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**State of Alaska**  
**DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT**  
**DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING**

**BOARD OF PROFESSIONAL COUNSELORS**  
**August 13<sup>th</sup>, 2021**

**These are DRAFT minutes prepared by the staff of the  
Division of Corporations, Business, and Professional Licensing.**

**These minutes have not yet been reviewed or approved by the Board.**

**By the authority of AS. 08.01.070(2), and in compliance with the provisions of AS 44.64, Article 6, a  
scheduled board meeting was held via Zoom.**

**Friday, August 13<sup>th</sup>, 2021**

**Agenda Item – Call to Order & Roll Call**

Board Chair Alice Baum called the meeting to order at 9:01 AM.

Those present constituting a quorum of the board:  
Alice Baum, Chair, Professional Counselor  
Dorene Hagen, Professional Counselor  
Janece Richard, Vice Chair, Professional Counselor  
Sammie O’Neal, Professional Counselor  
Eleanor Vinson, Public Member (Arrived at 9:09 AM)

In attendance from the Department of Commerce, Community and Economic Development, Division of  
Corporations, Business, and Professional Licensing were:

Logan Bugayong, Occupational Licensing Examiner  
Lacey Derr, Records & Licensing Supervisor  
Eva Pajarillo, Occupational Licensing Examiner  
Sara Chambers, Division Director

**Agenda Item – Review and Approve Agenda**

The board reviewed the drafted agenda of the meeting.

**In a motion duly made by Dorene Hagen and seconded by Janece Richard, with unanimous  
consent, it was resolved to approve the agenda as presented.**

44 **Agenda Item – Ethics Report**

45

46 Hearing no Ethics to report, the board moved on with business.

47

48 **Agenda Item – Board Member Training**

49

50 Division Director Sara Chambers presented a training created by the Division for board members as a  
51 reminder of board member responsibilities and duties. Before she presented, she provided a short  
52 updated regarding a few topics of interest. The board had voted to increase the license and renewal fees  
53 by \$75 at a prior meeting and at this time, the fee change has not been implemented. The Division is not  
54 raising fees currently in response to the Covid-19 pandemic. The State felt that raising fees, especially  
55 those of healthcare workers' licenses, would be adding insult to injury in light of the hardships they are  
56 already facing in the pandemic. In the interim, the Division has been working with the Administration to  
57 find alternative ways of funding board activities beyond increasing licensing fees. This is still under  
58 development but until it is ready to be implemented, no programs will increase their licensing fees. Sara  
59 Chambers also wanted to acknowledge on the record that Covid is spiking again and there is pressure on  
60 hospitals in certain areas of the state. She had received an email from the Director of Public Health that  
61 included Dr. Zink and Commissioner Crumb and informed the board that there is high level attention on  
62 the next steps that are taken in the Covid-19 pandemic and as key influencers and key policy makers in  
63 the Covid-19 proactivity and response. Sara Chambers wants the mental health boards to be ready and  
64 prepared to bring back tools that had been utilized last year such as the Emergency Courtesy License.  
65 In addition to being prepared to potentially reenact the Emergency Courtesy License, the Legislature  
66 passed two bills that pertain to Military licensing: SB 21 and SB 12. SB 21 will have the most impact on  
67 the boards as it will require boards to issue temporary licenses to Military personnel and their spouses if  
68 they qualify, such as holding an equivalent license in another state and having no license or criminal  
69 action. This temporary license is to last for 180 days to allow them to work while they are working on  
70 applying for permanent licensure. SB 21 is due to be enacted on January 1<sup>st</sup>, 2022 so it is imperative that  
71 boards are considering the next steps and how they will be approaching temporary military licensure.

72

73 **Agenda Item – Investigations Report**

74

75 Investigator Josh Hardy arrived to present the investigative memorandum as well as a consent  
76 agreement. After asking a few questions of Investigator Hardy regarding the investigative process, the  
77 board moved into Executive Session.

78

79 **Upon a motion made by Janece Richard, seconded by Dorene Hagen, and approved**  
80 **unanimously, it was resolved to enter into Executive Session in accordance with AS**  
81 **44.62.310(c), and Alaska constitutional right to privacy provisions for the purpose of**  
82 **discussing subjects that tend to prejudice the reputation and character of any person,**  
83 **provided the person may request a public discussion.**

84

85 **Executive Session: 10:19 AM**

86 **Executive Session End: 10:25 AM**

87

88 **In a motion duly made by Janece Richard and seconded by Dorene Hagen, with four to one in**  
 89 **favor, it was resolved to accept consent agreement for case number 2019-000986 as**  
 90 **presented.**

Board Member	Approve	Deny	Table	Abstain	Absent
Alice Baum	XX				
Janece Richard	XX				
Dorene Hagen	XX				
Sammie O’Neal	XX				
Eleanor Vinson		XX			

