

**FULL BOARD MEETING OPEN SESSION MINUTES**  
of the  
**Montana Board of Behavioral Health**  
301 South Park Avenue, Basement Conference Room, Helena, MT  
August 16, 2019 - 8:00 a.m. to 5:04 p.m.

**1. Call To Order - Establish Quorum - Introduction of Board & Staff Members Present (00:00:11)**

**Board Members Present**

Dr. Cathy Jenni (chair)  
Ms. Laura Dever  
Ms. Kimberly Gardner  
Ms. Carol Staben Burroughs  
Ms. Erin Williams  
Ms. Mona Sumner  
Ms. Megan Bailey  
Mr. Adrian Sagan  
Mr. Durand Bear Medicine

**Staff Present**

Ms. Lucy Richards, Executive Officer  
Ms. Juanita Kazmierowski, Administrative Specialist  
Ms. Jennifer Stallkamp, Board Counsel  
Mr. Todd Younkin, Division Administrator  
Mr. Dylan Gallagher, Department Counsel  
Ms. Carrie Baker, Licensing Unit Supervisor

**Public Present**

Edward Dunbar  
Angel Mothka  
Aaron Anciaux  
Karl Rosston  
Ann Truesdell  
Andrea Foran  
Shari Rigg  
Kara Sanders, via phone

**2. Approval and Tentative Modification of Agenda Order (00:01:30)**

**MOTION (00:01:53)** Ms. Carol Staben Burroughs moved to approve the agenda as presented. Ms. Kim Gardner seconded. The motion carried unanimously.

**3. Review Minutes (00:02:10)**

**4. Public Opportunity to Comment (00:02:43)**

Karl Rosston, Department of Public Health and Human Services

**5. Division Administrator Update – Todd Younkin (00:03:30)**

**6. Legal Report (00:21:15)**

- a. Compliance and Adjudication
- b. Board Counsel
  - i. General Update

ii. **Board Member Training – Review of *North Carolina Board of Dental Board Examiners v. FTC* (2015)**

iii. **Disciplinary Sanctions**

**7. Board Action (00:47:48)**

**a. Nonroutine Application Policy – All License Types (00:48:07)**

**MOTION (00:49:08)** Ms. Kim Gardner moved to approve the language for the nonroutine application policy. Mr. Durand Bear Medicine seconded. The motion carried unanimously.

**b. Travel: Association of Social Work Boards (ASWB) (00:49:50)**

i. **Annual Business Meeting – Orlando, Florida – November 7-9, 2019**

ii. **Education Conference – Chicago, Illinois – April 24-25, 2020**

**MOTION (00:56:01)** Ms. Carol Staben Burroughs moved to send one person instead of two to the November 2019 meeting in Orlando and send four people to the Chicago meeting in April 2020, Ms. Kimberly Gardner seconded. The motion carried unanimously.

**c. Nonroutine Applications (01:10:51)**

i. **Aaron Anciaux – BBH-LAC-APP-37792 (01:11:15) CLOSED SESSION**

**(1:15:11) Ms. Stallkamp reported the board considered the application in closed session and voted to issue a probationary candidate license to the applicant.**

ii. **Gary Russell – BBH-LCSW-APP-25536 (01:15:33)**

**MOTION (01:33:28)** Ms. Carol Staben Burroughs moved to approve the application of Gary Russell. Ms. Laura Dever seconded. The motion carried unanimously.

iii. **Lowell Wavrick – BBH-LCPC-APP-32084 (01:34:28)**

**MOTION (01:36:48)** Ms. Mona Sumner moved to rescind the 5/22/19 denial of license to Lowell Wavrick. Mr. Durand Bear Medicine seconded. The motion carried unanimously.

