

Minutes of the October 24, 1014
Special Meeting of the State Board of Behavioral Health Licensure
3815 N. Santa Fe, Ste. 110, Oklahoma City, OK, 73118 Room 116

Open Meeting Act: Announcement of filing of meeting and posting agenda in Accordance with the Open Meeting Act. Announcement of the meeting was filed with the Secretary of State on April 10, 2014. The agenda was posted on October 23, 2014 on the front door of the Centennial Business Center.

Call to order: Roll call and announcement of quorum. Dr. Thom Balmer called the State Board of Behavioral Health Licensure (BBHL) to order at 10:03 a.m. at the Centennial Business Center 3815 N. Santa Fe, Suite 110, Oklahoma City, OK, 73118 Room 116. A quorum was met with the presence of Thom Balmer, Amy Barnett, Carol Stevenson, Kelly Collins, Joanni Sailor, Nisha Wilson, and Kimberly Cox. Also in attendance was Vicki Reynolds, BBHL staff, Nikki Nickols, Assistant Attorney General, and Jan Preslar, Assistant Attorney General. Debbie Moran excused. Brad McKay absent.

Introduction of Board Members. The Board members introduced themselves and announced which position on the Board they represent and gave brief descriptions of themselves.

Discussion and possible vote to approve minutes of August 22, 2014 Board Meeting. Nisha Wilson advised the Board of several concerns she had with the proposed minutes. These concerns included, the presentation by Jackie Steyn are the opinions of the presenter and not of the Board, clarified task force agenda item regarding Dr. Rick Williams and Dr. Kelly Davison's participation on the task force, asked that it be noted that she was in favor of posting the executive director's position, and asked that the last sentence of the paragraph regarding the hiring process for the executive director be struck from the minutes. She would also like "x" to be replaced with a number. Amy Barnett made a motion to accept the minutes with the requested changes. Kelly Collins – Second. I: Thom Balmer, Amy Barnett, Kelly Collins, Nisha Wilson, Kimberly Cox, Joanni Sailor, and Carol Stevenson.

Debbie Moran arrived at 10:07.

Appearance by Ron Wilson, Director and Matt Stewart, General Counsel from the Human Capital Management Division of the Office of Management and Enterprise Services to answer questions and provide Information and guidance to the Board regarding state employment practices and procedures, including discussion and possible action regarding the adoption and implementation of state employment practices and procedures. Thom Balmer introduced Ron Wilson, Director of Talent Management and Matt Stewart, Deputy General Counsel for the Office of Human Capital Management (HCM). Thom Balmer stated these gentlemen were appearing before the Board to answer Board questions regarding the personnel change that took place in September 2014 as well as general questions about personnel and HCM policy. Thom Balmer asked when a director calls about the firing process what information does HCM provide them. Ron Wilson stated that they will ask general questions to familiarize themselves with the situation and provide guidance. However, the ultimate decision is with the appointing authority. Thom Balmer asked if any of the staff at HCM would advise a

director to not include the Board or general counsel when making these kinds of decisions. Ron Wilson stated he would advise that general counsel be included, however, inclusion of the Board would be dependent on the responsibilities of the appointing authority. Thom Balmer asked if HCM sends HCM personnel to the agency to assist. Ron Wilson stated it depends on the appointing authorities' relationship with the Board and the hiring and firing is the responsibility of the appointing authority. Thom Balmer asked if it was typical to include law enforcement with the firing process. Ron Wilson stated it depends on the situation. Kelly Collins asked if there is a protocol that must be followed when firing an at-will employee. Ron Wilson stated there is not a specific protocol to follow. Joanni Sailor asked if a director contacted HCM and told them they were having a difficult time making a decision about firing an employee, would HCM state that if the employee in question was not fired, that HCM would fire the director. Ron Wilson stated that HCM does not have the authority to hire or fire an employee of an agency. Vicki Reynolds asked Ron Wilson to provide general information about HCM policy. Ron Wilson briefly discussed the agency's ability to establish its own working hours, the application of the Fair Labor Standards Act, using leave, documenting comp time, and telecommuting. Matt Stewart notified the Board that the HCM policies are available on HCM's website. Nisha Wilson asked for Ron Wilson to clarify the difference between a classified and an unclassified employee. Ron Wilson stated unclassified employees are at-will employees and classified employees are protected by the Oklahoma Merit Protection Rules. Ron Wilson briefly addressed the issue of progressive discipline. Ron Wilson stated that although it is not required the best practice is to provide the progressive discipline process approved by HCM. Ron Wilson also provided a description of the progressive discipline process including coaching, oral discipline, written discipline, suspension, plan of corrective action, and termination. Ron Wilson stated the performance management process (PMP) is required annually for classified employees. However, a PMP is not typically completed for an executive director.

