

## MINUTES

### UTAH SUBSTANCE USE DISORDER COUNSELOR LICENSING BOARD MEETING

January 22, 2014

Room 474, 4th Floor – 9:00 A.M.  
Heber M. Wells Building  
Salt Lake City, UT 84111

**CONVENED:** 9:04 A.M.

**ADJOURNED:** 1:36 P.M.

**Bureau Manager:**  
**Board Secretary:**

Richard J. Oborn  
Lee Avery

**Board Members Present:**

Santiago Cortez, Chairperson  
Stephen R. Sheppard, Ph.D.  
Lori Buhler  
Leslie Woodfall  
David Felt  
Valerie Fritz  
Pete Prazza

**DOPL Staff Present:**

Susan Higgs, Compliance Specialist

**Guests:**

Sandra Addis, Argosy Univ. SUDC Program

#### TOPICS FOR DISCUSSION

#### DECISIONS AND RECOMMENDATIONS

##### ADMINISTRATIVE BUSINESS:

Minutes:

The Board reviewed the October 23, 2013 Board meeting minutes. Mr. Felt made a motion to accept the minutes. The motion was seconded by Ms. Buhler and carried unanimously.

Preliminary review of discussion items

Mr. Oborn reviewed the file regarding Mr. Larry Wells. Mr. Wells was issued his SUDC license on March 10, 1998. His license expired in May 2013. The Division received a complaint after he pled guilty to one charge of aggravated assault, a 3rd degree felony. The Division would like to have a recommendation from the Board regarding action to

be taken against his license, if any.

**COMPLIANCE REPORT:**

Susan Higgs, Compliance Specialist

#1. Mr. Ramone Christian is in compliance with his stipulation. His drug screens are all negative, and he has no missed check-ins. He submitted positive quarterly reports and continues logging his 12 step attendance in the Affinity program. He is current on his attendance through December 2013. Mr. Christian submitted a request for early release.

#2. Ms. Charmele Nish is in compliance with her stipulation. She submitted her supervisor evaluations for November, December, and January for both employers. DOPL received her therapy reports for November, December and January. She works for Molina Health Care and getting a supervisor has been problematic. Mr. Oborn gave preliminary approval until the Board meeting.

**Discussion:**

The Board expressed concern regarding her supervisor being a RN. She needs to have someone supervising her with knowledge of the SUDC scope of practice. The Board requested more information regarding her current job responsibilities to determine if what she is doing falls under the SUDC license scope of practice. The Board also expressed concern that Ms. Nish is not aware of who can appropriately supervise her.

#3. Ms. Robin O'Dell is in compliance with her stipulation. She has met only once with the Board. She was unable to meet with the Board in October due to health issues. She submitted supervisor reports for October, November, December and January. She logged her support meeting attendance in the Affinity program. She has one negative UA, one prescription positive UA, and one dilute UA. She has been in compliance for eight months. The Board may consider moving her to quarterly reports.

#4. Ms. Brittani Roberts. This is her first probation interview. She submitted her probation plan this morning. She submitted a supervisor report stating she is not currently working in the field. She is on probation due to her criminal history before licensure.

**APPOINTMENTS:**

Mr. Ramone Christian, probation interview

Mr. Christian met with the Board. Mr. Prazza conducted the interview. Mr. Christian stated things are going well. He is asking the Board to consider releasing him from probation early. He has been in compliance with his stipulation throughout his probation. He plans to continue doing what he has been doing. He will continue meeting with his supervisor and work his program in recovery. The Board thanked Mr. Christian for his willingness to comply with his probation and meeting with the Board. **Mr. Prazza made a motion to release Mr. Christian from probation and issue his full license. The motion was seconded by Dr. Sheppard and carried unanimously.**

Ms. Charmele Nish, probation interview

Ms. Nish met with Board. Mr. Felt conducted the interview. The Board noted that she continues to be in compliance with her stipulation. Ms. Nish stated she is working at Molina Health Care. They are integrating health services with substance abuse care. As a substance abuse counselor, she does case management and reviews patient files. She contacts the patient to see what they feel they need. The Board advised Ms. Nish that the statute and rules require her to be supervised by a mental health therapist. RNs under Utah statutes are not mental health therapists. Ms. Nish will need to find a mental health therapist who knows her scope of practice to provide her supervision. The Board noted that the RN may still be her administrative supervisor. Ms. Nish stated she works with a social worker and other mental health professionals who may be available to supervise her. The Board encouraged her to contact the social worker and submit their resume if they agree to supervise her. She needs to submit this information to Ms. Higgs as soon as possible. Ms. Nish stated she continues to attend support meetings. Ms. Nish signed the stipulation for the advanced SUDC license. The Board advised her to continue doing what she is doing and staying in compliance. The Board advised Ms. Nish that once her supervisor is approved the Board would consider moving her reports to quarterly as long as she continues with her pattern of staying in compliance and there are no issues or concerns noted by her supervisor. The Board may revisit this request

in July 2014. Mr. Oborn will give her preliminary approval once her new supervisor's resume is submitted to the Board. The Board asked to see Ms. Nish on April 23, 2014. **Ms. Nish is in compliance with her probation.**

Ms. Robin O'Dell, probation interview

Ms. O'Dell met with the Board. Mr. Cortez conducted the interview. Ms. O'Dell stated she is doing well. The Board noted that she had one dilute and encouraged her to not drink a lot of water before the UA test. Ms. O'Dell stated she is back to work and regularly attends her support groups. She meets regularly with her supervisor. Her supervisor has given her different approaches on how to reach out to clients. The Board noted that her reports are complete and the Board will consider moving her supervisor reports to quarterly at the April Board meeting. Ms. O'Dell requested additional chain of custody forms. Ms. Higgs will show her where to obtain them from the DOPL website. The Board asked to see Ms. O'Dell on April 23, 2014. **Ms. O'Dell is in compliance with her probation.**