**d. Supervisor Approval – Supervision of LAC Candidate by Non-LAC (01:37:23)**

i. **Angel Mothka – BBH-LCSW-LIC-31448 (01:43:17)**

**MOTION (01:45:36)** Ms. Mona Sumner moved to approve the application for Angel Mothka. Ms. Carol Staben Burroughs seconded. The motion carried unanimously.

ii. **Megan Bailly – BBH-LCPC-LIC-17898 (01:49:21)**

**MOTION (01:49:46)** Ms. Mona Sumner moved to approve the application for Megan Bailly. Ms. Kim Gardner seconded. The motion carried unanimously.

iii. **Jay Getten – BBH-LMFT-LIC-23019 & BBH-LCPC-LIC-17382 (01:50:24)**

**MOTION (01:55:12)** Mr. Durand Bear Medicine moved to table the application for Jay Getten until he provides documentation that he has worked in a qualified treatment setting. Ms. Kim Gardner seconded. The motion carried unanimously.

iv. **Patrick Schuler – BBH-LCSW-LIC-1009 (01:57:50)**

**MOTION (01:58:04)** Ms. Mona Sumner moved to approve the application for Patrick Schuler. Mr. Durand Bear Medicine seconded. The motion carried unanimously.

v. **Edward Dunbar – BBH-LCPC-LIC-26538 (01:59:34)**

**MOTION (02:01:01)** Mr. Durand Bear Medicine moved to approve the application for Edward Dunbar. Ms. Mona Sumner Seconded. The motion carried unanimously.

e. **Continuing Education Exemption Request – Cheryl Basta – BBH-LAC-LIC-1290 (02:01:56)**

f. **MAR 24-219-34 – (02:02:49)**

**Approve Proposed Rule Package to File with Secretary of State – ARM**

**ARM 24.219.301 (02:07:23)**

**MOTION (02:58:55)** Ms. Carol Staben Burroughs moved to amend ARM 24.219.301 as discussed and that the proposed changes do not directly and significantly impact Montana small businesses. Ms. Kim Gardner seconded. The motion carried unanimously.

**ARM 24.219.415 (02:59:35)**

**MOTION (03:00:22)** Ms. Erin Williams moved to amend ARM 24.219.415 as discussed and that the proposed changes do not directly and significantly impact Montana small businesses. Ms. Mona Sumner seconded. The motion carried unanimously.

**ARM 24.219.5005 (03:00:51)**

**MOTION (03:03:10)** Ms. Laura Dever moved to amend ARM 24.219.5005 as discussed and that the proposed changes do not directly and significantly impact Montana small businesses. Mr. Adrian Sagan seconded. The motion carried unanimously.

**ARM 24.219.421 (03:11:22)**

**MOTION (04:23:56)** Mr. Adrian Sagan moved to amend ARM 24.219.421 as discussed and that the proposed changes do not directly and significantly impact Montana small businesses. Ms. Mona Sumner seconded. The motion carried unanimously.

**New Rule I General Supervision and Recordkeeping Requirements (04:24:30)**

**MOTION (04:25:18)** Ms. Mona Sumner moved to adopt New Rule I as discussed and that the proposed changes do not directly and significantly impact Montana small businesses. Ms. Kim Gardner seconded. The motion carried unanimously.

**New Rule II Change of Supervisor (04:25:55)**

**MOTION (04:33:55)** Ms. Megan Bailey moved to adopt New Rule II as discussed and that the proposed changes do not directly and significantly impact Montana small businesses. Ms. Carol Burroughs seconded. The motion carried unanimously.

**ARM 24.219.501 (04:34:502)**

**MOTION (04:41:07)** Ms. Cathy Jenni moved to amend ARM 24.219.501 as discussed and that the proposed changes do not directly and significantly impact Montana small businesses. Ms. Kim Gardner seconded. The motion carried unanimously.

**ARM 24.219.601 (04:41:45)**

**MOTION (04:58:49)** Ms. Kim Gardner moved to amend ARM 24.219.601 as discussed and that the proposed changes do not directly and significantly impact Montana small businesses. Mr. Adrian Sagan seconded. The motion carried unanimously.

**New Rule IV Additional Education Reporting LCPC (04:59:40)**

**MOTION (05:11:30)** Mr. Durand Bear Medicine moved to adopt New Rule IV as discussed and that the proposed changes do not directly and significantly impact Montana small businesses. Ms. Carol Staben Burroughs seconded. The motion carried unanimously.

