

**STATE OF ALASKA**  
**DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT**  
**BOARD OF PROFESSIONAL COUNSELORS**  
**September 15-16, 2011**  
Minutes of Meeting

By authority of AS 08.01.070(2) and in compliance with the provisions of AS 08.95.020, Article 1, a scheduled meeting of the Board of Professional Counselors was held September 15-16, 2011, in Anchorage, Alaska.

**Thursday, September 15, 2011**

**Call to Order/Roll Call**

Board Members Present and constituting a quorum of the Board were:

Shawnie Olson, Chairperson, Licensed Professional Counselor – Homer  
Jennifer Burkholder, Licensed Professional Counselor – Anchorage  
Lillian Mitchell, Public Member – Anchorage  
Ray DePalatis, Licensed Professional Counselor – Anchorage  
Emily Zimbrich, Licensed Professional Counselor – Haines

Attending at various times from the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing was:

Eleanor Vinson, Licensing Examiner

**Agenda Item 1 – Review Agenda**

**Upon a motion by Emily Zimbrich and seconded by Jennifer Burkholder, and approved unanimously, it was**

**RESOLVED to accept the agenda as amended.**

Also, under Agenda Item 5.C:

**Upon a motion by Emily Zimbrich and seconded by Jennifer Burkholder, and approved unanimously, it was**

**RESOLVED to amend the agenda to include 5.D, supervision renewal.**

**Agenda Item 2 – Review Minutes**

The minutes from the June 2-3, 2011, meeting were discussed.

**Upon a motion by Emily Zimbrich and seconded by Jennifer Burkholder, and approved unanimously, it was**

**RESOLVED to accept the June 2-3, 2011 minutes as amended.**

There was discussion about the changing conditions regarding fee increases. It was noted that just one year ago the Board was being rebuked for having too much money in the roll-forward and the Department wanted to drop fees. The fees are now being increased without any different action from the Board.

The minutes from the June 2-3, 2011, meeting were discussed.

**Upon a motion by Ray DePalatis and seconded by Lillian Mitchell, and approved unanimously, it was RESOLVED to accept the July 7, 2011 Teleconference minutes.**

### **Agenda Item 3 – AKCA Liaison Report**

Jennifer Burkholder is the Board Liaison with the Alaska Counseling Association and updated the Board on what the Association was doing.

The Alaska Counseling Association held their election for new officers. They updated their bylaws and will see if they are in compliance with the American Counseling Association requirements and determine if they wish to be fully affiliated with them(ACA).

They are offering training for CE hours through their Counselor Connection Meetings.

### **Agenda Item 4. Old Business**

#### **4. A. 60 Graduate credits review**

The Board previously went on record that it would issue licenses by credential only to those applicants who have completed 60 acceptable graduate hours in counseling. This is consistent with their statutes and regulations. It will make the requirements for licensure by examination and credentials consistent.

Alaska requires that an applicant have at least 60 graduate semester hours in counseling during or after earning the master's degree, in order to qualify for a professional counselor license. Though board members feel that other states are going to the 60 hour requirement, there are, at this time, 24 states that do not require their applicants to have the 60 graduate semester hours. This means that, unless the applicant from that state has 60 graduate hours, even though not required by their state, they will not be licensed in Alaska.

The following states do not require 60 graduate semester hours: Alabama, California, Colorado, Delaware, Georgia, Hawaii, Illinois, Iowa, Louisiana, Michigan, Minnesota, Missouri, Nebraska, Nevada, New Mexico, New York, North Carolina, Oregon, Puerto Rico, South Carolina, Texas, Washington, Wisconsin, and Wyoming.

There was discussion regarding a temporary license for applicants applying by credentials in order to give them time to get the additional hours they might need and still be licensed. This will be brought to the next meeting.

### **Agenda Item 5 – Statutes**

#### **5. A. License by credential/MFT & CSW/08.29.120**

The Board had extensive discussion regarding other disciplines being licensed as a Professional Counselor. Board Member DePalatis felt that the Board was granted the power to license people with an equal Counseling License. He feels they are within statute to consider only a counseling license.

There was disagreement with this interpretation. Board Member Zimbrich noted that a clinical social worker does counseling.

The Board would like a legal opinion as to whether the statute 08.29.120.Licenseure by credential, is referring to an actual license. Is there a reason to not interpret “who is licensed in another jurisdiction to practice professional counseling” as meaning an actual professional counselor license, not a social worker, psychologist, or MFT license.

