

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

BOARD OF MARITAL AND FAMILY THERAPY

AMENDED MINUTES OF MEETING

July 6, 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 Friday July 6, 2012, beginning at 9:00 a.m. The meeting was held at the Robert Atwood Building, Conference room 1270, 550 W. 7th Ave. Anchorage, Alaska.

Call to Order/Roll Call

The meeting was called to order by Chair Leon Webber at 9:00 am.

Board Members present, constituting a quorum:

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

Board Members not in attendance

Patricia White, Licensed Marriage and Family Therapist

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

KC Odell, Licensing Examiner

Don Habeger, Division Director, via telephone

1. Review Agenda

The Board reviewed the agenda, and was informed that Division Director Don Habeger would be joining the board telephonically to discuss their budget and licensing fees during agenda item five: Budget report. Kenneth McCarty wanted to add an update for the board on Senate bill 118 to the agenda and it was decided agenda item six: New business would be the best place to discuss it.

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 March 23rd, 2012, meeting and Kenneth McCarty had some amendments he wanted completed before approving the minutes as finalized. The licensing examiner took note of them and made all necessary changes before submitting them for filing. The board also requested that the examiner use page numbers on all versions of the meeting minutes from now on.

On a motion duly made by Kenneth McCarty, seconded by John Downing, and approved unanimously, it was

RESOLVED to accept March 23rd, 2012 meeting minutes once 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:	10
number of MFT supervisors:	15

4. Investigative Report

The board's investigator, Margo Mandel, was not present and had nothing to report. Since the last meeting, there have been no new complaints or investigations opened, and there is no activity currently with our board. The licensing examiner handed out a copy of the blank report to all the members for inclusion to their board packets and Chair Leon Webber suggested that the board move on to agenda item six new business until the appointed time to call Director Habeger.

6. New Business

The newly appointed board chair, Leon Webber, wanted to go on record stating that former board chair Pat White had done a fantastic job not only running the board meetings, but also delegating work for the members in between meetings. Mr. Webber made a commitment to fill her shoes as best he could and would start by becoming even more familiar with the statutes and regulations in detail. He has also recently gone to a board member training session sponsored by the Council on Licensure, Enforcement, and Regulation (CLEAR). He had compiled a list of upcoming and possible future issues and presented it to the board.

He started by informing the board that in the near future there is a possibility that students with Psychology and Medical degrees will have sub specialties in Marital and Family therapy, whether it be drug and alcohol related, mediation, or something else. There are multiple sub specialties in the field that could encroach upon the Marital and Family practice. He informed the licensing examiner that he would like a list of licensee emails to be compiled so that they could be contacted more readily and could receive input from them. He addressed Medicaid and Medicare lobbying, which board member Kenneth McCarty had been handling for some time now. During the CLEAR training session Mr. Webber made it a point to ask about board lobbying efforts and professional licensing program coordinator Sara Chambers was clear that our board would be able to lobby for things to the legislature, but would need to be unanimously agreed and put their position on record at a board meeting prior to any action being taken. This would allow all division staff to be aware of what a particular board is

doing and what they are trying to achieve from it. Mr. Webber then moved on to “labor mobility,” a term which is an example of a licensee’s ability to be teaching at the PhD level in another state while being licensed there, and not being allowed to supervise in our state without becoming licensed. This topic is also later discussed in agenda item seven: public comment while talking with current license applicant Karla Gelhar.

Mr. Webber then started to discuss a topic which was already on the agenda. Graduate license applicants being able to take the AMFTRB examination immediately after graduating instead of having to wait two or three years before being able to do so. The American Association of Marital and Family Therapy (AAMFT), is in support of allowing license applicants more flexibility in taking the exam either immediately or during their supervision. Roger Smith, Senior Attorney with AAMFT sent Mr. Webber a letter, which he later forwarded to the examiner, stating as much. The licensing examiner added the letter to the licensing examiners copy of board meeting packet for filing. Mr. Webber continued on, but this was later discussed further while still in “New Business.”

