

1 State of Alaska
2 DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT
3 DIVISION OF CORPORATION, BUSINESS AND PROFESSIONAL LICENSING
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5 BOARD OF PROFESSIONAL COUNSELORS
6 Minutes of the meeting September 13, 2024
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9 By the authority of AS 08.01.070(2) and in compliance with the provisions of AS 44.62, Article 6, a
10 scheduled meeting of Board of Professional Counselors originated virtually via Zoom.
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12 The Chair brought the meeting to order at 09:04 am
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14 **Board Members Present Constituting a Quorum**

15 Dorene Hagen, Board Chair, Licensed Professional Counselor

16 Sammie O’Neal, Licensed Professional Counselor

17 Mary Elkins, Licensed Professional Counselor
18

19 **Board Members Absent**

20 None
21

22 **Staff Members Present**

23 Jeanne Pace, Program Coordinator I

24 Marlo Adams, Licensing Examiner III

25 Miriam Honea, Licensing Examiner III

26 Melissa Dumas, Administrative Operations Manager

27 Jasmin Bautista, Investigator III

28 Stefanie Davis, Regulations Specialist II

29 Sarah Chambers, Boards and Regulations Advisor

30 Glenn Saviers, Deputy Director
31

32 **Members of the Public Present**

33 Kelly Brooks
34

35 **Agenda Item – Ethics Disclosures**

36 No potential ethics conflicts to disclose.
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38 **Agenda item – Introduction to new Board Member**

39 Mary Elkins is the new member of the Board for Professional Counselors.
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41 **Agenda Item – Review/Approve Agenda**
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44
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In a motion duly made by Mary Elkins, seconded by Sammie O'Neal with unanimous consent, it was resolved to approve the September 13th, 2024, agenda as-is.

| Board Member | Approve | Deny | Recuse | Absent |
|---------------------|---------|------|--------|--------|
| Dorene Hagen, Chair | X | | | |
| Sammie O'Neal | X | | | |
| Mary Elkins | X | | | |

Agenda Item – Public Comment

Kelly Brooks was present. No comments from the public were made.

Agenda Item – Administrative Update

A. Old Business

No old business to report.

B. New Business

i. Correspondence

a. Letter to Board from Alaska Behavioral Health Association

The Board reviewed the letter.

b. Service Proposal for licensees under investigations

The Board reviewed the proposal.

c. Questions about new therapist

The Board reviewed the information provided and determined that Supervision may start after the counseling degree was awarded. If the degree is less than 60 graduate semester hours, the remaining credits need to be obtained before the individual qualifies for licensure in Alaska.

Agenda Item – Investigations

A. Investigative Report

Jasmin Baustista presented the investigative report covering May 08, 2024, thru September 4, 2024. The report included 5 open cases and 7 closed cases.

Agenda Item – New Business

ii. Scheduling of future Board meetings

The next Board meetings are tentatively scheduled for December 12th-13th, 2024 and February 20h-21st, 2024 via zoom.

Agenda Item – Regulations

A. License by Credentials Continuing Education Regulation Project

The Board discussed the one comment they received during the public comment period and determined after reviewing the proposed draft again to move forward with the Regulations project to remove continuing education requirements as a requirement for application by credentials.

In a motion duly made by Sammie O'Neal, second by Mary Elkins with unanimous consent move to adopt the proposed regulations for file number 2024200099 as proposed and publicly noticed.

| Board Member | Approve | Deny | Recuse | Absent |
|---------------------|---------|------|--------|--------|
| Dorene Hagen, Chair | X | | | |
| Sammie O'Neal | X | | | |
| Mary Elkins | X | | | |

B. Delegation of Duties to Department

The Board discussed the option to delegate part of the Board's authority to the department in the case the Board of Professional Counselors should ever lose quorum. This is a unique option that the PCO Statutes allow for that could close the gap and continue licensing if the board loses quorum. The board discussed benefits and any possible negative side effects that this regulations project may have and decided to move forward with this regulations project.

In a motion duly made by Mary Elkins, second by Sammie O'Neal with unanimous consent, the board moved to initiate a regulations project regarding delegating authority to the Department by approving the following language for public comment, unless substantive changes are made by the Regulations Specialist or Department of Law: The department may issue a license, approve a supervisor, or take other action within the board's authority for any matter proposed to the board and on which the board is unable to act due to lack of quorum.

| Board Member | Approve | Deny | Recuse | Absent |
|---------------------|---------|------|--------|--------|
| Dorene Hagen, Chair | X | | | |
| Sammie O'Neal | X | | | |
| Mary Elkins | X | | | |

C. Draft Language for new Associate License and Supervisor Regulations

Stefanie Davis, as the Regulations Specialist, took charge and read out the Regulations draft language line by line to determine if the board agreed with the current version of the draft. The main point of discussion during the meeting was for the board to decide if they would accept supervision hours from an individual who is out of state and moved to Alaska while still being in the process of obtaining the 3000 hours of supervision, or if the individual would have to start over with the process. After an in-depth conversation, the board decided to accept supervision hours obtained in another state to be transferred and continued in Alaska. The board concluded that any applicant for a professional counselor associate license would need to submit an official transcript and a primary source verification of license if the individual ever held a license in another state. Mary Elkins also asked for a section on the supervision plan to be added where the applicant must describe how the remaining graduate semester hours will be obtained if the individuals' master-level counseling degree is less than 60 graduate semester hours (GSH).

