

Minutes of the October 29, 1014
Special Meeting of the State Board of Behavioral Health Licensure
3815 N. Santa Fe, Ste. 110, Oklahoma City, OK, 73118 Room 116
Held at: 313 N.E. 21st Street, Oklahoma City, OK 73105

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 27, 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 Office of the Attorney General at 313 N.E. 21st Street, Oklahoma City, OK, 73118. A quorum was met with the presence of Thom Balmer, Amy Barnett, Carol Stevenson, Kelly Collins, Joanni Sailor, Nisha Wilson, Debbie Moran and Kimberly Cox. Also in attendance was Eric Ashmore, BBHL staff, Nikki Nickols, Assistant Attorney General. Brad McKay excused.

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

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:	LICENSE TYPE:
Mandy Hull	Licensed Professional Counselor
Teresa Kinnison	Licensed Professional Counselor

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

Discussion and possible action regarding the resignation of Vicki Reynolds as Interim Executive Director. Discussions may occur in Executive Session pursuant to 25 O.S. §307 (B)(I). Thom Balmer read the resignation letter submitted by Vicki Reynolds.

Lisa Deason made a motion to accept the resignation of Vicki Reynolds. Amy Barnett – Second. Thom Balmer – yay, Joanni Sailor – yay, Kelly Collins – yay, Kimberly Cox – yay, Amy Barnett, yay-, Lisa Deason, yay, Carol Stevenson – yay, Lisa Deason – yay, Debbie Moran – yay, Nisha Wilson - yay.

Resignation was accepted and approved at 10:09 a.m.

Discussion and possible action regarding the process of recruiting and hiring an Executive Director. Nikki Nickols informed the Board of the information she obtained from Human Capital Management (HCM) regarding the services they provide to assist in the job posting and hiring process. Nisha Wilson recommends HCM's assistance in posting the Executive Director position. Nisha Wilson also stated she would like for all application to be reviewed by the Board. Kelly Collin's asks for HCM to assist in the interviewing process and to use HCM's hiring rubrics. Nisha Wilson recommends a broad posting to include in-state and out-of-state applicants. Debbie Moran, Nisha Wilson, and Kelly Collins each stated that if a cost was associated with the posting that it was an appropriate expense. Carol Stevenson asked how the candidates will be interviewed. Nikki Nickols stated the interviews would take place in executive session. Amy Barnett recommended having one representative from each license type on the subcommittee.

Kelly Collins made a motion that the Board contract with HCM to assist in the posting of the job description in the best locations to gain the highest qualifying candidates for the position, the Board should form a subcommittee to accept applications, the subcommittee to bring final candidates before the Board, the subcommittee will consist of no more than 3 members, and the subcommittee will work closely with HCM to choose interview questions and establishing an interview process. Lisa Deason – Second. Thom Balmer – yay, Joanni Sailor – yay, Kelly Collins – yay, Kimberly Cox – yay, Amy Barnett, yay-, Lisa Deason, yay, Carol Stevenson – yay, Lisa Deason – yay, Debbie Moran – yay, Nisha Wilson - yay.

Kelly Collins made a motion that the personnel subcommittee for the hiring process of the Executive Director consist of Lisa Deason to represent the Licensed Behavioral Practitioners (LBP), Debbie Moran to represent the Licensed Professional Counselors (LPC), and Nisha Wilson to represent the community and Licensed Marital and Family Therapists (LMFT) for the purpose of screening and making recommendations to the full Board on the candidates for the Executive Director position. Joanni Sailor – Second. Thom Balmer – yay, Joanni Sailor – yay, Kelly Collins – yay, Kimberly Cox – yay, Amy Barnett, yay-, Lisa Deason, yay, Carol Stevenson – yay, Lisa Deason – yay, Debbie Moran – yay, Nisha Wilson - yay.

Discussion and possible action regarding delegation of appropriate Board responsibilities.

Nikki Nickols asked if Eric Ashmore had a list of responsibilities that the Executive Director would typically oversee that would be delegated temporarily to the Board. Eric Ashmore stated that it was his recommendation that the academic reviews be delegated to the licensure committees. Joanni Sailor volunteered to serve on the LMFT licensure committee. Debbie Moran requested that an agenda item regarding agency policy be placed on a future Board agenda. Nikki Nickols provided the enabling statute that describes the responsibilities of the Executive Director. Nikki Nickols stated these responsibilities include: employ and maintain an office staff, enter into contracts on behalf of the Board, and perform other duties as needed.

Kelly Collins made a motion that the licensure committees for each license type take over academic reviews for their designated license type and that the Office Manager may access any committee or Board member as needed. Amy Barnett – Second. Thom Balmer – yay, Joanni Sailor – yay, Kelly Collins – yay, Kimberly Cox – yay, Amy Barnett, yay-, Lisa Deason, yay, Carol Stevenson – yay, Debbie Moran – yay, Nisha Wilson - yay.

Thom Balmer requested a break at 10:56 a.m. The meeting resumed at 11:07 a.m.

Personnel subcommittee met during the break. Lisa Deason announced to the Board that elections were held and Debbie Moran was elected as Chair of the personnel subcommittee.

