

STATE OF MINNESOTA
BOARD OF BEHAVIORAL HEALTH THERAPY

APPROVED

MINUTES OF ORGANIZATIONAL MEETING
HELD DECEMBER 4, 2003

The open organizational meeting of the Board of Behavioral Health Therapy officially began at 1:42 p.m. Roll call was not taken but it is noted that appointed Board members and many public observers were present. **Kate Zacher-Pate from the Board of Social Work made a welcoming statement to the Board.** Micki King from the Board of Chiropractic Examiners introduced herself, the rulemaking manual and offered to assist with the rulemaking process.

Randy Snyder introduced the topic of election of officers, explained that at a minimum a chair and vice chair are needed, and that additional officers as deemed necessary by the Board may be elected. Discussion occurred regarding the taking of minutes and Karen Dorff from the Board of Chiropractic Examiners was introduced as the person recording the minutes.

A request was made for volunteers to serve as Chair and Vice Chair. The need to develop bylaws was discussed and it was explained that by statute the persons serving in these positions are to be elected annually. Other Boards do this traditionally at their last meeting just before new appointments are made.

Walter Roberts Jr. expressed an interest to serve as chair. Duane Reynolds and Kristen Piper expressed an interest to serve as vice chair. Discussion occurred regarding members who are present and not eligible to vote, the reason for their ineligibility for officer positions, and their proper level of participation at this stage in their formal process of appointment by the Governor.

Randy Snyder called for nominations for the position of Chair (President). Patricia Fogal nominated Colin Ward for chair; Nicholas Ruiz seconded the nomination. Nicholas Ruiz nominated Walter Roberts Jr for the position of Chair; Duane Reynolds seconded the nomination.

Candidate Ward made a presentation regarding his desire to help in any way possible, to bring knowledge of the history of the bill, the expectation that pieces of the legislation need to be molded and reworked; and indicated he would strive to watch and keep check on his defensiveness which might arise out of his strong passion for issues and that he would work to maintain and preserve trust and codes of ethics.

Candidate Ward made a presentation regarding his his feelings that this is one of the most qualified boards with a rich background, depth, and knowledge of the history of the struggle for licensure; he expects success; brings with him past experience as a state board chair and board member; expects rubber to meet road as culmination of 30 year struggle. Expects "wild ride" in the first years and sees commitment as important; he has orchestrated his life around the idea of serving and believes leadership is about setting example and trying to help all be successful.

Following the call for additional nominations the nominations were closed and a paper ballot was distributed. Eric Swenson and Juli Vangsness collected, counted, and announced the results of the nine-ballot vote as a 5/4 split with Mr. Ward being elected as chair. The meeting was turned over to Chair Ward and he conducted the election for position of vice chair.

Discussion occurred regarding the need to have different professions serving in elected positions. Discussion occurred regarding staggering of terms and the possibility of delaying further elections or conducting the vote with those present. It was agreed that the Board would move forward and elect a vice chair.

Walter Roberts Jr. nominated Duane Reynolds for vice chair; Karen Stokes seconded the nomination. Nicholas Ruiz nominated Kristen Piper for vice chair; Karen Stokes seconded the nomination.

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Candidate Piper made a presentation regarding her credentials, outlined her recent relocation to Minnesota; and explained she is in transition of employment and has time to devote to duties.

Candidate Reynolds made a presentation regarding his 25 years experience all the way back to the old voluntary process; how he was the tenth person to be voluntarily certified in state of Minnesota; and state that he is familiar with rulemaking process.

Following the call for additional nominations the nominations were closed and a paper ballot was distributed. Eric Swenson and Juli Vangsness collected, counted, and announced the results of the nine-ballot vote as a 5/4 split with Mr. Reynolds being elected as vice chair.

Discussion turned to addressing the work of organizing the Board's presence. Discussion occurred regarding the need for the interim/permanent executive director to be a licensee of the BBHT and the fact that of the fifteen health licensing boards only four or five have licensees in the position of executive director.

