

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

BOARD OF MARITAL AND FAMILY THERAPY

MINUTES OF MEETING

March 23, 2012

By authority of AS 08.01.070(2), and in compliance with the provisions of AS 44.62, Article 6, a scheduled meeting of the Board of Marital and Family Therapy was held March 23, 2012, beginning at 9:00 a.m. The meeting was held at the 333 Willoughby Ave. 9th Floor, Conf. C Juneau, Alaska.

Call to Order/Roll Call

The meeting was called to order by Chair Patricia White at 9:15 am.

Board Members present, constituting a quorum:

Patricia White, Licensed Marriage and Family Therapist
Kennith McCarty, Licensed Marriage and Family Therapist
Leon Webber, Licensed Marriage and Family Therapist
Father John Downing, Public Member
JoAnn Young, Public Member

Attending from the Division of Corporations, Business and Professional Licensing were:

Don Habeger, Director
Misty Frawley, Administrative Officer
Margo Mandel, Investigator (by telephone)
KC Odell, Licensing Examiner

1. Review Agenda

The Board reviewed the agenda, and decided to add a discussion on E-therapy and Practice Protection to Agenda item nine: New Business. The board also decided to discuss the adoption of their regulations project in Agenda item three: Board report. The licensing examiner had a minor memo to add to Agenda item eight: Correspondence.

On a motion duly made Leon Webber, seconded by JoAnn Young, and approved unanimously, it was

RESOLVED to accept the agenda as amended.

2. Review Minutes

The Board reviewed the minutes from the December 9th, 2011, meeting and Leon Webber had one minor thing to add to the language surrounding his inability to attend the AMFTRB conference in agenda items ten and twelve. It was decided to add "reluctantly" in agenda item ten, and "due to delay in travel authorization" to the end of the sentence in agenda item twelve.

On a motion duly made by JoAnn Young, seconded by Kenneth McCarty, and approved unanimously, it was

RESOLVED to accept December 9th, 2011 meeting minutes as amended.

3. Board Report

The Licensing Examiner gave the following report to update the Board members:

number of MFT licensees:	90
number of MFT associates:	8
number of MFT supervisors:	15

The Board then began discussing the regulations project which addressed the repeal of regulation 12 AAC 19.130(b) and the amendment of 12 AAC 19.210(a)(3). The discussion began with the members talking about the recent conference Leon Webber had attended in which he took a supervision course to see what was being taught to new supervisors. What he would like to see the board start to consider is requiring supervisors in our state to take supervision courses that apply specifically to Marital and Family Therapy. They then further reviewed the changes that were proposed and had some confusion about why 12 AAC 19.130(b) was being repealed. A memo was retrieved from the past licensing examiner, Eleanor Vinson, explaining the proposal that the Department of Law sent to the board members back in 2010. They then discussed the issue on Dec. 3, 2010 and agreed to add it into this regulations project. They had just forgotten the reasoning behind repealing an important yet duplicate piece of language. Although no public comments were received, the Board paid special attention to the cost to private persons of the regulatory action being taken.

On a motion duly made by Kenneth McCarty, seconded by JoAnn Young, and approved unanimously, it was

RESOLVED to adopt the regulation change to both 12 AAC 19.130(b) and 12 AAC 19.210(a)(3), as written.

The board members were curious why changes to 12 AAC 02.242 were not included with this public notice. The board resolved to charge a fee of \$25 per course approval during their July 15, 2011 meeting and modeled it after the Social Work fee regulation in 12 AAC 02.155. This change cannot be made by the board itself since it is a division fee regulation, and though it has been drafted and prepared, all fee regulation changes are currently tabled/pending until further direction from the division.

4. Review Applications and CEU

The Board reviewed seven applications. Two for licensure as a Marital and Family Therapy Associate and five applications for Continuing Education credit.

After reviewing both of the Associates applications the board members handed in the voting ballot containing all their votes attached to each individual application packet. Let the record show they have approved these applicants for associate licensure:

MFT ASSOCIATE

Shawnmarie Carpenter

The board approves this applicant for associate licensure with the request that she submit further documentation on how many hours of supervision she will be using toward her licensure between the

dates she graduated: Dec. 15, 2008 and when she applied for licensure: Feb. 28, 2012. They would also like to know who provided those supervisory hours.