**ARM 24.219.701 (05:13:31)**

**MOTION (05:32:31)** Ms. Carol Staben Burroughs moved to amend ARM 24.219.701 as discussed and that the proposed changes do not directly and significantly impact Montana small businesses. Ms. Erin Williams seconded. The motion carried unanimously.

**ARM 24.219.5006 (05:33:08)**

**MOTION (05:39:57)** Ms. Erin Williams moved to amend ARM 24.219.5006 as discussed and that the proposed changes do not directly and significantly impact Montana small businesses. Ms. Laura Dever seconded. The motion carried unanimously.

**ARM 24.219.907 (05:40:25)**

**MOTION (05:41:34)** Ms. Laura Dever moved to amend ARM 24.219.907 as discussed and that the proposed changes do not directly and significantly impact Montana small businesses. Mr. Adrian Sagan seconded. The motion carried unanimously.

**ARM 24.219.512 (05:42:02)**

**MOTION (05:44:25)** Mr. Adrian Sagan moved to amend ARM 24.219.512 as discussed and that the proposed changes do not directly and significantly impact Montana small businesses. Ms. Erin Williams seconded. The motion carried unanimously.

**ARM 24.219.612 (05:44:54)**

**MOTION (05:51:35)** Ms. Mona Sumner moved to amend ARM 24.219.612 as discussed and that the proposed changes do not directly and significantly impact Montana small businesses. Ms. Megan Bailey seconded. The motion carried unanimously.

**ARM 24.219.712 (05:52:11)**

**MOTION (05:53:32)** Ms. Megan Bailey moved to amend ARM 24.219.712 as discussed and that the proposed changes do not directly and significantly impact Montana small businesses. Mr. Durand Bear Medicine seconded. The motion carried unanimously.

**ARM 24.219.5007 (05:53:58)**

**MOTION (05:57:12)** Ms. Cathy Jenni moved to amend ARM 24.219.5007 as discussed and that the proposed changes do not directly and significantly impact Montana small businesses. Ms. Kim Gardner seconded. The motion carried unanimously.

**ARM 24.219.923 (05:59:26)**

**MOTION (06:00:08)** Ms. Kim Gardner moved to amend ARM 24.219.923 as discussed and that the proposed changes do not directly and significantly impact Montana small businesses. Ms. Mona Sumner seconded. The motion carried unanimously.

**ARM 24.219.505 (06:01:37)**

**MOTION (06:02:35)** Mr. Durand Bear Medicine moved to amend ARM 24.219.505 as discussed and that the proposed changes do not directly and significantly impact Montana small businesses. Ms. Carol Staben Burroughs seconded. The motion carried unanimously.

**ARM 24.219.605 (06:03:10)**

**MOTION (06:04:28)** Ms. Carol Staben Burroughs moved to amend ARM 24.219.605 as discussed and that the proposed changes do not directly and significantly impact Montana small businesses. Ms. Erin Williams seconded. The motion carried unanimously.

**ARM 24.219.705 (06:05:54)**

**MOTION (06:06:03)** Ms. Erin Williams moved to amend ARM 24.219.705 as discussed and that the proposed changes do not directly and significantly impact Montana small businesses. Ms. Laura Dever seconded. The motion carried unanimously.

**ARM 24.219.5013 (06:06:31)**

**MOTION (06:07:47)** Ms. Laura Dever moved to amend ARM 24.219.5013 as discussed and that the proposed changes do not directly and significantly impact Montana small businesses. Ms. Megan Bailey seconded. The motion carried unanimously.

**ARM 24.219.504 (06:08:16)**

**MOTION (06:09:45)** Mr. Adrian Sagan moved to amend ARM 24.219.504 as discussed and that the proposed changes do not directly and significantly impact Montana small businesses. Mr. Durand Bear Medicine seconded. The motion carried unanimously.

**ARM 24.219.604 (06:10:12)**

**MOTION (06:16:35)** Ms. Mona Sumner moved to amend ARM 24.219.604 as discussed and that the proposed changes do not directly and significantly impact Montana small businesses. Ms. Kim Gardner seconded. The motion carried unanimously.