Dr. Larry Spicer made a presentation regarding possible option for forming an administrative infrastructure with recognition that the new board is in need of some expertise to get it operational within the timelines established by statute. To meet these deadlines it will be important for other boards to act as a support network, each has limited resources and time to devote to the BBHT, however, separating yourself from this resource is impractical. The expectation is that new rules will be controversial and time consuming to enact. A solution being proposed is that of a contractual arrangement with MBCE for a skeleton crew of 25-50% staff time for 4-6 months with diminishing contact as your own systems are in place and become self managing. The offer contains plans for utilization 3 staff from the MBCE:

- Karen Dorff – with expertise in office management, minute taking, extensive state employment with both the Attorney General's Office and the Health Licensing Boards;
- Micki King – an expert in complaint resolution and rulemaking process, a Master Sergeant in the reserves with exceptional organizational skills; and
- Larry Spicer DC – a strong administrator with over ten years experience with the MBCE would act as an interim executive director, was most recent recipient of the 2003 George Arvidson Award as top chiropractic regulator in the country, and past recipient of both the 2000 Semi-Finalist Cooperative Public Service Award and the 1996 Annual FCLB Award for Outstanding Chiropractic Licensure Board.

The offer outlines a process for signing of an interagency agreement; completion of lease negotiations; acquisition of essential supplies (desk, computers, stationery, etc) and essential services (phone, voice mail); establishment of a liaison between BBHT and other important agencies (AGO, Administration, Finance, DOER); oversight, coordination and establishment and work of committees to meet goals and agendas of the BBHT with immediate operational status. The proposed committees are: Executive (by product of elections); Personnel (to write position descriptions and conduct search); License and Application (to manage evolution of licensure); Policy and Rules (to take on the task of emergency and long term rulemaking); and eventual establishment of complaint panels. Discussion occurred regarding the benefit of Dr. Spicer being a neutral party between the professions being regulated under the BBHT and his expert ability to assist in establishment of infrastructure. Dr. Spicer ended his presentation with an outline of steps to be taken at this meeting and stated that he has four motions drafted for you to consider once the issue of interim executive director is settled. The motions would give authority to person selected to handle the details of immediate needs, including creation of a complete list of board members and

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contact information, setting up the next Board meeting not more than one month away and arranging for committees to meet sooner.

Discussion occurred regarding how the proposed plan evolved as culmination of an email from Randy Snyder requesting Dr. Spicer to make a presentation to new board members. Nicholas Ruiz expressed personal knowledge of Dr. Spicer through his experience on the Council of Health Boards and trust for good will of the members of that Council and other boards. General happiness was expressed for the idea presented and it was stated that there was no knowledge of additional proposals involving such detail.

Chair Collins indicated he had had discussions this past summer regarding how to get going and stated that an organization of National Board Certified Counselors had contacted him to do some work for them under contract. An open request for other proposals or knowledge of other proposals to be heard from the floor occurred. No such proposals were offered or brought forward.

Mr. Roberts made a motion to accept the proposal of services as worded in the draft motions. Ms. Fogal seconded the motion. Further discussion regarding an NBCC offer occurred indicating an ability to subcontract for licensing process and not administrative assistance. Assistant Attorney General Nathan Hart cautioned the BBHT regarding potential improper delegation of licensing to an out of state company. Board members expressed ecstatic thanks for the support received from existing boards thus far and a desire to keep their focus on things related to their profession. Discussion occurred regarding costs and how the presented proposal fits into the budget allowed in the authorizing legislation. Juli Vangsness gave an overview of the prepared budget stating that the budget allocation anticipated being fully staffed and operational last July 1, we are now half way through the budget year with no expenditures; utilizing the proposed staffs' currently rates of pay and picking up fringe for only hours worked for BBHT would not be a problem. She directed the Board's attention to page 4 of budget handout they received earlier and indicated that what was shown there was a mid-range estimate; she expects no problem staying within budget if they utilize the proposal as it has been offered. Discussion clarified that the first motion is to accept in principle the series of 4 motions; this was accepted as a friendly amendment; for up to a 6 month arrangement to get the BBHT up and running and budgetary pieces are further negotiable. The motion carried on a unanimous voice vote.

The Board then went through motion-by-motion to review, affirm and approve the proposal. In its entirety.