Mr. Webber reminded the board that Kenneth McCarty brought up the issue of title protection at our last meeting. This would apply to a social worker or counselor claiming to be a marriage and family therapist, and the board should maintain their stance that it would require disciplinary action upon investigation. The board chair then expressed concern that some associates in our state are spending two years with a minimum amount of clients and constantly searching for more. It is entirely possible that under this scenario they wouldn’t have enough clinical hours to qualify them for licensure at the end of the two year period. Since the associate’s license is non-renewable they would then have to spend three months, to possibly over a year, attaining more clinical hours to meet that requirement while not being licensed as a MFT. He posed the question to the board whether or not that is their intent, and if not what they could do to alleviate that scenario. Mr. Webber continued on to the processing and review of continuing education applications by the board. He would like to see the board start reviewing them by email, but wanted to prevent overwhelming application rates by possibly asking sponsors to limit their applications submitted simultaneously. That way the board will not be burdened by eighty applications to review at once, as they have been before. While on the topic of continuing education, Mr. Webber wanted to express his support of supervisors having to take supervisory continuing education courses in systemic supervision directly dealing with marital and family therapy.

Board chair Leon Webber then wrapped up his list with a few more items for the board to be aware of. Telecommunication and video communication are going to become more and more common in treatment, supervision, and training. It is important for the board to make their opinion on these types of correspondence clear so that actions under their scope of practice can be regulated appropriately. The board education he was able to attend was extremely helpful and he recommended all the board members take advantage of that opportunity if it arises again. He finished by informing the board of a suggestion that was given during the training, that each board member have a piece of paper they can evaluate their meeting process on at the end of the meeting and jot down ideas of how they can make improvements moving forward.

Mr. McCarty then began discussing Senate bill 118 and the inclusion of Marital and Family Therapists on a list of healthcare providers who would be able to bill Medicaid. He was glad to know that the board can indeed lobby for legislative action, and like Mr. Webber encouraged the board to do so in relation to getting Marital and Family therapists recognized. Mr. McCarty had recently been in Juneau to speak to the Health and Social Services Senate committee, and reported to the board that the inclusion of MFT’s on Senate bill 118 went through that committee without opposition. The Department of Health and Social Sciences (DHSS) has changed their stance on the inclusion of MFT’s from against it to neutral on

the matter, and that is on the record before the governor's office. The DHSS did express some concern over the potential cost of Senate bill 118 which they projected to be in the millions, but Mr. McCarty projected more in the amount of three hundred to four hundred thousand. Mr. McCarty thought that MFT's could just be added to the Medicaid formula and as new providers became licensed they would be added and allowed to bill Medicaid. He had questions as to why the potential cost was estimated so high, but understood he is not an information and technology worker. The finance committee then had Senate bill 118 come before them and it was killed there due to an oil tax bill being more of a priority. Mr. McCarty informed the board he has a few meetings with legislators lined up in the near future to discuss this bill and get ready for the next legislative session.

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

RESOLVED to support legislation that would place licensed Marital and Family therapists on Title 47 as defined in the former Senate bill 118.

Mr. Webber then moved on to further discussion about the lobbying to allow for students to take the AMFTRB national exam directly after graduating. This would mean the board needs to have the language written and agreed upon at a board meeting and then determine who would endorse and carry it through the legislative process; much like Mr. McCarty is for the Senate bill 118 issue discussed above. Mr. McCarty questioned whether applicants directly out of school with their degree should be able to take the exam immediately because they do not have the experience that the 1500 required hours of supervision provides them, so how would the board know that they are well versed in all areas of the Marital and Family therapy profession. Mr. Webber made reference to the 15 approved supervisors in our state and that it was their job to be committed in watching their supervisee's work clinically week to week. Most license applicants already have two or three supervisors they've been working with even after just graduating. Therefore, it may be better to allow for the examination right out of school and then rely on the supervisors to adequately train and appropriately supervise their clinical work. Mr. McCarty brought up the need to have multiple mechanisms in place to test a licensee's competence all areas of a profession, and not just a supervisor with all that responsibility. Mr. Webber, a supervisor himself, informed Mr. McCarty that he meets with the licensee's other supervisors and agencies as well, and checks that the person is not a disgruntled employee in any way, shape, or form. Mr. McCarty then described that an applicant who is taking the exam early on after graduation will be studying and cramming information to pass, but someone who has to go through the 1500 hours and learns things over time and practices within the profession, will be able to know the answer to the questions as opposed to thinking of the answers to them. Public member father John Downing asked if the board could interview the associates at a board meeting. That would be possible and other boards do have language in place allowing for them to do that. Public member JoAnn Young thought that it may be best to have them take the examination before the training because if they couldn't pass the examination then: "would we really want them seeing patients?"