MFT ASSOCIATE

Curry Long

After reviewing all Continuing Education applications the board members handed in the voting ballot containing all their votes attached to each individual course packet. Let the record show they have approved these courses for the following amount of credit hours and all information in the applicant's files will take precedence over the information in the minutes:

Ft. Wainwright Child and Family Assistance Center

-Building Resilience in Children, Adolescents, and Us – 10.0 CEUs

Mercy Dennis, LMFT

-Part One, Study and Review of Couples Therapy: Focusing on Terrence Real's "REAL Relational Solutions" Model – 10.0 CEUs

Mercy Dennis, LMFT

-Part Two, Study and Review of Couples Therapy: Focusing on Terrence Real's "REAL Relational solutions" Model – 6.0 CEUs

There were two courses the board reviewed and had specific stipulations for approval. The board approves these courses for general Marital and Family Therapists, but they are NOT to be accepted as credit toward an approved State of Alaska Marital and Family Therapy Supervisors license. The sponsor of these courses will be contacted by the licensing examiner to determine if they will resubmit their application.

UAA, Alaska Rural Behavioral Health Training Academy

Clinical Supervision Capstone – 16.0 CEUs

UAA, Alaska Rural Behavioral Health Training Academy

Overcoming Obstacles within Rural Alaska in Clinical Supervision – 16.0 CEUs

5. Investigative Report

The board's investigator, Margo Mandel, presented her report. Since the last meeting, there have been no new complaints or investigations opened, and there is no activity currently with our board. The members thanked her for her time and continued on to the next item of business.

6. Budget Report

The board wanted to speak with Administrative Assistant Misty Frawley, but she was in another meeting at this time. The Licensing Examiner arranged to have her join the meeting after lunch and the board adjourned for one hour starting at 12pm.

On a motion duly made by Joann Young, seconded by John Downing, and approved unanimously, it was

RESOLVED to adjourn the meeting of the Marital and Family Therapy Board for lunch.

The board resumed the meeting with Ms. Frawley, as well as, the division Director Don Habeger in attendance. Ms. Frawley informed the board the division will be changing the way they look at indirect costs to the various professional licensing boards. They have taken last year's total indirect costs and split them up over the four quarters so that a big influx of costs is not reported in one particular quarter

because inevitably certain expenses will arise. The board was mainly concerned about their debt to the Department of Law, and whether or not it has been paid off. Director Habeger joined in the discussion here referencing a document that he has been using to keep track of all the professional licensing boards revenue and expenditures. The document categorizes professional licensing programs using the quarterly report information provided to him by Misty Frawley, and past fiscal year information over a number of licensing cycles. He then uses this information to color code all forty professional licensing programs into Red (Deficit, will need fee increases), Yellow (being watched and could need fee changes depending on unforeseen expenses), and Green (growing a surplus and fees could be reduced) categories. Director Habeger then stated that from his review of this document and all the information he has; the Marital and Family Therapists board seems to be trending toward the green and is tentatively growing a slight surplus. The board asked if this surplus would then be carried over as an accumulation for the boards use or deposited into a general fund for the division. Director Habeger informed the board members that a special paragraph is written into the budget language each year making it possible for Professional licensing programs to stay within the positive or negative at the end of a fiscal year when most programs are forced to zero out their expenses to their earnings. So yes it would indeed be accessible to the board.

Mrs. White then asked if there was any sort of limit to an amount of surplus, in other words, is there a point where legally the board would no longer be able to use funds that grew into a surplus, and if so how much is the limit? Director Habeger informed the board that he has discussed this very issue with the Commissioner and they both agree that a licensing action and its associated legal fees is a legitimate expense to keep on guard for in the future. They're not sure where the fine line is between saving too much and not saving enough is though. Before Director Habeger and Ms. Frawley joined the division the understanding was that everyone needed to be as close to zero as possible. The commissioner and the director both feel that this strategy exposes the boards to too much risk, and that licensees cannot conduct their businesses on unpredictable costs. They are currently working on methodology to determine what a reasonable amount of surplus statutorily would be for each board because they feel being as close to zero as possible is unsafe, but an excessive surplus, such as the jokingly suggested amount of \$250,000, is not sound statutorily. The board asked if there was any sort of timeline associated with the Director and the Commissioner deciding on a surplus amount. He informed the board that a cost allocation study is being performed right now which will provide an in depth look at each and every piece of the professional licensing program to make sure that each board and/or program, including Business licensing for example, picks up their fair share of the costs. This study should be complete in the next two to three months according to the Director at which point he and the Commissioner can sit down together to start to solidify more of this activity. He reminded the board members that this would also be a public document and they as well as their licensees would be able to request it through the licensing examiner.

