

**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, January 27<sup>th</sup>, 2017**

***These are DRAFT minutes prepared by the staff of the Division of Corporations, Business and Professional Licensing. These minutes have not been reviewed or approved by the Board.***

**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, January 27<sup>th</sup>, 2017 beginning at 9:00 a.m. The meeting was held at 9<sup>th</sup> floor, Conference room B, in the State Office Building, in Juneau, Alaska.**

**Agenda Item 1            Call to Order/Roll Call**

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

**Board Members Present, constituting a quorum:**

Leon Webber, Chairman, Licensed Marriage and Family Therapist (*via teleconference*)  
Kennith McCarty, Licensed Marriage and Family Therapist  
JoAnn Young, Public Member  
Dorothea Aguero, Public Member

**Division Staff present were:**

Aiko Zaguirre, Licensing Examiner  
Laura Carrillo, Records & Licensing Supervisor  
Martha Hewlett, Administrative Officer  
Janey Hovenden, Division Director  
Heather Noe, Accounting Technician I/Travel Desk Personnel  
Charles Ward, Marine Pilot Coordinator

Present from the Public:

Ashley Winslow, Licensed Marital and Family Therapy (*via teleconference*)

Ms. Zaguirre informed the Board that Board member Linda King will not be able to attend the meeting due to a family emergency.

**Agenda Item 2**

**Review Agenda**

**Time: 9:02 a.m.**

The Board reviewed their meeting agenda. Ms. Zaguirre asked the Board if they would like to discuss AS 08.63.110(f), which is in regards to the number of times an associate may take the national exam, as during their January 2015 meeting, they had to revoke a license of a Marital and Family Therapy Associate, due to the licensee failing the required examination more than twice. Ms. Zaguirre stated that the Board should consider reviewing or even changing the regulation to clarify specifically how many times an associate can take the exam. The Board agreed to add reviewing AS 08.63.100(f) under old business.

Chair, Mr. Webber also wanted to recognize the service of the outgoing Board members, Kenneth McCarty and Linda King before the end of the meeting.

**On a motion duly made by JoAnn Young, seconded by Dorothea Aguero, and approved unanimously, it was**

**RESOLVED to accept the agenda as amended.**

**Agenda Item 3**

**Review Minutes**

**Time: 9:09 a.m.**

After reviewing the agenda, the Board proceeded to review the November 18<sup>th</sup>, 2016 meeting minutes.

Ms. Young commented on the task for Mr. Webber on page 11 of the minutes being incomplete. Ms. Young recalled that Mr. Webber was given a 3-day timeframe to complete the task of drafting and signing the letter to be presented to the legislators. Mr. McCarty explained that he drafted the letter during the previous meeting, and was supposed to send it to the examiner immediately after, but had sent the incorrect document initially. When the correct letter was sent to the examiner, Mr. McCarty asked for it to be printed on State letterhead, for Mr. Webber's signature. Mr. McCarty stated that the letter was signed electronically by Mr. Webber and was received only about a week ago before the meeting. The letter was presented to the legislators that he and Ms. Young met with.

Mr. McCarty also pointed out that the last two sentences from the first paragraph on page 7<sup>th</sup> of the minutes were confusing. First, Mr. McCarty stated that the second to the last paragraph was not clear. Mr. McCarty affirmed that the Board wanted to present the statutory and regulatory changes to the legislators that the Board wanted to pursue, but it sounded otherwise, as it states, "...to refrain from these changes not being taken into action." Ms. Aguero suggested removing that phrase as it is a double-negative, and instead, changing it to a clearer and more positive phrase. That sentence will now be written as:

"Mr. McCarty explained that with the legislative session coming soon, the Board needs to reiterate again the changes that they would like to pursue in order to implement these changes."

Also, in the following sentence, Mr. McCarty pointed out that he was the one assigned to draft the language for the statutory changes, not Ms. Aguero. Mr. McCarty recalled that he was asked to help in drafting the statutory changes for the Board, as he was tasked to draft the letters to be presented to the legislators. Ms. Aguero recalled that she was asked by Chair, Mr. Webber to help with the language as well. Ms. Aguero suggested to replace "statutes" with "regulations" instead. The last sentence under the paragraph on page 7<sup>th</sup> of the minutes should now read:

"Mr. Webber asked Ms. Aguero to provide suggestions in drafting the language for the regulations for teletherapy that the Board seeks for approval, to which Ms. Aguero has agreed to."

**On a motion duly made by Dorothea Aguero, seconded by Kenneth McCarty, and approved unanimously, it was**

**RESOLVED to accept the minutes with the amendments as stated.**

**Agenda Item 4**

**Ethics Report**

**Time: 9:24 a.m.**

There were no ethics to report.

