

State of Alaska

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

BOARD OF PROFESSIONAL COUNSELORS

August 13th, 2021

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 13th, 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.

Agenda Item – Ethics Report

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

Agenda Item – Board Member Training

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

Agenda Item – Investigations Report

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

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

Executive Session: 10:19 AM

Executive Session End: 10:25 AM

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

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

Agenda Item – Paralegal Presentation

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

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

Executive Session: 10:29 AM

Executive Session End: 10:38 AM

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

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

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

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

Off the Record: 10:44 AM

On the Record 10:57 AM

Agenda Item – Presentation on CRB Summit Conference

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

Agenda Item – Meeting Minute Review

The board reviewed the meeting minutes from April 29th and 30th, 2021.

In a motion duly made by Janece Richard and seconded by Sammie O'Neal, with unanimous consent, it was resolved to approve the minutes for the April 29th and 30th meeting as presented.

Agenda Item – Public Comment

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

Agenda Item – Old Business

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

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

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

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

Off Record: 12:06 PM

On Record: 1:01 PM

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

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

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

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

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

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

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

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

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

The motions passed with no further discussion.

Agenda Item – New Business

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

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

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

Agenda Item – Application Review

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

In a roll call vote called for by Logan Bugayong, the board voted to approve the tabled Application for Continuing Education Approval for a 200 Hour Yoga Alliance certified course. With unanimous consent, it was resolved to not accept the Application for Continuing Education Approval for a 200 Hour Yoga Alliance certified course. The board did not find it to 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			

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

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

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

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

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

283
 284 With no further business to discuss, the board adjourned at 3:13 PM.

285
 286 **In a motion duly made by Eleanor Vinson and seconded by Janece Richard, with unanimous consent, it**
 287 **was resolved to adjourn the meeting at 3:13 PM.**

288
 289 **Off Record: 3:13 PM**

290
 291
 292
 293
 294

Date final Minutes Approved by the Board <input checked="" type="checkbox"/> Board Meeting <input type="checkbox"/> OnBoard	December 2, 2021
--	------------------

295