Off record 10:28 am

On record 10:32 am

Draft Language for new Associate License and Supervisor Regulations (continuation)

After a brief at ease, the Board continued reviewing the regulations draft language. The main point of discussion was to determine what would happen to the license status of an individual holding a professional counselor associate license if a supervisor died or could not continue supervision for any

given reason. The board had a lengthy discussion about this scenario to evaluate if the license status of the supervisee should go into inactive status as soon as the supervisee- supervisor relationship ends, or if the supervisee should receive a 14-day grace period to be able to continue care for critical patients and to be able to find a new supervisor. The board discussed this scenario at length to try to find a balance between public safety and the ethical obligation owed to the patient. The board has not concluded on this subject and decided to come back to this discussion at a later time.

The Supervisor certification will be on the same 2- year biannual period cycle as the LPC and the LPC-A license once the regulation changes go into effect on July 1st, 2025. The board decided that a board approved supervisor may count the continuing education credits required for the LPC license renewal and for the board approved supervisor certificate as long as the courses comply with 12 AAC 62. 200. (4)(A) – (E).

Agenda Item – Division Update

A. FY24 3rd Quarterly Financial Report

Melissa Dumas presented the FY24 third quarter financial report.

B. Fee Analysis for new Associate License and Supervisor Renewals

Melissa Dumas presented the fee analysis for the proposed associate license and supervisor renewal fee. The professional counselor License fee is \$270, the initial supervisor certification fee is \$200, and the initial associate license fee is \$100. The renewal fee for a professional counselor license is \$270, the renewal fee for a supervisor certification is \$200 and the extension for the professional license, associate license is \$100. The non-refundable initial application fee for the professional counselor license, the professional counselor associate license, and the supervisor certification is \$200. These changes will go into effect on July 1st, 2025.

Off record 11:46 am

On record 11:52 am

Agenda Item – Application Review

A. Tabled Applications

In a motion duly made by Mary Elkins, seconded by Sammie O’Neal with unanimous consent, it was resolved to move to executive session in accordance with AS 44.62.310(c) Alaska Constitutional Right of Privacy provision for the purpose of discussing tabled applications with board staff Jeanne Pace, Marlo Adams, and Miriam Honea to remain.

| Board Member | Approve | Deny | Recuse | Absent |
|---------------------|---------|------|--------|--------|
| Dorene Hagen, Chair | X | | | |
| Sammie O’Neal | X | | | |
| Mary Elkins | X | | | |

Off record 11:54 am

On record 12:18 AM

In a motion duly made by Mary Elkins, seconded by Sammie O'Neal with unanimous consent, it was resolved to approve Heidi Lucking's request for an exam extension.

| Board Member | Approve | Deny | Recuse | Absent |
|---------------------|---------|------|--------|--------|
| Dorene Hagen, Chair | X | | | |
| Sammie O'Neal | X | | | |
| Mary Elkins | X | | | |

In a motion duly made by Sammie O'Neal, seconded by Dorene Hagen, it was resolved to approve Jennie Schroll's #227349 application pending receipt of synchronous credits.

| Board Member | Approve | Deny | Recuse | Absent |
|---------------------|---------|------|--------|--------|
| Dorene Hagen, Chair | X | | | |
| Sammie O'Neal | X | | | |
| Mary Elkins | | | X | |

Agenda Item – Conference Report Out

Dorene Hagen reported about her recent board travel to the conference in Puerto Rico. Dorene stated that AI was a big part of the conversation at the conference regarding how to best incorporate AI but also how to avoid liability issues. She also spoke on the possibility that individuals who attend board meetings could be awarded continuing education credits for renewals.

In a motion duly made by Sammie O'Neal, seconded by Mary Elkins with unanimous consent, it was resolved to adjourn the meeting at 12:30 pm.

| Board Member | Approve | Deny | Recuse | Absent |
|---------------------|---------|------|--------|--------|
| Dorene Hagen, Chair | X | | | |
| Sammie O'Neal | X | | | |
| Mary Elkins | X | | | |

Off record 12:30 pm

On record 12:31 pm

Agenda Item – Regulations

B. Delegation of Duties of Department

The board members discussed the Regulations Projects Opening Questionnaire. Staff made notes to be able to turn in the questionnaire to the regulations' team.

In a motion duly made by Sammie O'Neal, seconded by Mary Elkins with unanimous consent, it was resolved to adjourn the meeting at 12:40 pm.

| Board Member | Approve | Deny | Recuse | Absent |
|---------------------|---------|------|--------|--------|
| Dorene Hagen, Chair | X | | | |
| Sammie O'Neal | X | | | |
| Mary Elkins | X | | | |

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| Date final minutes approved by the board: | 11.01.2024 |
| <input type="checkbox"/> Board Meeting <input checked="" type="checkbox"/> Onboard | |