91

92 **Agenda Item – Paralegal Presentation**

93

94 Senior Investigator Amber Whaley joined to present a voluntary surrender in Executive Session.

95

96 **Upon a motion made by Dorene Hagen, seconded by Janece Richard, and approved**  
 97 **unanimously, it was resolved to enter into Executive Session in accordance with AS**  
 98 **44.62.310(c), and Alaska constitutional right to privacy provisions for the purpose of**  
 99 **discussing subjects that tend to prejudice the reputation and character of any person,**  
 100 **provided the person may request a public discussion;**

101

102 **Executive Session: 10:29 AM**

103 **Executive Session End: 10:38 AM**

104

105 **In a motion duly made by Eleanor Vinson and seconded by Dorene Hagen, with unanimous**  
 106 **consent, it was resolved to accept the voluntary surrender in case number 2020-000804 as**  
 107 **presented.**

108

109 Before the board moved to recess, they voted on a regulation per Lacey Derr’s recommendation. This  
 110 regulation was a rekeyed version that the board had intended to vote on in their February meeting. This  
 111 regulation pertains to the code of ethics adopted by the board.

112

113 **In a motion duly made by Janece Richard and seconded by Eleanor Vinson, with unanimous**  
 114 **consent, it was resolved to adopt Regulation 12 AAC 62.900.(a) as presented and publicly**  
 115 **noticed.**

116 **In a motion duly made by Dorene Hagen and seconded by Sammie O’Neal, with unanimous**  
 117 **consent, it was resolved to recess for ten minutes.**

118

119 **Off the Record: 10:44 AM**

120 **On the Record 10:57 AM**

121

122 **Agenda Item – Presentation on CRB Summit Conference**

123

124 Logan Bugayong and Lacey Derr presented regarding the CRB Summit conference. They both attended  
125 the Counseling Regulatory Boards Summit Conference virtually via Zoom the week prior. Topics  
126 discussed included Florida’s model for licensure; the Executive Director of the Mental Health boards in  
127 Florida had spoken at the conference regarding the way that Florida processes applications. All  
128 applications are processed online and staff are given delegatory authority by the boards to issue licenses  
129 whose applications have no issues or information that requires further scrutiny. In addition, there were  
130 breakout groups regarding investigations and how they are handled across jurisdictions, test security  
131 and distance proctoring of the NCE and NCMHCE, regulatory responses to Covid-19, and telehealth in  
132 the era of Zoom and distance counseling services. Lacey Bugayong and Lacey Derr are working to  
133 download the presentations to make the information available for the boards in Alaska. Dual  
134 relationships were brought up several times in the conference as well as a prevalent topic across  
135 jurisdictions. In addition, compact licensure was a topic that was touched on several times during the  
136 conference. Alaska currently has not made any steps towards joining the NBCC Counseling Compact.  
137

138 **Agenda Item – Meeting Minute Review**

139

140 The board reviewed the meeting minutes from April 29<sup>th</sup> and 30<sup>th</sup>, 2021.

141

142 **In a motion duly made by Janece Richard and seconded by Sammie O’Neal, with unanimous**  
143 **consent, it was resolved to approve the minutes for the April 29<sup>th</sup> and 30<sup>th</sup> meeting as**  
144 **presented.**

145

146 **Agenda Item – Public Comment**

147

148 The board opened the meeting for public comment. They waited until 11:45 for members of the public  
149 to arrive before closing public comment. No members of the public had joined the meeting.

150

151 **Agenda Item – Old Business**

152

153 Janece Richard presented a legislative update. She had asked clarifying questions regarding the process  
154 of reaching out to legislators to sponsor their projects and regulatory changes. Janece Richard has  
155 gotten in touch with her district representative and believes he may support the projects they have in  
156 the next legislative session. Alice Baum then presented the Annual Report. This is the report that  
157 consists of the goals and accomplishments of the Board of Professional Counselors as well as the fiscal  
158 details of FY21. The Annual Report was created by Alice Baum and Eleanor Vinson, and edited by  
159 Division staff.

160 The board moved along to discussing Emergency Courtesy Licenses. There were 174 Emergency  
161 Courtesy Licenses issued during the pandemic that expired on July 13<sup>th</sup>, 2021. It was asked how many  
162 Emergency Courtesy License holders had applied for full licensure. Logan Bugayong had estimated  
163 approximately one fifth of the ECL holders had applied or were in the process of sending in documents.  
164 Lacey Derr then pulled up the Findings of Emergency language. This is the language that would be used  
165 for the board to redeclare an emergency and reenact the Emergency Courtesy License for 120 days and  
166 then it could be extended from there with the board’s approval. After discussion and an explanation of  
167 the board’s emergency regulations, the board acknowledge the increased need for counselors in Alaska.