Discussion and possible action regarding the adoption of a formal voting procedure for the Board when considering Agenda action items, which includes the voting and polling of each individual Board Member. Nikki Nickols recommended the Board take a formal roll call vote for all items. Kelly Collins made a motion to take a formal roll call vote for all items. Kimberly Cox – Second. Thom Balmer – yay, Joanni Sailor – yay, Kelly Collins – yay, Kimberly Cox – yay, Amy Barnett, yay-, Lisa Deason, yay, Carol Stevenson – yay, Nisha Wilson – yay, Debbie Moran – yay.

Approval of candidates that have completed all requirements for licensure, with possible Board Discussion and vote. All of the following candidates will be approved by one combined vote unless any board member desires to have a separate vote on any or all of these candidates.

NAME:

Michelle DeFrance
Jennifer Blakeney
Calvin Smith
Donna Toombs
Katrina Ellis
Amy Casanova

LICENSE TYPE:

Licensed Professional Counselor
Licensed Professional Counselor

Robert Edwards, Jr.	Licensed Professional Counselor
Lilliana St. Clair	Licensed Professional Counselor
Pamela Urdang	Licensed Professional Counselor
Rebecca Choate	Licensed Professional Counselor
Steven Roring, II	Licensed Professional Counselor
Heather Helberg	Licensed Professional Counselor
Nona Ivey	Licensed Professional Counselor
Rocksand Jones	Licensed Professional Counselor
Kendra Lauderdale	Licensed Professional Counselor
Cara Thomas	Licensed Professional Counselor
Ronald Fisher	Licensed Professional Counselor
Meshiela Flaming	Licensed Professional Counselor
Jaymie VanMeter	Licensed Professional Counselor
Regina Underwood	Licensed Professional Counselor
Shermiah Milton-Jones	Licensed Professional Counselor
Janetta Sledge	Licensed Professional Counselor
Lori Roberts	Licensed Professional Counselor
Tiffany Moore	Licensed Professional Counselor
Lora Chastain	Licensed Professional Counselor
Jennifer Trompeter	Licensed Professional Counselor
LaDonna Harden	Licensed Professional Counselor
Donna Elam	Licensed Professional Counselor
Michael Meister	Licensed Professional Counselor
Dorothea Humphreys	Licensed Professional Counselor
Kati Collins	Licensed Professional Counselor
Toni Scales	Licensed Professional Counselor
Donna Parker	Licensed Professional Counselor
June Elkins-Baker	Licensed Professional Counselor
Alisia Drennan	Licensed Professional Counselor
Jackie Hanselman	Licensed Professional Counselor
Sonja Wright	Licensed Professional Counselor
Dawn Martinez	Licensed Professional Counselor
Vicky Hysell	Licensed Professional Counselor
AJ Basquine	Licensed Professional Counselor
Eron Martin	Licensed Professional Counselor
Michelle Hankey	Licensed Professional Counselor
Timothy Nida	Licensed Professional Counselor
Julie Odell	Licensed Professional Counselor
Joan Blake	Licensed Professional Counselor
Callie Gruenwald	Licensed Professional Counselor
Hunter Ty Hull	Licensed Professional Counselor
Matthew Korstjens	Licensed Professional Counselor
Selma Wade	Licensed Professional Counselor
Tiffani Dilworth	Licensed Professional Counselor
Lynda Chew	Licensed Professional Counselor
Joseph Hall	Licensed Professional Counselor

Isabell Hartmann
Kimberly Farris
Shenita Jones
DeAsha Hire
Lakawthra Cox
Deborah Braboy
Cristin Pitman
Mike Etzler
Amy Kirkland
Christen Selsor
Cesiley Bouseman
Kimberly Petty
Angela Oliver

Licensed Professional Counselor
Licensed Professional Counselor

Derek Kirby
Tamara Strahan
Rebecca Woodson
Sophia Oyetunbi
Austin Moore
Renee Young
Brandi Cannon
Kimberly Dean

Licensed Marital and Family Therapist
Licensed Marital and Family Therapist

Kelly Collin made a motion to approve all candidates as one combined vote. Lisa Deason – Second. Thom Balmer – yay, Joanni Sailor – yay, Kelly Collins – yay, Kimberly Cox – yay, Amy Barnett, yay-, Lisa Deason, yay, Carol Stevenson – yay, Nisha Wilson – yay, Debbie Moran – yay.

