

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 THE MEETING

Friday, April 22nd, 2016

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 on Friday, April 22nd, 2016 beginning at 9:09 a.m. The meeting was held at the State Office Building, 333 Willoughby Ave, 9th Floor, Conference Room D in Juneau, Alaska.

Agenda Item 1 Call to Order/Roll Call

The meeting was called to order by Chair Leon Webber at 9:09 a.m.

Board Members Present, constituting a quorum:

Leon Webber, Chairman, Licensed Marriage and Family Therapist
Linda King, Licensed Marriage and Family Therapist
JoAnn Young, Public Member
Dorothea Agüero, Public Member

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

Laura Carrillo, Licensing Examiner

Present from the Public:

No one from the public was present.

Agenda Item 2 Review Agenda

Time: 9:10 a.m.

The Board reviewed the agenda, which included one main item: discussing implementation of AMFTRB teletherapy guidelines.

On a motion duly made by Linda King, seconded by Dorothea Agüero, and approved unanimously, it was

RESOLVED to accept the agenda as written.

Agenda Item 3 Ethics Report

Time: 9:10 a.m.

There were no ethics disclosures to report.

TASK:

Ms. Carrillo will correct page 4 of the January 28th, 2016 meeting minutes to change “Board” to “public”.

On a motion duly made by Ken McCarty, seconded by Linda King, and approved unanimously, it was

RESOLVED to accept the minutes as amended.

Agenda Item 4 Ethics Report

Time: 9:19 a.m.

There were no ethics violations to report.

Agenda Item 5 Board Business

Time: 9:20 a.m.

CE Applications:

Hearing nothing further on ethics, Mr. Webber moved to discussion on continuing education applications, with which there were two applications for review. Ms. Carrillo reminded Mr. Webber that he would need to recuse from voting on course 15264, with which he submitted on behalf of the sponsoring organization. Mr. Webber asked Ms. Carrillo for clarification as to how many hours was being requested for course 15271 to which Ms. Carrillo referred the Board to the applicant’s email specifying 3 hours. The Board continued to review the continuing education applications.

On a motion duly made by JoAnn Young, seconded by Ken McCarty and approved unanimously with Leon Webber’s recusal, it was

RESOLVED to approve course #15264, “The Seeds of Mindfulness: Creating Mindful Relationships”, offered by The International Institute for the Communication Arts and submitted on behalf of Leon Webber, LMFT for 2 credit hours.

On a motion duly made by Linda King, seconded by JoAnn Young and approved unanimously, it was

RESOLVED to approve course #15271, “Ethical Dilemmas: Clinical Work with Adult Interpersonal Issues”, offered by The Couples Center of Alaska, Inc. for 3 credit hours.

Mr. McCarty inquired to Ms. Carrillo about the intent of requesting attendance verification method information as it listed on the continuing education form. Ms. Carrillo clarified that this information is requested such that sponsoring organizations are aware of the need to verify participant attendance in some fashion, for example, using a sign-in sheet in order to track attendance for issuing certificates of completion. Mr. McCarty further asked whether such certificates would be requested after a licensee participates in a course, to which Ms. Carrillo stated that certificates are only requested in the event that the licensee is selected for random audit.

Leon Webber called for break at 9:30 a.m.

Leon Webber called for return from break at 9:32 a.m.

Report of Contact Forms:

Hearing nothing further on continuing education applications, Mr. Webber addressed the MFT-Board specific ROC forms that were completed by Mr. McCarty during legislative session in January. Mr. Webber thanked Mr. McCarty for submitting these, as it was established during the Board’s January 28th, 2016 meeting to submit an ROC form following contact with any and each legislator.

Review Goals and Objectives:

Mr. Webber then addressed Goals and Objectives, reminding the Board that submission of the Annual Report was imminent. Ms. Carrillo informed Mr. Webber that he would need to send the report to Records and Licensing Supervisor, Dawn Hannasch due to possibly being on maternity leave.

Task:

Leon Webber will send the Annual Report to Dawn Hannasch upon completion.

Surrender Agreement/Default Revocation:

Charles Ward, Paralegal, joined the room at 9:32 a.m.

Charles Ward, Paralegal, left the room at 10:20 a.m.

Charles Ward joined the room to discuss the surrender agreement and default revocation.

On a motion duly made by Ken McCarty, seconded by Linda King, and in accordance with AS 44.62.310, the Board moved to enter executive session for the purpose of discussing AS 44.62.310(c)(2), subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion. Staff, Laura Carrillo and Charles Ward are able to remain in the room.

Off Record at 9:39 a.m.

On Record at 10:17 a.m.

Upon returning from executive session, the Board was ready to vote.

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

RESOLVED to approve the surrender agreement for case #2016-000115.

On a motion duly made by Ken McCarty, seconded by JoAnn Young and approved unanimously with Linda King's recusal, it was

RESOLVED to deny the default revocation for case #2016-00097.