**ARM 24.219.704 (06:17:08)**

**MOTION (06:30:54)** Ms. Megan Bailey moved to amend ARM 24.219.704 as discussed and that the proposed changes do not directly and significantly impact Montana small businesses. Ms. Kim Gardner seconded. The motion carried unanimously.

**ARM 24.219.5008 (06:31:28)**

**MOTION (06:41:15)** Ms. Cathy Jenni moved to amend ARM 24.219.5008 as discussed and that the proposed changes do not directly and significantly impact Montana small businesses. Ms. Kim Gardner seconded. The motion carried unanimously.

**New Rule III Examination – LCSW (06:42:49)**

**MOTION (06:45:25)** Ms. Kim Gardner moved to adopt New Rule III as discussed and that the proposed changes do not directly and significantly impact Montana small businesses. Ms. Carol Staben Burroughs seconded. The motion carried unanimously.

**New Rule V Examination – LCPC, (06:45:54)**

**MOTION (06:47:14)** Mr. Durand Bear Medicine moved to adopt New Rule V as discussed and that the proposed changes do not directly and significantly impact Montana small businesses. Ms. Erin Williams seconded. The motion carried unanimously.

**New Rule VI Examination – LMFT (06:47:35)**

**MOTION (06:48:03)** Ms. Carol Staben Burroughs moved to adopt New Rule VI as discussed and that the proposed changes do not directly and significantly impact Montana small businesses. Mr. Adrian Sagan seconded. The motion carried unanimously.

**New Rule VII Examination – LAC (06:48:30)**

**MOTION (06:50:08)** Ms. Erin Williams moved to adopt New Rule VII as discussed and that the proposed changes do not directly and significantly impact Montana small businesses. Ms. Laura Dever seconded. The motion carried unanimously.

**MOTION (06:51:40)** Ms. Mona Sumner moved to approve both the IC&RC exams for out-of-state LAC applicants as of the date of this motion. Ms. Carol Staben Burroughs seconded. The motion carried unanimously.

**ARM 24.219.912 (06:52:43) (06:55:36)**

**MOTION (06:54:10)** Ms. Laura Dever moved to amend ARM 24.219.912 as discussed and that the proposed changes do not directly and significantly impact Montana small businesses. Mr. Durand Bear Medicine seconded. The motion carried unanimously.

**MOTION (06:56:15)** Ms. Kim Gardner moved amend ARM 24.219.912 to include the language: "upon successful completion of the exam" as discussed. Ms. Carol Staben Burroughs seconded. The motion carried unanimously.

**ARM 24.219.5010 (06:54:23)**

**MOTION (06:55:08)** Mr. Adrian Sagan moved to amend ARM 24.219.5010 as discussed and that the proposed changes do not directly and significantly impact Montana small businesses. Ms. Kim Gardner seconded. The motion carried unanimously.

**ARM 24.219.707 (06:57:20)**

**MOTION (06:57:43)** Mr. Adrian Sagan moved to repeal ARM 24.219.707 as discussed and that the proposed changes do not directly and significantly impact Montana small businesses. Ms. Kim Gardner seconded. The motion carried unanimously.

**ARM 24.219.5011 (06:58:11)**

**MOTION (06:58:26)** Ms. Megan Bailey moved to repeal ARM 24.219.5011 as discussed and that the proposed changes do not directly and significantly impact Montana small businesses. Ms. Carol Staben Burroughs seconded. The motion carried unanimously.

**ARM 24.219.506 (06:59:09)**

**MOTION (06:59:25)** Ms. Cathy Jenni moved to repeal ARM 24.219.506 as discussed and that the proposed changes do not directly and significantly impact Montana small businesses. Mr. Durand Bear Medicine seconded. The motion carried unanimously.

**ARM 24.219.603 (06:59:49)**

**MOTION (07:00:03)** Ms. Kim Gardner moved to repeal ARM 24.219.603 as discussed and that the proposed changes do not directly and significantly impact Montana small businesses. Ms. Carol Staben Burroughs seconded. The motion carried unanimously.