Motion #1

Mr. Ruiz moved and Mr. Roberts seconded the:

- ☐ Motion to accept proposal for loan of staff, specifically Larry A. Spicer, D.C., as interim Executive Director, as well as such appropriate staff as in his discretion he deems necessary from his Board, for the purposes of establishing an administrative structure necessary to conduct the normal operational business of the BBHT. Staff shall be limited to no more than 50% of 3 FTE's for a period not to exceed 6 months, unless extended by Board action. It is further moved to delegate authority to President to sign interagency agreement regarding loan of the Chiropractic Board Staff.

The motion carried on a unanimous voice vote.

Motion #2

Mr. Roberts moved and Ms. Fogal seconded the:

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- ☐ Motion to delegate unrestricted authority to Interim ED to take any and all actions required to engage any appropriate internal procedures necessary to implement the requirements of statute, and to conduct the ordinary business of the Board

The motion carried on a unanimous voice vote.

Motion #3

Mr. Roberts moved and Ms. Stokes seconded the:

- ☐ Motion to delegate spending authority to ED, for any and all purchases necessary to establish administration of BBHT office. Such purchases shall include, but not be limited to office furniture, office equipment including desks, computer equipment, computer software and related licenses, (including a professional licensing program) printers, filing cabinets, stationary, and miscellaneous office supplies. Such purchases shall include services including, but not limited to telephone, voice mail, software support etc., which may be normal and incident to conducting the ordinary and normal business of the Board of Behavioral Health and Therapy.

The motion carried on a unanimous voice vote.

Motion #4

Mr. Roberts moved and Mr. Ruiz seconded the:

- ☐ Motion to delegate unrestricted authority for signing any and all documents, including contracts which are normal and incident to conducting the ordinary and normal business of the Board of Behavioral Health and Therapy.

The motion carried on a unanimous voice vote.

Following conclusion of the vote Dr. Spicer gave his direct phone number to all members of the Board, indicated that a roster would be prepared prior to the next board meeting and it would include emails for everyone. Discussion occurred regarding setting of committee infrastructure. It was recognized that: most committees of MBCE function with 3 members; should consider demand on budget, the number of available staff and board members; fewer people can create a good think tank (3 is good number); meetings of a quorum ($\frac{1}{2} + 1$) of board members would constitute an open meeting and complicate notice requirements, etc. (in the case of BBHT a total of 7 members on one committee would cross this line). Through discussion the Board determined that the following committees were needed:

***Personnel Committee** – delegated the authority to develop executive director qualifications and criteria, to seek input from DOER; initiate a search; conduct interviews and make selection. Will hire other support personnel over time for the essential positions of licensing, complaint resolution and general support. The committee will craft position descriptions with the help of other executive directors and DOER; will submit such position descriptions to DOER who will rate them and determine appropriate pay scale based on descriptors of broader state positions. The Personnel Committee will determine who will make hires and how it will be timed in conjunction with the hiring of a permanent executive director.

***Application/Licensing Committee** – reading of statute was fraught with challenges that need counsel input on evolution of this committee; however the committee will start by addressing licensure of professionals under the limited two year without testing provision.

***Policy and Rules Committee** – initial focus shall be on rulemaking; policymaking may not occur and apply to entire profession without rulemaking. Some things are in statute – continuing education, professional supervision, disciplinary, ... impaired practitioners. Policy committee will immediately start formulating authorizing resolutions and language for use in the rules process.

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Complaint panels – need to work on details of panels before tackling these.

***Legislative Committee**– to address issues of statutory language

Coordinating Communication Committee – this function may temporarily be delegated to the interim executive director.

Volunteers for committees and meeting dates and times were arrived at through discussion. The written summary of committees follows; crossed off names below represent those who withdrew or volunteered to move to an alternate committee.