Following the Board's decision to deny the Division's recommendation of a default revocation for case #2016-00097, Mr. McCarty inquired to Mr. Ward what the Board's next step would be. Mr. Ward informed the Board that the Division would be in contact with the licensee. Mr. Ward then informed the Board that the approved surrender agreement would need to be signed and mailed back to the Division.

TASK:

Leon Webber will sign the surrender agreement for case #2016-000115 and mail it back to the Division.

Agenda Item 6 Investigative Report

Time: 10:22 a.m.

The Board's investigator, Sonia Lipker did not join the meeting as there was no activity for the reporting period from January 6, 2016 to March 31, 2016.

Leon Webber called for break at 10:23 a.m.

Leon Webber called for return from break at 10:31 a.m.

Returning from break, Mr. Webber addressed Old Business.

SB 98 (SB 74):

The Board reviewed SB 74 (previously SB 98), which merged several regulations projects involving multiple professions. The bill was passed by the house and senate in mid-April and is awaiting a signature from Governor Walker. Upon passage of the bill, the pertaining statute to the Marital and Family Therapy Board, AS 08.63.210 would allow the Board to adopt regulations for teletherapy, as it would interdict the action of disciplining a licensee for such distance service. As the Board has been reviewing AMFTRB teletherapy guidelines, they anticipate adopting such guidelines as state regulations. The Board would continue discussing this under New Business.

Supervision Form:

The Board then moved to discussion on the supervision form, which Mr. McCarty had drafted for Board review, and of which was approved to be posted to the Board's website during the January 28th, 2016 meeting. Mr. McCarty provided an anecdote about his personal experience in tracking supervision hours. The form is intended for use as a template and is designed to be used for the associate-supervision relationship. Ms. Carrillo read aloud the verbiage on the form, which states, "This is a Weekly Summary of Hours of Experience form intended for the use of associates and supervisors. This is simply a template—other similar forms are sufficient". The form is posted under the Board's applications/forms link and is titled, "Associate Experience Form".

Also regarding supervision, Mr. McCarty addressed the position statement on supervision, which the Board delegated Mr. McCarty to write during their previous meeting. Mr. McCarty distributed a hand-out of supervisor responsibilities for the position statement draft. Such responsibilities included that a supervisor would ensure that the associate:

- Does no harm to the public
- Knows the statutes and regulations that govern the practice of marital and family therapy
- Is evaluated and trained in the skills of marital and family therapy
- Is prepared to take the National and State exams necessary for licensure

The Board generally agreed on these responsibilities, however, Mr. Webber disagreed with the obligation that supervisors be directly involved with preparing associates academically to succeed in passing the exam. Since the Board was allocating time for Louis Bergen of the

AMFTRB to discuss teletherapy guidelines, Mr. Webber suggested to the Board that these responsibilities be mentioned during that time as well.

Title 47 Inclusion/Proactive Resolve/Investigations:

The Board has expressed intent to be added to Title 47 for the last several meetings. Mr. McCarty informed the Board that this was being included in SB 74. The other items have also been discussed previous occasions; however, the Board was still requesting information on Investigative costs incurred to the Board. Ms. Carrillo advised the Board to ask Martha Hewlett about liability insurance for Investigative costs during the Budget Report.

TASK:

Ms. Carrillo will add a position statements link to the Board's website.

Agenda Item 9 New Business

Time: 10:58 a.m.

Louis Bergen, CEO of the AMFTRB, joined the room telephonically at 10:58 a.m.

Louis Bergen, CEO of the AMFTRB, left the room telephonically at 11:54 a.m.

Consult With Louis Bergen:

Louis Bergen, CEO of the AMFTRB joined the room to discuss teletherapy guidelines with the Board. Mr. Webber also asked Ms. Bergen if she could expound upon supervision guidelines, to which she agreed. Dr. Bergen started by acknowledging the state of Alaska for being at the forefront of developing statutes and regulations for distance learning, services and supervision. On the topic of teletherapy, the AMFTRB established a committee in 2015 to look at the viability of states adopting effective, appropriate regulatory guidelines that protect both the public and practitioners. Dr. Bergen informed the Board that between its November 2015 and recent 2016 delegate meetings—and after extensive research looking at comparative laws between states and other disciplines—the committee had established tenets for state guidelines as the minimum best practice for teletherapy. Such guidelines were included in the MFT Board packet for review. At this juncture, Dr. Bergen informed the Board that the AMFTRB was soliciting feedback from other jurisdictions as to how such laws could be implemented, with which the MFT Board acknowledged could be incorporated into regulation with the authorizing statute, AS 08.63.210, if signed by the Governor. Dr. Bergen stated that these guidelines would be continually worked on as more information and clarity is brought to the practice of technology-assisted therapy.