Agency Report from the Interim Executive Director. Discussion and possible action regarding this report.

- **Requests for Inquiry**
- **Conferences**
- **FY 2015 Budget Proposal and Strategic Plan**
- **Academics**

Vicki Reynolds presented the following report:

AGENCY REPORT
Vicki Reynolds, LPC-LMFT, C.E.A.P.
Interim Executive Director
State Board of Behavioral Health
October 24, 2014

Requests for Inquiry

Informal Meetings - August 13, 2014

Dr. Amy, Barnett, Nikki Nickols and Vicki Reynolds

LPC-14-LPC-45, 86:10-3-3(4) Client Access to Records – no violation/closed

- Recommendations made for additional training

LPC-14-LPC-41 86:10-3-3.(c) Dual Relationship – no violation/closed

LPC-14-LPC-28 86:10-3-2.(f) Impairment – no violation/closed

Informal Meetings – September 22, 2014

Dr. Joanni Sailor, Nikki Nickols, Vicki Reynolds

LMFT-14-LMFT-9 Investigation/possible Board agreement (received investigative information on 10-16-2014, sent to LMFT Complaint Committee)

86:10-3-1. Responsibility

86:10-3-3© Dual Relationship

86:10-3-3.(2) Confidentiality

Informal Meetings – September 23, 2014

Dr. Amy Barnett, Nikki Nickols, Vicki Reynolds

LPC-14-LPC-43 86:10-3-3© Dual Relationship – Referred to Medical Licensing Board for Investigation

LPC-14-LPC-44 86:10-3-1. Responsibility – no violation/closed

- Recommendations made regarding additional training, best practice for home-based counseling

LPC-14-LPC-36 86:10-3-3© Dual Relationship – no violation/closed

- Recommendations made for additional training and ethics workshop

FELONY CONVICTIONS

Leeann Richardson, LPC – Medicaid Fraud – License expired on 6-30-2014

- Note on record stating not to renew without executive director approval

John Edward Karis, LBP – Medicaid Fraud – Licensed expires 12-31-2014

- Note on record stating not to renew without executive director approval

New Request for Inquiry

LPC-14-LPC-69

86:10-3-1. Responsibility – Bartering – no violation/closed

86:10-3-2.(i)(1-7) – Possible Forensic violation – refer to LPC Complaint Committee

Trends in Requests for Inquiry

1. Medicaid Fraud
2. Forensic Violations
3. Impairment

4. Dual Relationship

Open Complaints – 5 LMFTs, 45 LPCs

- 11 – Pending (waiting for Medicaid fraud hearings)
- 6 – Referred to Medical Licensing Board for Investigation
- 3 – Sanctions being completed
- 30 – Open Cases (these have been triaged for safety issues)

CONFERENCES

AMFTRB – American Association of Marital Therapists Regulatory Board

- Joanni Sailor attended as the Board's official representative
- Vicki Reynolds attended as the executive director of the Board

CLEAR – Council on Licensure Enforcement and Regulation

- Vicki Reynolds attended as the executive director of the Board

International Trends for Regulatory Boards

- Education and Training (create an environment where people can self report)
- Transparency
- Accountability
- Consistency

FY-2015 BUDGET PROPOSAL AND STRATEGIC PLAN

- See attached

ACADEMICS

- Met with Dr. Paige Williams and Dr. Linda Massey to review and approve their counseling programs at East Central University
- Timeline for Preapproval of Academic Programs
- Site visits to programs around the State
- Create a library at the State Board of Behavioral Health with Syllabi
- Course Descriptions , etc. from the various programs in the State
- List approved courses on website for students to view
- Teaching supervision course for DMHSAS Cohort class at OU on weekends