Personnel	App/Lic	Policy & Rules	Legislative
		Nicholas Ruiz	Nicholas Ruiz
		Duane Reynolds	
	Catherine Cullenn-Benson		
	Kaaren Stokes		
	Patricia Fogal	Patricia Fogal	
Walter Roberts		Walter Roberts Jr	
Douglas Frisk			
	Freddie Davis-English		
			Kaarin Long
	Kristen Piper		Kristen Piper
Colin Ward			
Friday 12/12/03 2 pm	Monday 12/15/03 9 a.m.	Friday 12/12/03 10 a.m.	
MBCE conference room			

Further discussion occurred regarding level of experiential depth to committees; the size of committees; timelines to be met; and the January 15 deadline that looms. Chair Collin called for motion to establish and set the agenda of committees as discussed. Mr. Roberts made a motion to incorporate the description of committees and affirm membership as part of the minutes; Ms. Piper seconded the motion; the motion carried on a unanimous voice vote. As a formality Chair Colin verbally appointed members to each committee with the understanding that each committee will give a report at the next full Board meeting on their formal agenda and activity; and the Legislative committee will also develop a purpose statement.

Mr. Roberts moved to allow Chris Luhman, Administrative Services IT Administrator, to create a web page using the health licensing board's basic language template so as to establish the BBHT's basic presence on the web. Ms. Cullen-Benson seconded the motion; discussion brought forth a request that certain information not be placed on the web for security reasons; then confirmed that information on applications for board membership is public and can be made available if requested. Members approved posting of the board member's name and city and discussion occurred regarding possible use of the Board address for

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public contact information even though licensees tend to use their practice address information. It was confirmed that public information does not necessarily have to be on the web. Discussion confirmed that the only persons who should speak for the board would be Chair Collin or Dr. Spicer as the interim executive director. Dr. Spicer was asked to develop an FAQ for the web site. Following discussion the motion to create a web presence carried on a unanimous voice vote.

Attention then turned to approving authorizing resolutions for rulemaking each was read individually and each carried by a unanimous voice vote.

RULES MOTIONS

- ☐ Motion for authorizing resolution to pursue rulemaking related to appropriate techniques, including examinations and other methods, for determining qualifications of applicants and licensees was made by Ms. Fogal; seconded by Mr. Roberts; carried on a unanimous voice vote.
- ☐ Motion for authorizing resolution to pursue rulemaking related to standards for professional conduct, including adoption of a code of professional ethics was made by Mr. Ruiz; seconded by Mr. Roberts; carried on a unanimous voice vote.
- ☐ Motion for authorizing resolution to pursue rulemaking related to continuing education was made by Ms. Stokes; seconded by Mr. Reynolds; carried on a unanimous voice vote.
- ☐ Motion for authorizing resolution to pursue rulemaking related to supervision was made by Mr. Roberts; seconded by Mr. Reynolds; carried on a unanimous voice vote.
- ☐ Motion for authorizing resolution to pursue rulemaking related to standards for pre-professional and professional education necessary for initial licensure was made by Mr. Roberts; seconded by Mr. Ruiz; carried on a unanimous voice vote.
- ☐ Motion for authorizing resolution to pursue rulemaking related to implementation of standard disciplinary procedures for licensees in violation of statutes or rules (NOTE: THERE IS A STATUTORY FAILURE HERE, SINCE THE STATUTE ONLY REFERENCES VIOLATIONS OF RULES.) was made by Ms. Fogal; seconded by Ms. Stokes; carried on a unanimous voice vote.
- ☐ Motion for authorizing resolution to pursue rulemaking related to treatment of impaired practitioners was made by Mr. Ruiz; seconded by Mr. Roberts; carried on a unanimous voice vote.

It was announced that the next Board meeting will be held on Thursday January 8, 2004 at 1 p.m.
Committee meetings were set as follows:

Personnel	Application/License	Policy & Rules	Legislative
Friday 12/12/03 2 pm	Monday 12/15/03 9 a.m.	Friday 12/12/03 10 a.m.	Date to be determined and posted on web site.
All meetings will be held in the MBCE conference room Suite 300 University Park Plaza, 2829 University Ave SE, Minneapolis MN			

It was confirmed that 7 days prior to a meeting reminders will go out; that agendas will be set 10 days prior to the meeting and packets will be prepared based on the approved agendas. Agendas will include such things as main points to be discussed; materials for review; approved committee reports; and for Board meetings will include unapproved minutes for review.

Mr. Roberts made a motion to adjourn at 3:16 p.m. Mr. Reynolds seconded the motion. The motion carried on a unanimous voice vote and the meeting adjourned.
Minutes prepared by Karen Dorff