Dr. Bergen continued discussing regulatory implementation with an emphasis in keeping public protection as its highest priority. She then commented that the committee would next be looking into portability guidelines for those who are licensed in multiple states. Mr.

Webber commented that the Board is in favor of requiring individuals to be licensed in Alaska if they intend on working with an Alaska-based client.

The discussion then shifted to supervisor responsibilities. Dr. Bergen informed the Board that the AMFTRB has acknowledged a lack of consistent information regarding the competencies with which a supervisor is expected to have when supervising a marital and family therapy associate. Due to such paucity of supervisor guidance, the AMFTRB met with the International Family Therapy Association from at the end of March, 2016 to discuss clinical supervision competency scales. These scales included:

- 1.) Supervision Relationship and Process
- 2.) Ethical and Legal
- 3.) Pragmatics
- 4.) Methods, Techniques, and Theory of Pyschotherapy
- 5.) Methods, Techniques, and Theory of Supervision
- 6.) Evaluation & Assessment
- 7.) Personal & Professional Development

Mr. Webber inquired to Dr. Bergen to what extent supervisors are responsible for preparing associates for the national marital and family therapy exam, to which Dr. Bergen stated that supervisors are responsible to some degree. Dr. Bergen also added that the AMFTRB, due to conflicts of interest, were unable to provide examination candidates with study materials, such that preparation for this exam would be in partial purview of the supervisor. Dr. Bergen commented that she would send the supervision competencies to Ms. Carrillo and Mr. Webber. Linda King then inquired about the pass rate of the national exam, to which Dr. Bergen responded that it is between 60%-68%. The Board was surprised by this low pass-rate.

On a motion duly made by Dorothea Aguero, seconded by Linda King and approved, it was

RESOLVED to approve AMFTRB guidelines for incorporation into the MFT regulations following statutory authority under AS 08.63.210.

Ms. Carrillo asked the Board if they were intending on including the teletherapy guidelines as bundle regulation project. Mr. Webber stated that it was the Board's intent to follow through with the teletherapy guidelines as its individual project. Ms. Carrillo suggested adding other potential regulation changes, such as to defining face-to-face and military licenses in order to lower costs to the Board. Ms. Carrillo also commented that the Board should indicate exactly where they want the proposed regulations to fall. Ms. Carrillo later stated that she would

clarify with the regulations specialist as to how the Board should handle this regulation change.

TASK:

Leon Webber will forward AMFTRB's supervision competencies to Ms. Carrillo, who will forward the document to the Board.

Annual Report:

The Board returned to discussion on the annual report, recalling that it would need to be submitted directly to Dawn Hannasch. Mr. Webber and Linda King decided to form a working committee to complete this report.

Agenda Item 10 Lunch Time: 12:07 p.m.

Off record at 12:07 p.m.

On record at 1:17 p.m.

Upon returning from lunch, Ms. Carrillo provided the Board with an update on the discussion she had with the Division's regulations specialist. Ms. Carrillo informed the Board that they essentially have two options; to draft the regulations initially, or to have the regulations specialist draft the regulations initially. Ms. Carrillo explained that it is typically the responsibility of the Board to indicate where the Board intends to have a regulation change, for example, amending a section or adding a new one. The latter option involves the Board delegating to the regulations specialist the task of determining where the changes would best fit. It was advised that the former option would be a better cost-savings approach as delegating to the regulations specialist would require more review time and thus incur more costs. Mr. Webber suggested establishing a committee to work out the placement of AMFTRB guidelines into the regulations.

Agenda Item 8 Correspondence

Time: 1:28 a.m.

Vivian Finlay, Regarding Face to Face:

The Board reviewed the correspondence submitted by Vivian Finlay, which concerns the definition of face-to-face, as well as continuing education requirements as it related to acceptable hours of distance education. Mr. McCarty added that the AAMFT purchased cameras to make distance learning more auspicious. Mr. Webber and Ms. King also acknowledged the need to address the delivery methods of continuing education, with which the pending approval of SB 74 is a fortuitous time to discuss this topic. The Board discussed these issues and decided to draft a position statement. Mr. McCarty suggested that the Board's position read:

“Face-to-face is considered any type of live interaction with the presenter in real time. All other trainings that do not involve real time interaction are not considered face-to-face.”

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

RESOLVED to approve the position statement on supervisor competencies and responsibilities.

TASK:

Ms. Carrillo will add the position statement for supervisor competencies and responsibilities to the Board's site.

Agenda Item 11 Public Comment

Time: 1:40 p.m.

Vivian Finlay, licensee, was available for public comment. Ms. Finlay addressed her concern regarding face-to-face interaction as it pertains to continuing education. She also requested the Board to address the fact that only half of the credit required for renewal can be obtained online, as this has been a source of concern in the ability to renew (considering the vastness of Alaska). Mr. McCarty informed Ms. Finlay that just prior to public comment; the Board had approved and adopted a position statement relating to face-to-face interaction for continuing education. Ms. Finlay and the Board also discussed supervision requirements.