168 Janece Richard asked if it would be possible to add a fee, previously this license had no cost associated  
169 with it. Lacey Derr responded that it would be possible to add a fee but there would need to be more  
170 discussion with the Regulations Specialist to ensure that the change is done correctly. The other mental  
171 health boards that had language written into their Emergency Courtesy License Regulations that  
172 addressed a fee set in place by the board, the Board of Professional Counselors does not have this  
173 language written into their regulations. Dorene Hagen then posed the question as to whether it would  
174 be possible to enact the Emergency Courtesy License and add the fee as it is being enacted. Lacey Derr  
175 responded that unfortunately, there is likely no quick solution to adding the fee and that it will likely  
176 take 3-4 months. After some clarification of what motion the board wanted to make, whether to enact  
177 their emergency regulations or to add the fee, the board discussed the language of the motion to be  
178 made. The board moved to break for lunch while Lacey Derr and Logan Bugayong spoke with the  
179 Regulations Specialist about this matter.

180  
181 **In a motion duly made by Janece Richard and seconded by Dorene Hagen, with unanimous**  
182 **consent, it was resolved to recess for lunch.**

183  
184 **Off Record: 12:06 PM**

185 **On Record: 1:01 PM**

186 After discussion with the Regulations Specialist, the centralized statutes that are referenced in the other  
187 mental health boards' Emergency Courtesy License regulations are put in place by the Division. Once the  
188 board makes the motion to amend their regulation, the Division will work on amending the centralized  
189 statutes. Logan Bugayong suggested the board add a non-refundable application fee in addition to a  
190 license fee to ensure that services rendered by the Division in processing applications is still covered,  
191 even if an applicant does not qualify for the license given the variety of tiered licenses across  
192 jurisdictions. The Emergency Courtesy License is only available to those that hold a license type that is  
193 equivalent or higher than Alaska's LPC license. The board was in favor of this idea.

194  
195 **In a motion duly made by Eleanor Vinson and seconded by Janece Richard, with unanimous**  
196 **consent, it was resolved to add a \$50 non-refundable application fee and a \$100 license fee to**  
197 **12 AAC 62.150. Emergency Courtesy License.**

198 Before continuing on with business, Lacey Derr asked if the board would like to enact their findings of an  
199 emergency and enact the Emergency Courtesy License. In addition to this, the Regulations Specialist had  
200 rekeyed the regulation changes that had been done in a prior meeting. The board proceeded to discuss  
201 the findings of emergency to determine what would be most appropriate in declaring an emergency.  
202 The following motion was made and then withdrawn after further explanation from Lacey Derr that if  
203 they were to enact the Emergency Courtesy License regulation now, it would not have the fee they just  
204 voted to add. Further discussion made it clear that the board wanted to ensure that they did not give  
205 this license away for free again as it would fall on board and Alaskan counselors' licensing fees to then  
206 pay the difference of processing these applications.

207  
208 **In a motion duly made by Dorene Hagen and seconded by Janece Richard, it was not resolved**  
209 **to enact 12 AAC 62.150. Emergency Courtesy License based on findings of emergency of**  
210 **decreased healthcare providers during a health emergency and worsening mental health**  
211 **outcomes. Motion withdrawn by Dorene Hagen.**

212 In considering public comments received and cost to private persons, the board moved to adopt the  
213 rekeyed version that the board had intended to vote on in their February 18-19, 2021 meeting. These  
214 regulations pertain to continuing education, continuing education pertaining to supervision for those  
215 applying to be a board approved supervisor, acceptance of supervised experience that was obtained  
216 prior to the supervisor being approved by the board once they receive approval, code of ethics, and the  
217 definition of synchronous as it pertains to supervision and continuing education.

218  
219 **In a motion duly made by Sammie O’Neal and seconded by Dorene Hagen, with unanimous**  
220 **consent, it was resolved to adopt 12 AAC 62.130(5) as proposed and publicly noticed.**

221 **In a motion duly made by Janece Richard and seconded by Eleanor Vinson, with unanimous**  
222 **consent, it was resolved to adopt 12 AAC 62.200(a)(4) as amended in the rekeyed version.**

223 **In a motion duly made by Dorene Hagen and seconded by Janece Richard, with unanimous**  
224 **consent, it was resolved to adopt 12 AAC 62.220 as proposed and publicly noticed.**

225 **In a motion duly made by Sammie O’Neal and seconded by Janece Richard, with unanimous**  
226 **consent, it was resolved to adopt 12 AAC 62.990(c) as proposed and publicly noticed.**

227 The motions passed with no further discussion.

228

### 229 **Agenda Item – New Business**

230

231 The board reviewed the upcoming conferences that they had listed in their Annual Report. These  
232 conferences keep the board apprised of regulatory and professional developments across the nation  
233 and allow discussion between jurisdictions regarding prevalent counseling topics and the way that  
234 different states approach different issues. Several of these conferences are held virtually due to the  
235 Covid-19 Pandemic and this allows for the board to attend conferences that they otherwise would not  
236 have been able to due to the high cost of traveling from Alaska.