Ms. Brittani Roberts, new probation interview

Ms. Roberts met with the Board. Ms. Buhler conducted the interview. Ms. Roberts stated her license is on probation due to criminal charges stemming from an addiction problem. Ms. Roberts said her last charge was in 2010 and resolved in 2011. She was on probation with AP&P and has been sober since 2011. Her probation term was for 3 years; however, due to her compliance and a successful assessment, this was terminated after 7 months. The assessment did not recommend treatment; however, she still attends on her own. Ms. Roberts stated she is going to school full-time, working on her bachelors in human services and management. The Board advised Ms. Roberts that her practice plan is not complete enough. The Board will accept it for now; however, once she starts working in the field, she will need to complete a current one. The Board asked to see Ms. Roberts on April 23, 2014. **Ms. Roberts is in compliance with her probation.**

Mr. Larry Wells, informal adjudicative proceeding

Mr. Wells met with the Board. Mr. Oborn reviewed the file outlining Mr. Wells' violations. His license was issued March 10, 1998 and is now expired. A

complaint was filed with the Division after Mr. Wells pleaded guilty to one charge of aggravated assault, 3rd degree felony. Mr. Felt made a motion to close the Board meeting at 11:30 A.M to discuss the character, professional competence, or physical or mental health of an individual. The motion was seconded by Mr. Prazza and carried unanimously. There were no written notes taken. A recording was not made. Mr. Felt motioned to open meeting at 12:30 P.M. Mr. Felt motioned to revoke Mr. Wells' license with a requirement that he wait 5 years to reapply. The motion was seconded by Ms. Fritz and carried unanimously.

Mr. William Collins, informal adjudicative proceeding

Mr. Oborn reviewed Mr. William Collins, informal adjudicative proceeding with the Board. Mr. Collins is currently on probation with the Board and stopped doing drug testing. Because Mr. Collins violated the terms of his stipulation, he has engaged in unprofessional conduct. Mr. Oborn stated the Division is requesting the Board's recommendation. Dr. Sheppard made a motion to revoke Mr. Collins license with a requirement that he wait 5 years to reapply. The motion was seconded by Mr. Felt and carried unanimously.

#### **DISCUSSION ITEMS:**

1. Annual investigation report

#### **Taken out of order on the agenda**

Ms. Thorell met with the Board and reviewed the 2013 year end investigative case statistics.

2. Michael Paget, surrender of SUDC license

Mr. Oborn reviewed the surrender of license stipulation signed by Michael Paget. He is unable to reapply for a SUDC license for five years.

3. Definition of "on the job training program" in Utah Admin. Code R156-60

Mr. Oborn reviewed the Definition of "on the job training program" in Utah Admin. Code R156-60.

#### **The Board considered the following proposed rule amendment:**

#### **R156-60-102. Definitions.**

(6) "On-the-job-training program" means a program that:

(a) is applicable to individuals who have completed all courses required for graduation in a degree or formal training program that would qualify for licensure under this chapter;

(b) starts immediately upon completion of all courses required for graduation;

(c) ends 45 days from the date it begins, or upon licensure, whichever is earlier, and may not be extended or used a second time;

(d) is under supervision by a qualified individual licensed under this chapter and that includes supervision meetings on at least a weekly basis when supervisee and supervisor are physically present in the same room at the same time; and

(e) is completed while the individual is an employee of a public or private agency engaged in mental health therapy or substance use disorder counseling.

Mr. Oborn noted that the applicant would need to have completed all courses required for graduation in a degree or formal program that would qualify for licensure under the law. The program starts immediately upon completion of all courses and ends 45 days from the date it begins, or upon licensure. The student is under direct supervision by a qualified individual licensed under Utah law. The student is an employee of a public or private agency engaged in mental health therapy or a substance use disorder counselor. The Board expressed support for this definition and noted that this would be very helpful to both the student and the facility. Ms. Fritz made a motion to recommend that the Division adopt the proposed language. The motion was seconded by Dr. Sheppard and carried unanimously

4. Proposal to amend R156-60d-502

Mr. Oborn reviewed the proposal to amend R156-60d-502 (10) unprofessional conduct with the Board. Subsection (10) engaging in dual or multiple relationships with a client or former client in which there is a risk of or potential risk of harm to the client. Mr. Oborn noted that there are degrees of risk and there have been some cases of dual relationships where the Division does not take action due to how the rule is written. Mr. Oborn encouraged the Board to review the rule and the NAADAC Code of Conduct. Mr. Oborn will obtain feedback from NAADAC. The Board will review this issue at a future Board meeting.

5. Open and Public Meetings Act Training

Mr. Oborn provided training to Board members

regarding the Open and Public Meetings Act.

Next Board Meeting:

April 23, 2014

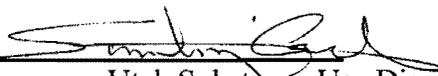
**2014 Board meetings have been tentatively scheduled**  
April 23, July 16, October 22

**ADJOURN:**

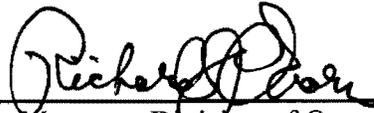
The meeting adjourned: 1:36 P.M.

*Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.*

April 23, 2014  
Date Approved

(ss)   
Chairperson, Utah Substance Use Disorder Counselor  
Licensing Board

4/23/14  
Date Approved

(ss)   
Bureau Manager, Division of Occupational &  
Professional Licensing