**Sec. 08.29.120. Licensure by credential.** (a) Except as provided in (b) of this section, the board may issue a license under this chapter to a person who is licensed in another jurisdiction to practice professional counseling if the board finds that the other jurisdiction has substantially the same or higher licensure requirements as this state. (b) The board may not license under this section a person who is under investigation in this or another jurisdiction for an act that would constitute a violation of this chapter until the investigation is complete and disciplinary sanctions, if any, are imposed and the person has complied with the sanctions.

5. B. License by examination/degrees/08.20.110 (related to changing 12 AAC 62.990)

There was discussion regarding the wish to strike “or a related professional field” from 08.29.110.(5)(A) and (B):

**Sec. 08.29.110. Qualifications for licensure.** (a) The board shall issue a professional counselor license to a person who applies for the license, submits the required fee, submits two letters of recommendation from professional counselors who are familiar with the applicant's practice of professional counseling, and presents evidence satisfactory to the board that the person.....

(1) is at least 18 years of age;

(5) has successfully completed either

(A) an earned doctoral degree in counseling or a related professional field from a regionally or nationally accredited institution of higher education approved by the board; or

(B) an earned master's degree in counseling or a related professional field, from a regionally or nationally accredited institution of higher education approved by the board, and at least 60 graduate semester hours in counseling during or after earning the master's degree; and

There was dialogue regarding their intent. The Board feels that if you have majored in counseling; that is what the Board needs to have

**Upon a motion by Ray DePalatis and seconded by Emily Zimbrich, and approved unanimously, it was RESOLVED to send the following statement to the AKCA and the Division:**

**The board feels that the current statutory language which specifies that degrees from “related professional fields” must be accepted as a sufficient educational foundation for the practice of professional counseling is no longer in the best interest of the public.**

**Although the board works diligently to determine whether applicants with degrees in “related professional fields” fulfill the educational requirements outlined in Sec. 08.29.100, we have become increasingly concerned with the lack of equivalency in the education provided by these programs. The board is concerned that in providing LPC licenses to individuals who have these non-equivalent educational backgrounds we risk compromising the safety of clients.**

**Because masters and doctoral degrees specifically tailored to train Professional Counselors have become much more abundant, both within the state of Alaska and nationally, the board believes that the public would now be best served if all prospective licensees were required to have earned degrees that specifically prepare them for the practice of professional counseling.**

**Because of this the board would like to remove the words “or related professional fields” from Sec 08.29.110(5)A & B.**

### 5. C. Supervision/08-29.210

The Board had previously discussed restricting professional counselor supervisors to only those that hold a professional counselor license. However, some members feel that there are a lot of areas where there are professional counselors available to be approved supervisors.

It was not felt to be a critical issue at this time and will be tabled for one year.

### 5. D. Supervision Renewal

There was discussion regarding changing a statute in order to have a supervision renewal. The statute now reads:

**Sec. 08.29.210. Supervisor certification. ....**

(b) Certification under (a) of this section remains in effect, without the need for renewal of the certification, until the person's professional licensure is revoked, suspended, or otherwise lapses.

Board Member Zimbrich did not agree with requesting a statute change. The Board will revisit this in one year.

### Agenda Item 6 – Public Comment

There was no public comment.

### Agenda Item 7 – New Business

#### 7. A. Supervision Suspension

The Board wishes to have the option to revoke Approved Professional Counselor Supervisor certification when a supervisor does such things as refusing sign off on the time a potential licensee has worked under that supervisor and not communicating the reason for failing to do so to the Board.

The Board of Professional Counselors has a process to approve Professional Counselor supervisors. These supervisors are to supervise the applicant for the hours required under the following:

**Sec. 08.29.110. Qualifications for licensure.** (a)...(6) has, after earning the degree required under either (5)(A) or (B) of this subsection, had at least 3,000 hours of supervised experience in the practice of professional counseling performed over a period of at least two years under the supervision of a supervisor approved under AS 08.29.210

There is no process in the statutes or regulations that allows the Board to rescind that certification, even though there have been occasions that the Board felt it would be appropriate to rescind it.

There are some supervisors who reportedly will not sign off on time that the applicants have been supervised nor will the supervisors communicate to the Board as to why they will not verify time a person has spent under their supervision.

The Board feels that if an applicant has put in the supervised time, the supervisors should submit the hours with whatever comments the supervisor feels are necessary. They feel that the supervisors are responsible for signing off on the hours or giving the Board an explanation as to why they do not do so.