On a motion duly made by Kenneth McCarty, seconded by John Downing, and approved unanimously, it was

RESOLVED to table the board's discussion, on allowing associate license applicants to take the AMFTRB national exam before completing the required 1500 hours of clinical supervision, until their next board meeting.

Mr. Webber then opened discussion on the next topic of new business: amending the language to regulation 12 AAC 19.210(b) to require supervisors to take continuing education hours in “systemic” supervision, “systemic” meaning courses specifically meant for Marital and Family therapy supervision, and not general managerial supervision. The language of 12 AAC 19.210(b) is phrased: “...completed at least two contact hours of continuing education related to the practice of supervising a marital and family therapist.” The board determined that this language needs no further amending, but they would like to send the approved supervisors a letter on board letterhead informing them that the division and board members will be checking the courses they submit for renewal to make sure they are “systemic” supervisory courses. This reminder could also go on the renewal application itself.

The board then moved on to discuss the administration of a fee for the approval of continuing education courses. Currently there is no statutory language allowing the charge of a fee for course approval but the board would like to have the division implement one for the next licensing period. This fee would benefit the board in two ways: extra revenue for the board to continue to keep licensing fees down, and making it costly for course sponsors to overload the board with too many approval applications at any one meeting. Other professional licensing boards utilize a small fee for this same task and the Marital and Family therapists are suggesting a fee of \$25 per course be applied to the application.

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

RESOLVED to request that the Division of Corporations, Business and Professional licensing implement a \$25 fee for the approval of Marital and Family Therapy continuing education courses.

5. Budget Report

The board called Division Director Don Habeger to discuss the budget report and the lowering of licensing fees. Director Habeger began by informing the board of the process that the division has gone through to determine the third quarter numbers on their budget report. During a large scale review of ten years worth of financial information the division was able to correct reported statistics for all forty licensing programs. Where there were errors they were corrected by the reconciliation process and reported to the state accounting system. The board budget reports were then updated and now reflect the accurate amounts. The legislature appropriated approximately 3.4 million dollars to the Division of Corporations, Business and Professional licensing in their capital budget bill this most recent fiscal year, 2012. The intent language behind this appropriation was to “repay” professional licensees since the division had become aware they were paying for 100% of the general cost pool. This practice has since been rectified so that business and corporate registration also pay for the total costs. The division then set out to determine what share of the total cost would be appropriate for each program with it being decided that approximately eighteen to nineteen percent be provided by businesses and corporations and the remainder be evenly distributed amongst all the professional licensing programs over the reported ten year period of time.

Don then explained that due to that review and legislative appropriation the board budget report now shows that a surplus has been steadily accumulating, and was not reported on the board’s budget reports prior to this recent correction. Due to the reports showing this trend Director Habeger suggested that an adjustment be made to allow for a fee decrease. The board asked which amount on their report was the amount of the surplus, and had some other questions about the surplus amounts listed. Don then explained the adjustments in the practices and/or procedures the division recently made and how they

affected indirect expenditures to answer their questions. He went on to inform the board he was working on his draft recommendations for multiple programs including MFT's that same day, and that after more internal processing he believes that it would be best to decrease the licensing fees to an amount previously used by the board.

JoAnn Young brought up the motion that the board had just made prior to calling Director Habeger about starting to charge \$25 for the approval of a continuing education course. This could help supplement the programs revenue and perhaps give them more ability to decrease fees again in the future. Kenneth McCarty asked if the division knew definitively that the debt our board thought they had been paying off to the Department of Law was completely paid off and Director Habeger stated that it was and that the MFT program has been self sufficient for some time now. Mr. McCarty followed up by asking if there was any sort of "liability insurance" that the division was pursuing to prevent astronomical unforeseen costs crippling a board like it did to Marital and Family therapists. Director Habeger stated that the boards can take disciplinary action against a licensee in the form of a consent agreement between that licensee and the board. Unfortunately, those funds would then go into the general fund of the division and not to the MFT program. There was no statutory framework that the division has discovered that would allow the boards to share the cost of any legal fees caused by a certain licensee with that licensee. The division has looked at various ways to turn something like that into statute, but it would take an act of the legislature to implement and the division has not yet pursued that at this point and time.