**ARM 24.219.703 (07:00:25)**

**MOTION (07:00:32)** Mr. Durand Bear Medicine moved to repeal ARM 24.219.703 as discussed and that the proposed changes do not directly and significantly impact Montana small businesses. Ms. Carol Staben Burroughs seconded. The motion carried unanimously.

**ARM 24.219.901 (07:01:01)**

**MOTION (07:01:08)** Ms. Carol Staben Burroughs moved to repeal ARM 24.219.901 as discussed and that the proposed changes do not directly and significantly impact Montana small businesses. Ms. Erin Williams seconded. The motion carried unanimously.

**ARM 24.219.902 (07:01:32)**

**MOTION (07:01:47)** Ms. Erin Williams moved to repeal ARM 24.219.902 as discussed and that the proposed changes do not directly and significantly impact Montana small businesses. Ms. Kim Gardner seconded. The motion carried unanimously.

**ARM 24.219.903 (07:02:09)**

**MOTION (07:02:41)** Ms. Carol Staben Burroughs moved to repeal ARM 24.219.903 as discussed and that the proposed changes do not directly and significantly impact Montana small businesses. Mr. Adrian Sagan seconded. The motion carried unanimously.

**ARM 24.219.916 (07:03:05)**

**MOTION (07:03:22)** Mr. Adrian Sagan moved to repeal ARM 24.219.916 as discussed and that the proposed changes do not directly and significantly impact Montana small businesses. Ms. Mona Sumner seconded. The motion carried unanimously.

**ARM 24.219.5001 (07:03:44)**

**MOTION (07:03:59)** Ms. Mona Sumner moved to repeal ARM 24.219.5001 as discussed and that the proposed changes do not directly and significantly impact Montana small businesses. Ms. Megan Bailey seconded. The motion carried unanimously.

**ARM 24.219.5003 (07:04:29)**

**MOTION (07:04:55)** Ms. Megan Bailey moved to repeal ARM 24.219.5003 as discussed and that the proposed changes do not directly and significantly impact Montana small businesses. Ms. Kim Gardner seconded. The motion carried unanimously.

**ARM 24.219.5004 (07:05:06)**

**MOTION (07:05:19)** Ms. Cathy Jenni moved to repeal ARM 24.219.5004 as discussed and that the proposed changes do not directly and significantly impact Montana small businesses. Mr. Adrian Sagan seconded. The motion carried unanimously.

**ARM 24.219.5009 (07:05:49)**

**MOTION (07:06:01)** Ms. Kim Gardner moved to repeal ARM 24.219.5009 as discussed and that the proposed changes do not directly and significantly impact Montana small businesses. Mr. Durand Bear Medicine seconded. The motion carried unanimously.

**ARM 24.219.5014 (07:06:26)**

**MOTION (07:06:48)** Mr. Durand Bear Medicine moved to repeal ARM 24.219.5014 as discussed and that the proposed changes do not directly and significantly impact Montana small businesses. Ms. Carol Staben Burroughs seconded. The motion carried unanimously.

**8. Board Discussion: Upcoming Rulemaking Package – MAR 24-219-35 – HB 626 Implementation and further Updates to ARM Title 37, Chapter 219 (07:07:39)**

*Item tabled until 10/11/19 meeting*

**9. Executive Officer Report (07:10:05)**

- a. Fiscal Report
- b. Licenses Issued Report
- c. Renewals Report
- d. 2021 Legislative Session – Discussion of Potential Board Proposals  
*Item tabled until 10/11/19 meeting*
- e. Travel Requests Update
- f. Continuing Education Audit Report: LCSW, LCPC, LMFT – Period of 1/1/18 through 12/31/18
- g. Montana/Wyoming Native American Chemical Dependency Directors Association Meeting Update – June 12, 2019
- h. Governor's Challenge on Suicide Prevention
- i. General Outreach and Communication

**10. Schedule Next Meeting(s) (14:44) (Recording 2)**

**11. Adjourn (28:02) (Recording 2)**