Agenda Item 12 Budget Report/Division Updates

Time: 1:59 p.m.

Administrative Officer, Martha Hewlett joined the room at 1:59 p.m.

Administrative Officer, Martha Hewlett left the room at 2:05 p.m.

Operations Manager, Sara Chambers joined the room at 2:32 p.m.

Operations Manager, Sara Chambers left the room at 3:08 p.m.

Ms. Hewlett addressed the FY16 1st and 2nd quarter report and informed the Board that their total licensing revenue was at \$5,640 with an ending cumulative surplus deficit of \$61,114. Ms. Hewlett informed the Board that the Division was utilizing a new accounting system, IRIS, which has now dropped the 7 in the 7100 series in the collocation code system; 0120's = personal services, 2000's = travel, 3000's = contractual. Ms. Hewlett stated that the Board's fee analysis would be conducted in May 1st, 2016.

The Board then inquired about Investigative costs, to which Ms. Hewlett stated were included in personal services under the Board's direct expenditures, which were at \$8,911.

Sara Chambers joined the room to discuss the pending bill, SB74, which she stated would likely be signed into law by Governor Walker. The Board asked Ms. Chambers for her guidance on how the Board should adopt the AMFTRB teletherapy guidelines. Ms. Chambers reiterated what the regulations specialist had advised in that the Board should attempt to draft the regulations as close to format as possible. Ms. Chambers further suggested that the Board consider adopting the AMFTRB guidelines by reference, and advised that Ms. Carrillo check with the regulations specialist as to whether this would be the best cost-effective solution. Ms. King suggested adopting the AMFTRB guidelines by reference as they have already done this with the AAMFT Code of Ethics. Mr. McCarty commented that adopting by reference may not be the best option since the AMFTRB guidelines is a working draft and would require continuous state regulation updates when AMFTRB guidelines are revised. Mr. Webber commented that the Board could still adopt the guidelines. As for the bill, Ms. Chambers stated she would look into the effective dates.

The Board then moved to discussion on Travel, to which Ms. Chambers explained that the Department had been solicited to provide feedback on the current travel conditions. Ms. Chambers expressed optimism in the travel situation and informed the Board that Ms. Carrillo would be submitting a travel cost savings report within seven days subsequent to the meeting.

Task:

Ms. Carrillo will submit a Travel Cost Savings Report to the travel desk and will forward the information to the Board.

Task:

Ms. Carrillo will follow-up with the publications specialist to glean the best option for implementing AMFTRB teletherapy guidelines and will provide the Board with an update.

Agenda Item 9 New Business

Time: 3:09 p.m.

The Board returned to discussing New Business.

Statutes and Regulations:

Ms. Carrillo addressed the disapproved regulation, 12 AAC 19.350 pertaining to continuing education, and informed the Board that the Department of Law had thrown this out due to the Board not including any anticipated costs to state departments. This information was forwarded to the Board prior to the meeting. Ms. Carrillo explained that she had told the Department of Law that the Board couldn't have anticipated state agencies submitting which Ms. Carrillo stated that it was likely due to those Boards including those estimated costs in the budgeting aspect when submitting the regulations project. JoAnn Young suggested

waiving fees for state agencies, however, Ms. Carrillo stated that the handling of any fee—waived or not—should have been addressed initially.

Task:

Ms. Carrillo will follow up with the LPC licensing examiner to see how their regulations pertaining to continuing education and state agency sponsors are written.

Task:

Ms. Carrillo will follow up with the LAW and the regulations specialist to see how the Board could implement a fee waiver for state agencies submitting continuing education applications.

Task:

Dorothea Agüero and Ms. Carrillo will look into fee waiving for continuing education.

Task:

Ms. Carrillo will send the Board a copy of the regulations workflow.

Agenda Item 13 Administrative Business

Time: 3:27 p.m.

Board Task List:

The Board reviewed the task list.

Meeting dates:

The Board decided to set their next in-person meeting date for July 20th, 2016 in Anchorage.

Agenda Item 14 Adjourn

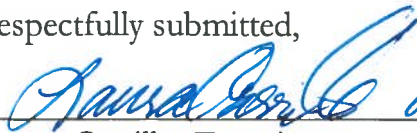
Time: 3:32 p.m.

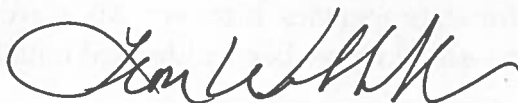
The Board had no further business to discuss.

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

RESOLVED to adjourn the meeting at 3:32 a.m.

Respectfully submitted,

 03/01/17
Laura Carrillo, Examiner



Leon Webber, Chair

Date