

1 State of Alaska
2 Department of Commerce, Community and Economic Development
3 Division of Corporations, Business and Professional Licensing
4

5 Alaska Board of Professional Counselors
6 May 8, 2020 Meeting Minutes
7

8 The staff of the Division of Corporations, Business and Professional Licensing
9 prepared these draft minutes. They have not been reviewed or approved by the
10 Board.
11

12 By authority of AS 08.01.070(2), and in compliance with the provisions of AS
13 44.62, Article 6, a scheduled meeting of the Board of Professional Counselors
14 was held via videoconference through zoom.
15

16 Agenda Item 1 Call to Order/Roll Call Time: 10:00 am
17

18 The May 8, 2020 meeting day was called to order by Chair, Debra Hamilton at 10:00 a.m.
19

20 Board members present, constituting a quorum:
21

22 Debra Hamilton, Licensed Professional Counselor – *Chair*
23 Alice Baum, Licensed Professional Counselor
24 Janece Richard, Licensed Professional Counselor
25 Laura Patin, Licensed Professional Counselor (joined later)
26 Eleanor Vinson, Public Member
27

28
29 Division staff present:
30

31 Andy Khmelev, Acting Records and Licensing Supervisor
32 Sara Chambers, Division Director
33 Sher Zinn, Regulations Specialist
34

35
36 Others Present:
37

38 Melissa Paige Begich, Licensed Professional Counselor
39 Allen Levy, Licensed Psychological Associate and Psychology Board Chair
40
41

42 Agenda Item 2 Review/Approve Agenda
43

44 Chair Debbie Hamilton gave an overview of what happened at the prior meeting. The board
45 made a motion on April 10, 2020 meeting to allow supervisees to engage in distance
46 professional services under the guidance of a board approved supervisor because of the
47 COVID-19 pandemic. The regulations currently in place with the PCO board do not allow
48 this to happen, therefore making the board position on the matter void. The reason for this
49 meeting is to draft emergency regulations to allow this practice to happen.
50

51 **On a motion duly made by Eleanor Vinson, seconded by Alice Baum, and approved**
52 **unanimously, it was**

53

54 **RESOLVED to approve the agenda for the May 8, 2020 meeting.**

55

	APPROVE	DENY	ABSTAIN	ABSENT
56 Debra Hamilton	x			
57 Alice Baum	x			
58 Laura Patin				x
59 Eleanor Vinson	x			
60 Janece Richard	x			

61

62
63 The motion passed with no further discussion.

64

65 **Agenda Item 3 Administrative Business**

66

67 **Distance Counseling for Supervisees:**

68

69 Director Chambers spoke to the board and informed them that the current regulation 12
70 AAC 62.220 (e) only allows distance supervision for supervisees in remote areas, and they
71 must be approved individually by the board prior to the beginning of supervision. They will
72 need to follow the current regulations that state that anyone engaging in telehealth is
73 required to have a license. There would need to be an emergency regulation that would
74 supersede a prior regulation that would allow the practice of supervisees performing
75 telehealth under supervision. Currently there is no option for anyone not living in a remote
76 area to receive distance supervision.

77

78 RLS Andy Khmelev reminded the board that 12 AAC 62.220 is not the regulation standing
79 in the way of supervisees performing telehealth, but rather it's the recently enacted 12 AAC
80 62.400 which specifically states that any individual in Alaska that is performing telehealth to
81 Alaskans within state lines must be licensed.

82

83 Aside from the flood of inquiries from professional counselors, other mental health boards
84 have also been contacted about telehealth options including social workers and
85 psychologists. At the recent board chairs meeting, Allen Levy, the board chair for the
86 psychology board presented his statement on supervision while performing telehealth and

87 emphasized that the supervisor must still be in proximity to the supervisee, even if virtually,
88 to ensure that all procedures are done correctly. Chair Debbie Hamilton also pointed out
89 that the other mental health programs also have a two tier license, such as an associate
90 license, so that doesn't block out those professions from conducting telehealth as it does
91 with professional counselors.

92
93 Board member Eleanor Vinson expressed concern that if such emergency regulations are put
94 into place to allow supervisees to obtain their hours via telehealth, there are some
95 supervisees that remain under supervision for several years without ever getting licensed. She
96 would like to have a stipulation that would include the supervisee has mandatory meetings
97 with the supervisor certain amount of times a week.