The Board is requesting that the Division change 08.29.210 so the board has some authority to remove an endorsement for an approved supervisor.

The discussion also included 12.AAC. 62.200 (b) and how to discipline a supervisor under this code:

**12 AAC 62.200. APPROVED COUNSELOR SUPERVISOR CERTIFICATION. ....**

(b) The code of ethics for an approved counselor supervisor certified under this section is the “ACA Code of Ethics,” 2005 edition, adopted by reference in 12 AAC 62.900.

The Board is requesting that the Division change 08.29.210 so the board has some authority to remove an approval for an approved supervisor.

**Upon a motion by Emily Zimbrich and seconded by Lillian Mitchell, and approved unanimously, it was RESOLVED to change 08.29.210(5)(b) to read:**

**Sec. 08.29.210. Supervisor certification. ...**

**(5) meets other criteria that may be established by the board in regulations.**

**(b) Certification under (a) of this section remains in effect, without the need for renewal of the certification, until the person's professional licensure is revoked, suspended, otherwise lapses, or when the Board rescinds the certification.**

It now reads:

Sec. 08.29.210. Supervisor certification. ...

(5) meets other criteria that may be established by the board in regulations.

(b) Certification under (a) of this section remains in effect, without the need for renewal of the certification, until the person's professional licensure is revoked, suspended, or otherwise lapses.

There was discussion about who the board could have verify the supervision hours if the supervisor would not sign off on the hours. 12 AAC 62.100 does not say that the verification of the hours has to be signed off by an approved supervisor. This will give the Board flexibility to approve hours.

7. B. State Representation

The Board wishes to go on record to say that they wish future members to come from more diverse areas of the state.

7. C. Advocate for Board Travel

It was the Board’s understanding that Boards needed to contact the Legislature regarding travel, but when some members did, they were told they must contact the Department Commissioner. The Board Chair will contact the Director by email to get correct information.

## Agenda Item 8 – Application Review

The Board reviewed 38 applications.

**Upon a motion by Jennifer Burkholder and seconded by Emily Zimbrich, and approved unanimously, it was**

**RESOLVED to approve the following applications:**

### PC BY EXAMINATION

ARNDT, JEFFREY  
BARKMAN, PEGGY  
GRUHL, MEGAN  
HANNIGAN, STACEY  
MCMICHAEL, CHRISTOPHER

### PC BY CREDENTIALS

MILLER, VICKI  
PORTER, REBECCA  
SANDLIN, DEREK  
TUTTLE, TERRY

### PC SUPERVISOR

AIKEN, CYNTHIA  
DEXTER, JAY  
JOHNSON, RACHAEL  
KENNEDY, PAMELA  
LUBITSH, TAMAR  
MANDSAGER, RACHEL  
NELSON, MELANIE  
RODRIGUEZ, JAMIE  
RYAN, THOMAS  
TERRY, DEBRA

### CONTINUING EDUCATION PROVIDERS' APPROVAL

#### ALASKA DEPT OF EDUCATION & EARLY DEVELOPMENT

Healthy Bodies, Healthy Minds Conference

1. Suicide Postvention Planning in Alaska Schools
2. Positive Behavioral Intervention Supports
3. Fourth R Healthy Relationships Curriculum Training
4. Childhood Exposure to Violence & Implications for Brain Development & Learning
5. Targeting: Resiliency to Increase Youth Success
6. Youth Engagement: Promoting Health Outcomes
7. Keynote: Being Well Means Doing Well: Health & Academics
8. Keynote: Stop Bullying Now for Our Kids
9. Promoting Positive Behavioral & Mental Health in Schools

10. Act to Stop bullying Now: What is your Role
11. Underage Drinking Prevention: Its Everyone's Responsibility
12. Childhood Obesity: A Family Issues

CRISIS SYSTEMS MANAGEMENT/Department of Defense  
Crisis/Hostage Negotiations Level I-60

INTERNATIONAL SOCIETY OF THE STUDY OF TRAUMA & DISSOCIATION  
Diagnosis & Treatment of Dissociative Disorders

SOUTHCENTRAL FOUNDATION  
Teach Parents How to Manage Children's Behaviors

U OF PENNSYLVANIA & U.S. ARMY  
Master Resilience Trainer Course/Role & Application of PENN Resilience Program

UAA/ARBHTA  
Successful Clinical Supervision in Rural Alaska

The meeting adjourned at 4:25 pm until September 16, 2011, at 9:00 am.