Thom Balmer asked Vicki Reynolds to give a brief description of the complaint process. Vicki Reynolds stated the enforcement process was developed by Marissa Lane, AAG, and that it is available on the website, and briefly went over the various stages outlined in the enforcement rules. Nisha Wilson asked if any complaints have been closed without receiving committee review. Vicki Reynolds stated she could not recall. Thom Balmer stated that the executive director has the authority to close a request for inquiry without committee review. Thom Balmer asked at what point during the process is the licensee informed of who filed the complaint and what the nature of the complaint was. Vicki Reynolds stated that she does not inform the licensee who filed the complaint. Thom Balmer asked at what point in the process is the licensee provided a copy of the complaint. Vicki Reynolds stated she does not provide a copy. Kimberly Cox is requesting an agenda item at a future Board meeting to establish specific criteria regarding how the agency will report information about complaints to the Board. Thom Balmer

noted several grammatical errors in the strategic plan. Nisha Wilson stated that she has significant concern that the strategic plan was submitted to the Governor's office without a Board review and the poor quality of the strategic plan. Nisha Wilson stated there are several examples including general typos, the name of the agency is incorrect, there are statements indicating that the plan was developed by the Board when the plan hadn't been received for review by the Board until it had already been submitted, the summary of the agency wide action plans identify issues that the Board had discussed but had yet to be voted on and proposed potential rule changes that had yet to be voted on. Nisha Wilson stated she was concerned that the strategic plan was distributed without the Board's review. Thom Balmer asked Nisha Wilson for suggestions for correcting the strategic plan. Nisha Wilson suggested the Board develop strategic plan and identify goals, review it, and discuss a draft at a future Board meeting. Kelly Collins also stated her strong concerns that the Board was not given an opportunity to contribute in the creation of the strategic plan. Kimberly Cox suggested a committee be created and possibly setting a meeting date dedicated to the creation of the strategic plan. Carol Stevenson suggested that if was possible to wait to discuss the strategic plan until after December.

Dr. Thom Balmer requested a break at 11:15 a.m. and verified no board business or discussions would take place while on break. The meeting resumed at 11:28 a.m.

Report from the Test Scores Committee regarding the process for disseminating test score information to the Universities. Nisha Wilson reported that the committee had a phone conference in September. They discussed the schedule to disseminate, the information proposed be released, and how it will be released. The committee approved the categories, decided to release each September, the report will be annual and be compiled for the fiscal year, and the score report will be posted on the Board's website, and will be password protected. Kelly Collins asked about the Universities with multiple programs and would the scores be able to be disseminated by program or University wide. Amy Barnett made note that this could be accomplished using the degrees.

Discussion and possible action regarding proposed rule changes to Title 86, Chapters 10, 15 and 20 of the Oklahoma State Board of Behavioral Health Licensure (Licensed Professional Counselors, Licensed Marital and Family Therapists, and Licensed Behavioral Practitioners respectively) for the 2015 Legislative Session. See attached Appendix "A" as part of this meeting agenda, which lists the proposed rule changes. The rules committee presented on proposed rule changes which included adding technology-assisted counseling and supervision to the definitions, adding technology-assisted counseling under competence, incorporating the post-military service occupation, education, and credentialing rules, adding language that would limit the number of supervisees a supervisor can supervise to twelve supervisees, allowing up to fifty percent of the supervised experience requirement to be completed through technology-assistance, requiring each candidate to have a primary and secondary supervisor, allowing inactive status to be reactivated in less than one year, requiring notice of termination when supervision agreements are no longer valid, and including language regarding the release of national exam results.

Thom Balmer made a request to break for lunch. Meeting broke for lunch at 1:00 p.m. Meeting resumed at 1:20 p.m. Roll call was taken and all attending Board members, BBHL staff and the Assistant Attorney General were present.

Discussion and possible action regarding the employment of Eric Ashmore for the Office Manager Position. Discussions may occur in Executive Session pursuant to 25 O.S. §307(B)(1). Debbie Moran made a motion to go into Executive Session. Joanni Sailor – Second. Thom Balmer – yay, Joanni Sailor – yay, Kelly Collins – yay, Kimberly Cox – yay, Amy Barnett, yay-, Lisa Deason - yay, Carol Stevenson – yay, Nisha Wilson – yay, Debbie Moran – yay.

