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May 7, 2010

John Danforth, Chairperson
Nebraska Board of Mental Health Practices
Nebraska Department of Health and Human Services - Regulation and Licensure
Licensing & Regulatory Affairs
PO Box 94986
Lincoln, NE 68509-4986

RE: Public Hearing on Proposed Changes to Title 172 NAC 94, May 6, 2010

Dear Mr. Danforth,

I am writing this letter to express my concern over the testimony made by Dr. Susan Meyerle, PhD, at yesterday's public hearing (May 6, 2010). My concerns are two-fold:

- The appropriateness of a current member of the Board of Mental Health Practices giving testimony defending her and the Board's past actions and advocating for acceptance of the proposed language changes in a public hearing on those changes. The purpose of a public hearing is to gather public testimony or comments for consideration by the body before the body makes its decision on the issue at hand. Dr. Meyerle identified and signed in as a representative of the Board, and gave her testimony in the middle of the process, testimony that attacked public input that was against the proposal, and potentially affecting further testimony. It was obvious to all present that Dr. Meyerle had already made her decision prior to the hearing, thus making a mockery of the public hearing process.
- Given Dr. Meyerle's contempt for the public hearing process, that she be allowed to participate in further consideration of the issue. According to members of the public that attended the last public hearing on Title 172 NAC 94, Dr. Meyerle behaved in a similar manner and was allowed to continue to participate. Her performance mandates that she be asked to excuse herself from future Board actions on this issue.



The purpose of public hearings is to allow for public involvement and transparency in governmental actions. A critical component to the public hearing process is the appearance of fairness, in which governmental and quasi-governmental officials hold off on making final decisions until the process is completed. Dr. Meyeral's words and actions illustrate the need for not only "the elimination of actual bias, prejudice, improper influence or favoritism, but also in the curbing of conditions which, by their very existence, tend to create suspicion, generate misinterpretation, and cast a pall of partiality, impropriety, conflict of interest or prejudgment over the proceedings to which they relate." (*Chrobuck v. Snohomish County*, 78 Wn.2d 858, 868 (1971)).

In order to ensure the appearance of fairness, it is advisable that the Board of Mental Health Practices negates Dr. Meyeral's testimony, and that she recuse herself from any further Board actions relating to the proposed changes to Title 172 NAC 94.

Sincerely,



Alan M. Green, M.P.A.
Executive Director
Mental Health Association of Nebraska

Cc: Helen Meeks, Administrator, NEDHHS Public Health Licensure Unit
Dr. Joann Schaefer, Chief Medical Officer, NEDHHS Division of Public Health
Kerry Winterer, Chief Executive Officer, NEDHHS
Governor Dave Heineman