Friday, September 16, 2011

**Call to Order/Roll Call**

Board Members Present and constituting a quorum of the Board were:

Shawnie Olson, Chairperson, Licensed Professional Counselor – Homer  
Jennifer Burkholder, Licensed Professional Counselor – Anchorage  
Emily Zimbrich, Licensed Professional Counselor – Haines  
Ray DePalatis, Licensed Professional Counselor – Anchorage  
Lillian Mitchell, Public Member – Anchorage

Attending at various times from the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing was:

Eleanor Vinson, Licensing Examiner  
Susan Winton, Investigator  
David Newman, Investigator  
Misty Frawley, Administrative Officer

**Agenda Item 1 – Review Agenda**

The Board discussed today's agenda.

**Upon a motion by Emily Zimbrich and seconded by Jennifer Burkholder, and approved unanimously, it was**

**RESOLVED to accept the September 16, 2011 agenda as amended.**

**Agenda Item 9 – Regulations**

9. A. 12 AAC 02.325 Fee Increase

This was an FYI regarding the fee increases that went into effect since the last meeting. It was noted that, although the Department did ask for Board input, the fees had been set.

9. B. 12 AAC 62.120 Approved Degrees/Ethics/public notice

The Board has previously discussed that they are concerned licensure applicants are not getting training in ethics before they begin practicing. The Board is putting an additional requirement in the regulation that an applicant must have a minimum of three graduate level credits in ethics before they may become licensed. They are changing the regulation to reflect the requirement of these ethics credits.

The Board had requested that the changes be public noticed. The public notice 30 day period has not yet passed.

9. C. 12 AAC 62.341 Hardships/public notice

The Board of Professional Counselors had addressed the possibility of extraordinary hardships in obtaining continuing education contact hours for license renewal. The revised regulations were to be public noticed in time for this meeting, but the 30 day period has not yet passed.

#### 9. D. Teleconference regarding regulations

The Board needed to set a teleconference date after the 30 day time period had passed in order for the Board to adopt the changes referred to in B and C above. The date was set for October 7, 2011 at 4:30 pm.

#### 9. E. ACA Code of Ethics

At this time, the Board's statutes have adopted the code of ethics for professional counselors to be the ACA Code of Ethics. There was discussion regarding changing to another code. A subcommittee of Ray DePalatis and Emily Zimbrich will research the language used in other states.

**12 AAC 62.900. CODE OF ETHICS.** (a) The "ACA Code of Ethics", American Counseling Association (ACA), 2005 edition, is adopted by reference as the code of ethics for professional counselors in the state. A professional counselor licensed in the state must adhere to the code of ethics.

All Board Members are to read the ACA Code of Ethics before the next Board meeting.

#### **Agenda Item 10 – Investigator's Report**

Investigator David Newman gave the Board Investigation report. Four complaints/investigations have been closed since the last meeting.

There are no open complaints at this time. There is one open Investigation at this time. Since the last meeting, two licenses have been surrendered and two complaints/Investigations were closed with advisement letters.

Investigator Susan Winton introduced a new tool that had been adopted by the Medical Board, and it was believed that it would be useful to the Professional Counselors' Board. It is the Civil Imposition of a Civil Fine Without Censure. It is between an advisement letter and a memorandum of agreement.

The Board discussed the new tool and felt that it will be a useful tool to have in order to utilize.

**Upon a motion by Jennifer Burkholder and seconded by Lillian Mitchell, with a friendly amendment approved by Burkholder and Mitchell, and approved unanimously, it was**

**RESOLVED to adopt the Imposition of Civil Fine Without Censure or Reprimand. This is not retroactive and to be used only in cases not related to the delivery of client care.**

There was a question put forward to the Investigators by the Board as to whether the ACA Code of Ethics is advisory or a law. It is the law, not a guideline because it is in the law. The Board was reminded that a Board Member always reviews the accusation, etc.

#### **Agenda Item 11 – Budget Report**

Misty Frawley, Administrative Officer, delivered the budget report by telephone to the Board. There have been adjustments to the indirect expenditures that have brought this Board's costs down. The report originally said we had a roll-forward of \$34,486.00 but is now adjusted to show \$46,211.00. This was due to a Division change, not a Board change

## Agenda Item 12 – Correspondence

### 12. A. AASCB

The American Association of State Counseling Boards (AASCB) sent a letter to all State Professional Counselor Licensing Boards advising them that they do not have a position on that requirement for CACREP-accreditation for licensure.

