



FINAL MEETING MINUTES

July 17, 2015 10:00 am, central

I. Call to Order

Board Chair, Kristie Spooner, called the meeting to order at 10:02 am

Present

Board Members: Kristie Spooner, Tonya Sorenson, Stacie Dailey, Julijana Nevland, Mary Tello-Pool and Deb Davis

Others: Jody McClendon and David Schaibley

Absent: Laura Weishoff

- IV. B. Complaints-** McKenzie/ McGillis: McKenzie and McGillis appeared in person and were moved ahead on the agenda. The Board, legal counsel and Mr. McGillis discussed tribal law. The Board contacted Lacreasha Graham at the Department of Behavioral Health Division to determine how the facility is licensed. Ms Graham was unable to answer all the questions and deferred to Kris Storback who did the licensing and renewal, however she is out of town. The Board will be seeking additional information from the Department of Human Services, when Ms. Storback returns to the office. The Board made the recommendation that Mr. McGillis conduct the DUI evaluations and not sign off on DUI evaluations carried out by a non-LAC such as Ms. McKenzie.

A motion was made to accept that the Board table this until contact can be made with Kris Storback to receive more information on how the facility is licensed: (Davis motion/ Tello-Pool carried) Roll call vote: Spooner (y), Sorenson (y), Dailey (y), Nevland (y), Davis (y) and Tello-Pool (y)

II. Review Meeting Minutes-

A motion was made to accept the minutes for April 17, 2015: (Tello- Pool motion/ Nevland carried), all in favor

A motion was made to accept the minutes for May 22, 2015 (Tello- Pool motion/ Davis carried), all in favor

A motion was made to accept the minutes for May 22, 2015 (special meeting) (Sorenson motion/ Dailey carried), all in favor

A motion was made to accept the minutes for June 22, 2015 (special meeting) (Davis motion/ Sorenson carried), all in favor

III. Financials

Financials were moved down on the agenda, to limit time billed for presence of legal counsel

IV. Complaints

A. J. Miller – license will stay “suspended”, if he does not renew, it will expire

B. McKenzie/ McGillis: see above

C. A. Monek, A review of the complaint and documentation was reviewed. No ethics violations was found. **Complaint was dismissed** (Davis motion/ Sorenson carried) Roll



call vote: Sorenson (y), Nevland (y), Davis (y), Tello-Pool (y), and Spooner (y) and Dailey (y)

- D. H. Kates, **A motion was made** that an ethical violation to ethics codes I, IV and V and that a settlement agreement be sent that includes the following disciplinary actions: a 2 year suspension of Mr. Kates' clinical supervision certification, that he submit a \$250 civil payment penalty to the ND BACE, and that within 90 days he complete 12 CEU's. The CEU's should be related to ethics, sexual harassment, boundaries and trauma topics and that he complete a minimum of 3 hours in each area. These CEU's may not be used to satisfy licensing requirements. (Davis motion/ Sorenson carried) Roll call vote: Tello-Pool (y), Sorenson (y), Dailey (y), Nevland (y), Davis (y) and Spooner (y)

Recess, 10 minutes

V. Application and Practice Issues

- A. John Christanson, applied under reciprocity: **A motion was made** to table Mr. Christenson's application under reciprocity and to review it under the requirements for initial licensure. (Tello-Pool/ Dailey carried) Roll call vote: Spooner (y), Sorenson (y), Dailey (y), Nevland (y), Davis (y) and Tello-Pool (y)
- a. Debi Nesbitt, applied under reciprocity: **A motion was made** to table Mr. Christenson's application under reciprocity and to review it under the requirements for initial licensure. (Tello-Pool/ Nevland carried) Roll call vote: Spooner (y), Sorenson (y), Dailey (y), Nevland (y), Davis (y) and Tello-Pool (y)
- b. Cain update- no new information

VI. Other New Business

- c. Follow up on outstanding items from July 16, 2015 meeting with legal counsel
- i. NDAC 4.5: No outstanding issues, discussed proposed edits will be sent to D. Schaibley by J. McClendon
- d. Legislative update, Behavioral Health Stakeholders Bill
- i. House Bill 1048 and 1049- Ms. McClendon [Board Manager, Project Solutions Inc.] was asked to contact Tom Tupa with APT to inquire about the cost for lobbyist services.
- e. Update of testing by NCCAP
- f. Biennial audit is due (2014-2015), the last was 2012- 2013- annual fiscal year ends on June 30th: Ms. McClendon [Board Manager, Project Solutions Inc.] should solicit estimates for the audit from 3 independent agencies.
- g. Clinical trainees from the 7/16/15 meeting that were tabled (Bordeaux, Burtness, Schumm, Noer and Brown) **A motion was made** that Bordeaux, Burtness, Schumm, Noer and Brown be approved for clinical training. (Tello – Pool motion. Nevland carried) Roll call vote: Sorenson (y), Spooner (y), Nevland (y), Dailey (y), Davis (y) and Tello-Pool (y)
- h. ND Comprehensive Regulatory Meeting- Meeting will be held on Aug. 28 and is open to ND BACE members. **A motion was made** that the ND BACE will reimburse Board member who attend the conference for mileage, per diem and hotels. (Dailey motion. Sorenson carried) Roll call vote: Spooner (y), Dailey (y), Sorenson (y), Nevland (y), Davis (y) and Tello-Pool (y)



There was discussion by Schiably that this will need to be posted as a special meeting, since a quorum may be present. No minutes will be needed, attendees may discuss ideas and report to the next Board meeting.

III. Financials

Periodic reports: **A motion was made** to accept the minutes (Davis motion/ Sorenson carried)
Roll call vote: Spooner (y), Sorenson (y), Dailey (y), Nevland (y), Davis (y) and Tello-Pool (y)
Discussion about the need to limit the fees paid to legal counsel, by condensing items that need input from Schaibly into the beginning of the agenda(s), or consulting by phone if/ when he does not need to be present for the majority of the meeting. Including him as a cc on emails should be limited to when his input is needed.
Board also discussed what changes to make to the pricing, this will be reviewed individually and discussed in Oct.

VII. Adjourn

The next meeting is scheduled for October 16, 2015. Location will be in the Sakakawea Room, State Capitol, Bismarck, ND

The meeting was adjourned at 1:20 pm

Respectfully submitted,

Kristie Spooner
Board Chair
NDBACE

Deborah Davis
Vice Chair
NDBACE

Jody McClendon
Board Manager
NDBACE