237 After discussing conference attendance, the board discussed the NBCC compact. Compact licensure is a  
238 prevalent topic amongst healthcare boards at this time. There are reservations among the mental health  
239 boards when it comes to joining compacts as compact states will not be receiving license renewal fees  
240 but will be responsible for investigative costs. The board wants to ensure that they are protecting  
241 Alaskans and acting in the best interest of the protecting the public. Dorene Hagen and Sammie O’Neal  
242 will work together as a committee to gather more information regarding the NBCC compact and they  
243 will present their findings at the next meeting.

244 Next in New Business, the board discussed supervision requirements for applicants that apply by  
245 credentials. At this time, the board does not verify the supervision hours of applicants who apply for  
246 licensure by credentials. Janece Richard suggested including that in license verification requests as these  
247 applicants must provide verifications of license from each jurisdiction they have held a license in. The  
248 question was then posed what happens to applicants who were licensed in a state that had a lesser  
249 supervision requirement than Alaska but have held their license for several years. The board has already  
250 set the precedent of granting licenses to these applicants and feels that requiring this information on  
251 applications could cause complications and additional stress.

252

253

254 **Agenda Item – Application Review**

255

256 The board reviewed tabled applications and the education of an applicant who wished to substitute  
 257 continuing education credit in lieu of 5 missing graduate semester hours. The board ultimately decided  
 258 that they would not accept the conversion of continuing education credit to graduate semester hours  
 259 and that applicants who do not meet the 60 graduate semester hour requirement must take additional  
 260 graduate level courses until they have the required minimum 60 hours.

261

262 **In a roll call vote called for by Logan Bugayong, the board voted to approve the tabled**  
 263 **Application for Continuing Education Approval for a 200 Hour Yoga Alliance certified course.**  
 264 **With unanimous consent, it was resolved to not accept the Application for Continuing**  
 265 **Education Approval for a 200 Hour Yoga Alliance certified course. The board did not find it to**  
 266 **meet the requirements of 12 AAC 62.320.(a)**

	Accept	Deny	Table	Abstain	Absent
Alice Baum		XX			
Janece Richard		XX			
Dorene Hagen		XX			
Sammie O’Neal		XX			
Eleanor Vinson		XX			

267

268 The board reviewed a tabled Application for Licensure by Exam, license number 176780. The board  
 269 resolved that the applicant must provide an updated Master’s level course work sheet. Upon receipt of  
 270 this, the board will review the tabled application for approval.

271

272 The board reviewed a tabled Application for Licensure by Credentials, License number 179822. The  
 273 board resolved that the applicant must provide additional continuing education to meet the  
 274 requirement of 12 AAC 62.130.(5). Upon receipt of this, the board will review the tabled application for  
 275 approval.

276

277 **In a roll call vote called for by Logan Bugayong, the board voted to approve the tabled**  
 278 **Application for Licensure by Credentials, license number 177749. With unanimous consent, it**  
 279 **was resolved to approve the Application for Licensure by Credentials, license number 177749.**

	Accept	Deny	Table	Abstain	Absent
Alice Baum	XX				
Janece Richard	XX				
Dorene Hagen	XX				
Sammie O’Neal	XX				
Eleanor Vinson	XX				

280

281

282 **In a roll call vote called for by Logan Bugayong, the board voted to approve the Request for**  
 283 **Distance Supervision and the Request to Approve 32 Hours of Telesupervision that had**  
 284 **already taken place. With unanimous consent, it was resolved to approve the Request for**  
 285 **Distance Supervision and the Request to Approve 32 Hours of Telesupervision that had**  
 286 **already taken place**

	Accept	Deny	Table	Abstain	Absent
Alice Baum	XX				
Janece Richard	XX				
Dorene Hagen	XX				
Sammie O’Neal	XX				
Eleanor Vinson	XX				

287  
 288 With no further business to discuss, the board adjourned at 3:13 PM.

289  
 290 **In a motion duly made by Eleanor Vinson and seconded by Janece Richard, with unanimous consent, it**  
 291 **was resolved to adjourn the meeting at 3:13 PM.**

292  
 293 **Off Record: 3:13 PM**

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 306 \_\_\_\_\_  
 307 **Logan Bugayong** \_\_\_\_\_  
 308 **Occupational Licensing Examiner** **Date**

309  
 310  
 311  
 312 \_\_\_\_\_  
 313 **Alice Baum** \_\_\_\_\_  
 314 **Board Chair** **Date**

315  
 316