### 12. B. Sharon Davis-distance counseling

Ms. Davis asked for guidance regarding being an out of state counselor, not licensed in Alaska, wishing to counsel people visiting or living in our state, using Skype. The Board has spoken on this previously. They would suggest that a counselor follow the NBCC guidelines and follow the ACA Code of Ethics.

The Board's position is that to provide services to Alaskans, you should be licensed in Alaska. They support the AASCB stand that, if you have a client in a state you should be licensed in that state.

Per our statutes, we do not have practice protection, but one cannot represent yourself as a Licensed Professional Counselor in Alaska if one is not an LPC licensed in the state of Alaska.

**Sec. 08.29.100. Unlicensed use of title prohibited.** (a) A person who is not licensed under this chapter may not

(1) profess to be a licensed professional counselor, a professional counselor, or a licensed counselor; or  
(2) make use of a title, words, letters, or abbreviations that may reasonably be confused with the title of "licensed professional counselor," "professional counselor," or "licensed counselor."

(b) Violation of this section is a class B misdemeanor, except that a third or subsequent conviction for violating this section is a class C felony

There was discussion regarding temporary licenses.

### 12. C. Eileen Gallagher-Supervision

Ms. Gallagher states she is having some issues with her supervisor reporting her supervised hours.

### 12. D. Eileen Gallagher

Ms. Gallagher asked:

I have spoken with several representatives of the APA, and they were in agreement that

1. a masters level clinician is not under their purview and

2. they did not see this as an ethical issue as long as I identify myself as an unlicensed masters level clinician to clients and the public, who is working towards licensure, and under the supervision of an Alaska State licensing board approved supervisor

The Board answered:

The APA does not have any professional connection to the Board of Professional Counselors, so their response would not have any bearing on this Board. However, the Board of Professional Counselors does agree that you may not identify yourself as a licensed professional counselor. The following is from the Statutes and Regulations found on the website <http://commerce.alaska.gov/occ/ppco.htm> :

**Sec. 08.29.100. Unlicensed use of title prohibited.** (a) A person who is not licensed under this chapter may not

- (1) profess to be a licensed professional counselor, a professional counselor, or a licensed counselor; or
  - (2) make use of a title, words, letters, or abbreviations that may reasonably be confused with the title of “licensed professional counselor,” “professional counselor,” or “licensed counselor.”
- (b) Violation of this section is a class B misdemeanor, except that a third or subsequent conviction for violating this section is a class C felony

And as long as you identify yourself as an unlicensed masters level clinician, working toward licensure, and under the supervision of an approved supervisor, the Board agrees that it is fine.

Again, as long as you do not call yourself an LPC (see statute) the Board sees no violation of their statutes or regulations.

### **Agenda Item 13 – Conference Reports**

#### **13. A. AMHCA – Jennifer Burkholder**

Board Member Burkholder reported that there was excellent course at this conference. Especially very good was the one directed at LPC, licensure, and medication. There was good information needed for the Board to use.

#### **13. B. CLEAR – Lillian Mitchell**

Board Member Mitchell presented a summary of the conference. It was full of different information especially good for covering things that were brought up at our meetings. It included tools for HIPPA; barriers; merging trends; testing bias; and public safety. There were reports regarding the extensive fraud in obtaining licenses.

Ms. Mitchell felt it opened up an awareness and knowledge of things the Board deals with and it will help her be a better Board Member.

### **Agenda Item 14. Board Business**

#### **A. Task List**

All Board members will read the ACA Code of Ethics.

Chair Olson will email the Commissioner regarding travel.

#### **B. Sign Wall Certificates**

Wall certificates were signed.

#### **C. Future Meetings**

January 26-27, 2012 – Anchorage

May 10-11, 2012 – Anchorage

The meetings will begin at 9:30 am on the first day and at 9:00 am on the second day.

D. Sign Meeting Minutes

Minutes from previous meeting were signed.

E. Travel Authorizations

Travel authorizations were signed by Board members and paperwork turned in.

F. Ethics reports

No ethics reports this meeting.

G. Conferences/training

American Association of State Counseling Boards (AASCB) January 2012 – Olson and Vinson

American Mental Health Counselors Association (AMHCA) July 19-21m 2012 – DePalatis

CLEAR – September 6-8, 2012

ACA – March 21-25, 2012

NBCC – August 2012

**Upon a motion by Emily Zimbrich, seconded by Lillian Mitchell, and approved  
unanimously it was  
RESOLVED to adjourn the meeting.**

Meeting adjourned at 11:50 am.