Mr. Webber expressed concern over the fact that there is no sort of "malpractice insurance" for a board or licensing program. He feels as a board that they are sort of a "sitting duck" for another licensing action to come along with legal costs that cause a catastrophic fee increase. He continued, asking if there was anything in the making about giving a board a sort of safety net for when these extreme circumstances arise. Director Habeger addressed this question by speaking about the professional licensing program as a whole, and said that all of the 55,000 licensee's are "sitting ducks" with the way that statute is currently written. However, those who have larger constituencies, such as the Nursing program with around 15,000 licensees, wouldn't see the effects quite as drastically because it would be divided out among a larger group. Director Habeger informed the board that in a committee during the current legislative session, Representative Craig Johnson said: "There needs to be an interim committee so we're ready to do something to help alleviate the problems for next legislative session" Director interpreted for the board that they are trying to get a handle on how to level the ups and downs in licensing fees due to legal cost. Whether that's a matter of everyone paying into a "legal" fund as a sort of insurance policy or something else, nobody knows.

The board members reiterated their main question of: Is the debt that was owed to the Department of Law due to the legal fees that were charged to the Marital and Family board paid in full? Director Habeger stated that from the trends he sees today and his own projections, yes it is, but he could not say without a doubt that the debt is absolutely paid off in full. The only way that information can be ascertained is through the on going process of Ms. Frawley and her team going through both historical and current processes and records with a fine tooth comb and the intent to have clear figures for all the licensing boards. "We're just not there yet" said Director Habeger, Ms. Frawley reminded the board that this is still very much an ongoing process, and that for her or Director Habeger to definitively say that anything is paid off or completed would be unwise at this point because it's still not finalized. In July once the fiscal year has ended Ms. Frawley and her team will be able to present a more clearly defined picture on what is happening, however the board members later set their meeting date for July 6th, 2012 which is immediately after the end of the fiscal year, perhaps tasking them with quite a lot in those few days before the meeting. Having discussed this issue for some time the board members decided to adjourn for a short ten minute break at 1:20pm.

7. Public Comment

The board resumed their meeting, and noted that no one was present for public comment at this time. They used this time to discuss Ms. Curry Long's application again and whether or not they should approve her Associates license now or table it until her explanation is received. She stated in a cover letter included with her application that she is requesting the board approve the use of supervision hours between the time she graduated and the time she applied for licensure with our state, but she didn't reference how many hours or whom they were taken under.

On a motion duly made by John Downing, seconded by JoAnn Young, and approved unanimously, it was

RESOLVED to approve Ms. Curry Long for Associate licensure, with the stipulation that she send further documentation to the board addressing her supervised hours.

8. Correspondence

Mr. Leon Webber summarized his letter for the other board members, stating that there are usually a number of changes to a supervisor's contract with a licensee and he is making sure that he can cosign on the changes with the understanding that each proposed change would be agreed upon by supervisor and supervisee then submitted to the board in writing for approval. He also commented on the AAMFT winter institute he recently participated in where he completed a five hour refresher course for nationally approved supervisors and a thirty hour course in fundamentals of supervision. He wants the board to be aware that supervision through the internet, and other video chat methods such as Skype, is becoming more common. He also wants to make sure the board members are on board with this national trend and authorizes the use of such technology to achieve supervision hours.

On a motion duly made by Joann Young, seconded by John Downing, and approved unanimously, it was

RESOLVED to accept supervision hours attained by approved licensees via teleconferencing and internet based video chat programs, such as Skype.

9. New Business

The board moved on discussing who would become the new board chair since Ms. Patricia White is stepping down, and Mr. Leon Webber volunteered to take over the role. Ms. White will not be able to attend a meeting this December or in March of 2013 which is when her term ends. She will still be available through correspondence for all board matters until her term ends though.

