask adjourned the meeting at 10:02 a.m