98
99 Chair Debbie Hamilton allowed Melissa Paige Begich to speak at the meeting. Her main
100 concern was the continuity of care, and that the people receiving help should continue to
101 receive it. Without allowing supervisees to engage in telehealth, it leaves a lot of people
102 without care currently.

103
104 Chair Debbie Hamilton then stated that the board should move forward with a motion to
105 draft an emergency regulation. The board members were in unanimous agreement that those
106 regulations must be drafted.

107
108 Regulations specialist Sher Zinn informed the board how best to word the regulation, and
109 how to word it best if the board wants the regulations to become permanent. The regulation
110 can end after a 120-day period, or they can become permanent if its put into the public
111 comment. As long as there is a public notice, which allows for public comment, then they
112 can be made permanent should another emergency happen.

113
114 The board is in support of drafting emergency regulations, and then making them permanent
115 in the long run, as there may be other emergencies in the future, such as hurricanes or
116 floods.

117
118 Allen Levy, the board chair of the psychology board joined the meeting.

119 120 **Board of Psychology Position on Telehealth**

121
122 Mr. Levy expressed his issue with emergency regulations because they're only 120 days, and
123 once timed out, they don't renew. He explained that the board may have a bigger problem
124 when the regulations expires and there is no option to renew. He advised to take a two
125 prong approach to solve the emergency situation, but simultaneously find a permanent
126 solution. He also emphasized that if the board is worried about inexperienced unlicensed
127 supervisees performing telehealth, he reminded the board that they are not brand new to the
128 profession. They have gotten their masters, passed their practicums, and have had a decent
129 amount of experience by the time they start supervision.

130

131 RLS Andy Khmelev advised the board that their best approach maybe to draft and adopt
132 emergency regulations for the time being, and then schedule a quarterly meeting to discuss
133 and potentially implement them permanently.

134
135 The board can give Miss Zinn the regulations that they would want to file, which would then
136 go to one of the Assistant Attorney Generals from Department of Law for vetting, and then
137 the board would need to meet again to adopt the emergency regulations.

138
139 The board discussed how they would word the regulations. Eleanor Vinson began with
140 “during an emergency as declared by the governor, a supervisee under a supervisor who has
141 been approved under 12 AAC 62.200 may provide distance professional services in
142 accordance with 12 AAC 62.400 through the duration of the public health emergency.” Miss
143 Vinson also wants to add that the supervisee meet with their supervisor a certain amount of
144 times in a certain time period. After a discussion, the board settled on meeting a minimum
145 of bi-weekly, preferably weekly.

146
147 Miss Zinn will clarify from Department of Law if the word supervisee needs to be defined.

148
149 **On a motion duly made by Eleanor Vinson, seconded by Alice Baum, and approved**
150 **unanimously, it was**

151
152 **RESOLVED to create an emergency regulation, to be word smithed by Law**
153 **and the regulations specialist to say “during an emergency disaster declared**
154 **by the governor under AS 23, an applicant working under an approved**
155 **supervisor under 12 AAC 62.200 may provide distance professional services in**
156 **accordance with 12 AAC 62.400 during the declared emergency. The applicant**
157 **working under a supervisor must meet with the supervisor synchronously a**
158 **minimum of bi-weekly, preferably weekly.”**

159

	APPROVE	DENY	ABSTAIN	ABSENT
160 Debra Hamilton	x			
161 Alice Baum	x			
162 Laura Patin				x
163 Eleanor Vinson	x			
164 Janece Richard	x			

165
166
167 The motion passed with no further discussion.

168
169 The board also stated in consensus that the board has intent to make this permanent.

170
171 RLS Andy Khmelev will schedule a meeting with the board off the record once Department
172 of Law is finished vetting the potential regulation.

173

174 On a motion duly made by Janece Richard, seconded by Alice Baum, and approved
175 unanimately, it was

176
177 **RESOLVED** to adjourn the meeting

178
179

	APPROVE	DENY	ABSTAIN	ABSENT
180 Debra Hamilton	x			
181 Alice Baum	x			
182 Laura Patin	x			
183 Eleanor Vinson	x			
184 Janece Richard	x			

185
186
187 The motion passed with no further discussion.

188
189 *Off the record at 12:12 pm*

190
191
192
193 _____
194 Andy Khmelev, Acting Records and Licensing Supervisor Date

195
196
197 _____
198 Debra Hamilton, Board of Professional Counselors Chair Date