On a motion duly made by Kenneth McCarty, seconded by JoAnn Young, and approved unanimously, it was

RESOLVED to elect Leon Webber as the new Marital and Family Therapy board chair.

The board members continued on to discuss E-Therapy, or therapeutic sessions given through electronic means such as programs like Skype. It's being done to a point on Military bases with service men and women. The board mainly is concerned about how they can protect the public in the future, because they feel this practice will become more and more common. They decided to table the issue for now and continue talking about it at their next meeting.

Mr. Kenneth McCarty began addressing the board about practice protection by first explaining that Marital and Family Therapists have title protection in the State of Alaska, which prevents anyone other than Marital and Family Therapists from using the same title. However, they do not have practice protection, which would prevent other professions from providing the same services as Marital and Family Therapists, such as Professional Counselors, Clinical Social Workers, Psychologists, etc. This topic is being brought up because of a concern over losing a number of licensees, due to elevated licensing fees, to other professions where they are performing the same services. However, the other board members were opposed to limiting a profession whether it is theirs or someone else's because it would be initiating a sort of "turf war" amongst the counseling professions.

13. Board Business

a. Ethics reports

There were no Ethics reports submitted.

b. Task List

Patricia White: Draft narrative statement and make recommendations for proposed regulation to include in the Annual Report.

Mr. Leon Webber took this time to share with the other board members a sort of checklist that he helped develop at the AAMFT conference to use during each supervised session with a licensee. It consists of a chart that breaks down an issue into: Relationship (Collaborative or Directive), Emphasis (Clinical or Professional), Specificity (General or Particular), and Safety. He noted that the Marital and Family Therapy Profession has paid a lot of attention to clinical supervision and is leading the way for other professions.

Kenneth McCarty then updated the board on Senate bill 118 which recognizes Marital and Family Therapists in title 47.07.030, but does not list them on a roster of licensed professionals who provide Medicaid services later in title 47. It went through the senate health and social services committee and it is now on its way to the finance committee. If it makes it through there then it goes to the floor of the senate. The Department of Health and Social Services has taken a neutral stance on the bill, and made that publicly clear at the committee meeting. They also put out a fiscal notice of what it would cost for the state to initiate this with an estimate of all our ninety licensees costing a thousand dollars per person,

and an estimated \$250,000 just to get started made seem as though Marital and Family Therapists would cost the state around four and a half million per year. Mr. McCarty created a pie chart to understand how many of our licensees bill Medicaid for their services. He found that about an eighth of our licensees aren't even practicing in the state, and that about a third of them work for agencies that already bill to Medicaid. This chart shows that our program would not be anywhere near the burden that the state has anticipated it would be should this bill pass into law. He encouraged the board members to contact Senator Steadman and encourage him to include the bill on the Finance Committee's upcoming agenda.

c. Schedule next meeting

The board decided to schedule their next meeting for July 6th, 2012

On a motion duly made by Leon Webber, seconded by JoAnn Young, and approved unanimously, it was

RESOLVED to schedule the next meeting of the Marital and Family Therapy board on July 6th, 2012.

d. Sign meeting minutes

Meeting minutes were signed

e. Travel Authorizations

The travel authorizations were signed.

f. Board travel/conferences

Kennith McCarty will be attending the AAMFTRB Conference in San Francisco, CA in September.

On a motion duly made by Joann Young, seconded by John Downing, and approved unanimously, it was

RESOLVED to adjourn the meeting of the Marital and Family Therapy board.

The meeting was adjourned at 3:20 pm.

Respectfully Submitted by:

KC Odell, Licensing Examiner

Approved by:

Leon Webber, Chairperson

Date: _____

f. Board travel/conferences

Kennith McCarty will be attending the AAMFTRB Conference in San Francisco, CA in September.

On a motion duly made by Joann Young, seconded by John Downing, and approved unanimously, it was

RESOLVED to adjourn the meeting of the Marital and Family Therapy board.

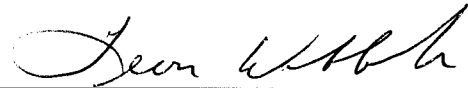
The meeting was adjourned at 3:20 pm.

Respectfully Submitted by:



KC Odell, Licensing Examiner

Approved by:



Leon Webber, Chairperson

Date: July 6, 2012