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.” Nikki Nickols introduces the Executive Director job description. Nikki Nickols stated although this is an unclassified position, the job description was written similar to a classified job description. Joanni Sailor provided a history of how the job description was originally developed. Nisha Wilson asked that a requirement be added that applicants hold one of the three license types. Debbie Moran agreed. Kelly Collins stated she disagreed. Kelly Collins is concerned about a conflict of interest due to the Executive Director's position on the complaint committee. Kimberly Cox asked Nisha Wilson why she thought it was important for the Executive Director to be licensed. Nisha Wilson stated she agreed the Executive Director would not be able to hold an active license while acting as Director. Nisha Wilson also stated she felt a licensed individual would have more direct knowledge and experience in the Behavioral Health field. Kimberly Cox stated she didn't feel that the position warranted knowledge and experience in the Behavioral Health field because the Executive Director would be responsible for the management of the Agency and the enforcement of the Agencies policies. Amy Barnett stated she was less concerned with the Executive Director holding a license and she was more concerned about their ability to manage, their organizational skills, and their communication skills. Joanni Sailor stated that she once agreed with Nisha Wilson, however, she now believes the most important attributes are supervisory skills, organizational skills, dependability, reliability, knowledge of policy and procedures, and the skills to implement appropriately. Joanni Sailor also stated that if the Executive Director works with the Board as they are intended to, the Board acts as the content experts. Carol Stevenson stated that she agreed with both Joanni Sailor and Nisha Wilson. Carol Stevenson stated the primary concern should be the organizational skills and the secondary concern is that the applicant be licensed. Debbie Moran agreed with Carol Stevenson. Thom Balmer read aloud the education and work experience from the proposed job description. Kelly Collins stated that she was concerned if the licensure requirement was added it would narrow the focus and possibly eliminate potentially exceptional applicants.

Thom Balmer made a motion to not make any changes to the Executive Director's job posting with the exception of updating the address and contact information for submission. Lisa Deason – Second. Thom Balmer – yay, Joanni Sailor – yay, Kelly Collins – yay, Kimberly Cox – yay, Amy Barnett, yay-, Lisa Deason, yay, Carol Stevenson – yay, Debbie Moran – nay, Nisha Wilson - nay.

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. Nikki Nickols advised the Board that her current contract was set at 30 percent of her time. Nikki Nickols notified the Board that at times the Board was using up to 100 percent of her time. Nikki Nickols advised the Board of the need to possibly increase her contract. Nikki Nickols provided the Board with the cost to increase her contract, at forty percent the cost to the Agency would be \$48,056.40, and at

fifty percent it would be \$60,070.80. Nikki Nickols advised that if the Board chose fifty percent, that she would be unable to fulfill ten percent of that time until her duties could be reassigned. Kelly Collins stated she was in favor of increasing the contract to fifty percent. Debbie Moran expressed concern regarding the ten percent Nikki Nickols would be unable to fulfill. Debbie Moran stated she was concerned how this would impact Nikki Nickols.

Kelly Collins made a motion to increase Nikki Nickols' contract to forty percent effective immediately and for the Board to research their resources and for the Office of the Attorney General to research Nikki Nickols' availability with the intention of possibly increasing the contract to fifty percent at the December 19, 2014 Board meeting. The consideration for contract increases would be solely for Nikki Nickols. Debbie Moran – Second. Thom Balmer – yay, Joanni Sailor – yay, Kelly Collins – yay, Kimberly Cox – yay, Amy Barnett, yay-, Lisa Deason, yay, Carol Stevenson – yay, Debbie Moran – yay, Nisha Wilson - yay.

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. Nikki Nickols informed the Board that the Enabling Statute for the Agency delegates the responsibility for most decisions, including employment decisions, to both the Executive Director and the Board. Nikki Nickols advised the Board that they could not adopt a policy that conflicted with the Statute; however the Board can adopt an internal policy that designates a mutual cooperation between the Executive Director and the Board when making decisions. Debbie Moran asked if the Board had adopted or if the Agency had adopted any official policy. Eric Ashmore stated that no policy has been adopted by the Agency or the Board.

Discussion and possible action regarding the setting of the Board's Meeting Agenda. Nikki Nickols advised the Board that it was her understanding that there had been some questions and perhaps misunderstandings about who is responsible for writing and posting the Agenda. Nikki Nickols advised the Board that it was her recommendation to receive Board input for possible Agenda items, then through a mutual cooperation with the Board's Attorney, the Board Chair, and the Executive Director finalize each Agenda. Thom Balmer stated he was in support of Nikki Nickols recommendation.

Additional discussion prior to adjournment included: Kelly Collins asked about the Complaint Committee and who was being delegated the authority to triage Request for Inquiries. Thom Balmer stated that the Agency is no longer triaging Request for Inquiries and that all inquiries are being sent to Complaint Committees consisting of one Board member, the Board's Assistant Attorney General, and the Agency's Office Manager. Amy Barnett expressed concerns regarding sending Request for Inquiries and Investigation files via email. Nikki Nickols stated she would look into whether or not the emails were secure and see how other State Boards handle the exchange of their documents. Kimberly Cox made a motion to potentially have a Board retreat to discuss developing Agency policy. Carol Stevenson seconded the motion. Kelly Collins amended the motion to hold the retreat in 2014. Nikki Nickols stated she would look into the legality of holding a retreat.

Kimberly Cox amended her motion to hold an additional Board meeting November 19, 2014 at 10:00. Carol Stevenson – Second. Thom Balmer – yay, Joanni Sailor – yay, Kelly Collins – yay, Kimberly Cox – yay, Amy Barnett, yay-, Lisa Deason, yay, Carol Stevenson – yay, Debbie Moran – yay, Nisha Wilson - yay.

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

Meeting adjourned 12:35 p.m.