The board having no further questions thanked Director Habeger for his time and good news. Mr. Habeger reminded the board that he was in the process of drafting an internal recommendation that will go through the various divisional and departmental management channels. In the very near future Director Habeger plans on sending that recommendation to the board and asking that they call for a teleconference to approve a fee adjustment. The board was very pleased with this and thanked him again for his time.

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

RESOLVED to take a short break from the meeting of the Marital and Family Therapy Board at 10:40am.

The board resumed the meeting at 10:51am and briefly discussed amongst themselves the information that had just been told to them by Director Habeger. Kenneth McCarty thought that the amount of surplus is good in that they no longer have a legal debt causing licensee's to not renew their MFT license and instead getting a Professional Counselors license due to the lower cost. However, he thought that a more substantial fee decrease than the one referred to by Don Habeger should be made. He recommended that it be set to \$450 per licensing renewal.

On a motion duly made by Kenneth McCarty, seconded by John Downing, and approved unanimously, it was

RESOLVED to recommend for the 2013-2014 licensing period, a fee of \$450 be set as the initial/renewal licensure fee and \$225 be set as the prorated renewal fee for the Board of Marital and Family Therapy by the Division of Corporations, Business and Professional licensing.

The board then decided since they still had over half an hour until they were scheduled to begin public comment to move on to the next agenda item.

8. Review Applications and CEU

The board reviewed fourteen applications; two for licensure as a Marital and Family Therapist via credential from other states, two for licensure as a Marital and Family Therapy Associate, and ten applications for continuing education credit. Leon Webber abstained from the voting on Ms. Karla Gelhar's application, as being her supervisor is a conflict of interest for him.

After reviewing all of the licensee 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 licensure:

MFT by Credential

Celia Hull

MFT ASSOCIATE

Karla Gelhar

Christy Kay

The board approves the following applicant for licensure by credential with the request that she submit further documentation on her license renewal with the State of Virginia which her application states expired on 6/30/12. Once record of her completed renewal with the State of Virginia is received she will be issued a license for our state as well.

MFT by Credential

Sandra Herrera-Lopez

After reviewing all continuing education approval 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:

Institute for Brain Potential

-How the brain forms new habits: Why willpower is not enough – 6.0 CEUs

Co-Occurring Disorders Institute

-Introduction to Counseling – 12.0 CEUs

Co-Occurring Disorders Institute

-Ethics – 6.0 CEUs

Co-Occurring Disorders Institute

-ASAM – 6.0 CEUs

Co-Occurring Disorders Institute

-Confidentiality – 6.0 CEUs

Co-Occurring Disorders Institute

-Ethics: The Boundary Dilemma – 6.0 CEUs

Co-Occurring Disorders Institute

-Documentation – 12.0 CEUs

Co-Occurring Disorders Institute

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-Intro to Co-Occurring Disorders – 8.0 CEUs
Co-Occurring Disorders Institute
-Addictive Behaviors – 8.0 CEUs

There was one course that the board reviewed and had specific stipulations for approval. The board approves this course pending the receipt of a copy of the certificate that licensee's would receive upon completion of the course. The sponsor of this course was contacted by the licensing examiner after the meeting adjourned to request the appropriate documents.

Rural Alaska Community Action Program, Inc.
-29th Annual rural provider's conference 2012 – 20.0 CEUs

7. Public Comment

The board called Ms. Karla Gelhar on her mobile phone to join their meeting, and discuss her associate license application as well as a few questions she had on the licensure process. The first question was regarding the associate license application itself. On page three of the educational course worksheet it states that "A minimum of 500 hours must have been spent in direct client contact with couples and families." However, there is no statutory or regulatory language that supports this requirement. The second question she had for the board was regarding the necessity of the associate's license. The board has received this question multiple times and while the associate's license is not required to achieve a Marital and Family Therapists license it is a good way to meet all the licensure requirements as a recently graduated applicant. She then asked if group contact would be acceptable toward the 1500 hours of direct clinical contact, and the board stated that it would be since the language of the regulation reads: "direct clinical contact with couples, individuals, and families." Families would be what a group session would fall under. Her last question to the board was regarding the amount of time a supervisor would need to be in practice before they are able to supervise a licensee within our state. She has a supervisor that she has been working with who lives in another state, and she would like to keep working with her, but couldn't find if the supervisor would be able to become licensed as a MFT by credential and then immediately be able to continue supervising. The board had the understanding that a licensee needed to be in practice within our state for two years prior to being able to become a supervisor. However, upon searching for the source of that requirement the board couldn't find where it was written into the statutes or regulations of this program. They decided to discuss this further along with Karla's question on the 500 hour requirement for direct client contact without her on the phone and give her a call back later in the day with their responses.