Joanni Sailor made a motion to exit Executive Session. Kelly Collins – Second. Thom Balmer – yay, Joanni Sailor – yay, Kelly Collins – yay, Kimberly Cox – yay, Amy Barnett, yay-, Lisa Deason - yay, Carol Stevenson – yay, Nisha Wilson – yay, Debbie Moran – yay.

Kimberly Cox made a motion to hire Eric Ashmore as the Office Manager for the State Board of Behavioral Health Licensure effective October 24, 2014. Lisa Deason – Second. Thom Balmer – yay, Joanni Sailor – yay, Kelly Collins – yay, Kimberly Cox – yay, Amy Barnett, yay-, Lisa Deason - yay, Carol Stevenson – yay, Nisha Wilson – yay, Debbie Moran – yay.

Discussion and possible action regarding the employment of Vicki Reynolds for the Executive Director position. Discussions may occur in Executive Session pursuant to 25 O.S. §307(B)(I).

Nisha Wilson made a motion to enter into Executive Session. Debbie Moran – Second. Thom Balmer – yay, Joanni Sailor – yay, Kelly Collins – yay, Kimberly Cox – yay, Amy Barnett - yay, Nisha Wilson – yay, Debbie Moran – yay

Debbie Moran made a motion to exit executive session. Kelly Collins – Second. Thom Balmer – yay, Joanni Sailor – yay, Kelly Collins – yay, Kimberly Cox – yay, Amy Barnett, yay-, Lisa Deason - yay, Carol Stevenson – yay, Nisha Wilson – yay, Debbie Moran – yay

Dr. Thom Balmer verified that no board votes were taken during Executive Session and no other items were discussed.

Point of order: At 4:55 the conference room at the Centennial Business center became no longer available. The meeting was moved to Oklahoma Office of Attorney General, 313 NE 21st Oklahoma City, OK. The meeting reconvened at 5:25.

Roll Call: Thom Balmer – present, Joanni Sailor – present, Kelly Collins – present, Kimberly Cox – present, Amy Barnett - present, Nisha Wilson – present, Debbie Moran – present. Lisa Deason excused. Carol Stevenson excused.

Nisha Wilson made a motion to enter into Executive Session. Debbie Moran – Second. Thom Balmer – yay, Joanni Sailor – yay, Kelly Collins – yay, Kimberly Cox – yay, Amy Barnett - yay, Nisha Wilson – yay, Debbie Moran – yay

Amy Barnett made a motion to exit Executive Session. Nisha Wilson – Second. Thom Balmer – yay, Joanni Sailor – yay, Kelly Collins – yay, Kimberly Cox – yay, Amy Barnett - yay, Nisha Wilson – yay, Debbie Moran – yay

Dr. Thom Balmer verified that no board votes were taken during Executive Session and no other items were discussed.

Thom Balmer made a motion to not hire Vicki Reynolds as the Executive Director of the State Board of Behavioral Health Licensure. Kelly Collins – Second. Thom Balmer – yay, Joanni Sailor – yay, Kelly Collins – yay, Kimberly Cox – yay, Amy Barnett - yay, Nisha Wilson – yay, Debbie Moran – yay

Dr. Thom Balmer requested a break at 6:50 p.m. and verified no board business or discussions would take place while on break. The meeting resumed at 6:51 p.m.

Discussion and possible action regarding the job duties, responsibilities (education, work experience, knowledge, skills and abilities) of the Executive Director position “See attached Appendix “B”. This item was tabled to the October 29, 2014 meeting.

Discussion and possible action regarding the existing contract between the State Board of Behavioral Health Licensure and the Office of the Attorney General for legal services, including increasing the percentage of time retained for legal services. This item was tabled to the October 29, 2014 meeting.

Report from the contract attorney from the Office of the Attorney General/General Counsel regarding the statutory limitations on adopting internal board policies, memoranda, or other forms of action. This item was tabled to the October 29, 2014 meeting.

Discussion and possible action regarding the setting of the Board’s Meeting agendas. This item was tabled to the October 29, 2014 meeting.

Adjournment. Nisha Wilson made a motion to adjourn. Debbie Moran – Second. Thom Balmer – yay, Joanni Sailor – yay, Kelly Collins – yay, Kimberly Cox – yay, Amy Barnett - yay, Nisha Wilson – yay, Debbie Moran – yay

Board adjourned at 6:53 p.m.