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

RESOLVED to adjourn the meeting of the Marital and Family Therapy Board for lunch at 12:05pm

Board chair, Leon Webber called the meeting back to order at 1:05pm and the board finished reviewing the last of the continuing education approval applications. Afterward they moved on to discuss Karla's questions, the first of which was about the supervision issue she had. The board determined that under Alaska statute 08.63.120(b)(2) the word "chapter" refers to the board of Marital and Family therapy and its requirements. Therefore, an MFT who has practiced in another state or our state for five continuous years, is currently licensed in our state, and meets the requirements established by the board for

approved supervisor's can immediately become a supervisor in our state without having to be licensed within the State of Alaska for two years beforehand.

Having found a suitable answer to one of her questions they started to discuss the associate's application which states a 500 hour requirement of direct clinical contact during their education. The board is of the opinion that this requirement is unwarranted since no statutory or regulatory language was found making it a requirement.

On a motion duly made by John Downing, seconded by Kenneth McCarty, and approved unanimously, it was

RESOLVED to waive the requirement of 500 direct clinical contact hours which is stated on the Associate license application education course worksheet (form 08-4378a, pg. 3), and issue Karla Gelhar an MFT Associate license.

Kenneth McCarty continued discussing this by stating a requirement of some amount of direct clinical contact should be added to statute making it mandatory for graduate students to have that experience before becoming licensed. Leon Webber asked if he would be willing to look at other states language relating to this and draft something that our board can review for possible adoption at our next board meeting. Mr. McCarty agreed and the board decided to give Karla Gelhar a call back to respond to her questions. The licensing examiner informed her that her application was approved and that the board waived the requirement for her to have 500 hours of direct clinical contact during her master's level education. She was also informed that a license applicant meeting all of the supervisory requirements for MFT's would immediately be able to start supervising once the board approved their license application by credentials. Ms. Gelhar thanked the board for their time and deliberation on her application and supporting inquiries. The board then moved on to the next agenda item.

9. Correspondence

The licensing examiner handed out one additional piece of correspondence for the board members to add to their meeting packets. It was a call for a public member to join the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE). No items warranted further discussion so the board moved on to their final agenda item.

10. Board Business

a. Ethics reports

There were no Ethics reports submitted.

b. Task List

Kennith McCarty: Will continue to pursue the addition of Marital and Family therapists on a list of healthcare providers allowed to bill Medicare, on a bill formerly known as Senate bill 118. He will also be providing a letter addressed to Director Habeger requesting that a \$25 fee be charged for continuing education course approvals in the next licensing period. In that same letter he will also be recommending on behalf of the board that the licensing fee be adjusted to \$450, which the board unanimously approved earlier in this meeting. Mr. McCarty will also be looking at the pre-graduation requirement for clinical supervision in other states to see how the board could possibly add language

requiring a certain amount of hours be taken to qualify for an associate's license in our state. That issue was brought up by the discussion with Karla Gelhar during agenda item seven public comment.

Leon Webber: Is going to be reviewing the regulations regarding continuing education for approved supervisors to specify that the board would like to see it done in "systemic" supervision. He will also be working on the board's annual report and getting the narrative statement completed along with the recommendations for proposed legislation and regulation recommendations for the next fiscal year.

Licensing Examiner: Compile a list of all the licensee's email addresses to improve board communication. He will also be working on drafting a letter to be sent out to all MFT approved supervisors stating that their two hour supervisory continuing education requirement needs to be taken in "systemic" MFT supervision.

c. Schedule next meeting

The board decided to schedule their next meeting for October 26th, 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 CLEAR conference in San Francisco, CA on September 5-7, 2012.

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

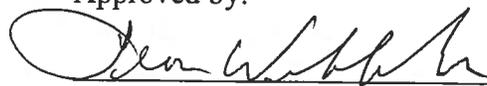
RESOLVED to adjourn the meeting of the Marital and Family Therapy board.

The meeting was adjourned at 2:05 pm.

Respectfully Submitted by:


Tawna Curry, Licensing Examiner

Approved by:


Leon Webber, Chairperson

Date: May 9, 2014