**Agenda Item 5**

**Board Business**

**Time: 9:25 a.m.**

With no ethics violations to report, the Board moved to the next item on the agenda, Board Business.

**Application Review**

The Board reviewed the application submitted by Edward McCarthy, who was applying for a Marital and Family Therapy Associate License. Upon review, Mr. McCarty found on the application that Edward McCarthy worked in Washington as an intern, and wanted to know his licensure standing in the State, as well as what the limitations of his license are. Ms. Aguero pointed out that the applicant answered “no” to all the professional fitness questions in his application, but Mr. McCarty insisted that the Board would like a verification from the State of Washington on what type of license he has or had, its limitations, and if it was in good standing. After doing a quick search on the Washington Licensing Division’s website, Ms. Zaguirre found that Mr. McCarthy indeed had an MFT associate license in the State that expired on September of 2016, and was in good standing. Mr. McCarty asked Ms. Zaguirre to add the license information to Mr. McCarthy’s application. Ms. Young then asked if the applicant had a license in Alaska as he indicated that he worked in Craig on his application. The Board also wanted a verification of his employment, specifically on what services he is providing in Community Connections in Craig, Alaska, as technically he is practicing in in the State without a license.

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

**RESOLVED to table the Marital and Family Therapy Associate license application submitted by Edward McCarthy to the next meeting, due to unclear information of activities of practice prior to Alaska and his non-licensure in Alaska from December 1<sup>st</sup>, 2015 until present. Clarity of information is requested for effective review.**

Continuing Education Requirement Exemption Request

The Board received a written exemption request for the continuing education requirement for license renewal from Liz Lorraine. Ms. Lorraine is requesting to be exempted from completing the required face-to-face CE requirement.

**Agenda Item 6**

**Investigative Report**

**Time: 9:46 a.m.**

*Sonia Lipker, Investigator entered the room at 9:46 a.m.*

*Sonia Lipker, Investigator left the room at 9:50 a.m.*

Sonia Lipker, the Board’s assigned Investigator provided the Board with her investigative report. Ms. Lipker reported that there were no open matters. Ms. Lipker added that from November 15<sup>th</sup>, 2016 up to present, there were no matters opened, and only one matter was closed. Ms. Lipker explained that on the matter closed, no further actions were taken. With the information provided, the Board was delighted to hear the current stance of the

Board in terms of legal matters. Chair, Mr. Webber commended the teamwork between the Board and the investigative unit, noting that this helps in decreasing the Board's expenses with cutting down investigative costs.

Mr. McCarty asked Ms. Lipker who is reporting from the Investigations Unit to the Legislative Audit for their sunset audit. Ms. Lipker stated that the audit goes through the Chief Investigator, Angela Birt. Ms. Lipker informed Mr. McCarty that the Board is not responsible for handling the investigations processes, as this is something that the Investigations Unit communicates with the Auditors directly.

**Agenda Item 5**

**Board Business**

**Time: 9:52 a.m.**

After the investigative report, the Board went back to discussing the CE exemption request submitted by Liz Lorraine.

**Continuing Education Requirement Exemption Request**

Ms. Young asked Ms. Zaguirre if this was sent to the Board via an e-mail ballot, to which she agreed to, but explained that it was tabled by Mr. McCarty, which was why it was added to the agenda for the scheduled meeting. Ms. Zaguirre explained that when one member tables any applications for review, it will automatically be reviewed on the Board's next scheduled meeting.

The Board proceeded to review and discuss how they would like to address the exemption request. During the discussion, Mr. McCarty clarified that "face-to-face" interaction can be done online, so as long as it is in "real-time." The Board wanted to determine how many hours of continuing education she has completed pertaining to her renewal. Ms. Zaguirre noted that the licensee has not submitted a renewal application yet, and thus has not submitted any CE hours.

**On a motion duly made by Dorother Aguero, seconded by JoAnn Young and approved unanimously, it was:**

**RESOLVED to approve a one-time exemption to Liz Lorraine to meet her face-to-face CEU requirements provided that she completes all of the CEUs hours for the 2015-2016 renewal period, both live and non-live by May 1<sup>st</sup>, 2017. Ms. Lorraine must submit the license renewal application by February 20<sup>th</sup>, 2017, and will be under temporary privileges until she submits all the required CEUs on or before May 1<sup>st</sup>, 2017.**

Chair, Leon Webber, called for a short break.

*Off the record at 10:27 a.m.*

*Back on the record at 10:39 a.m.*

**Agenda Item 5**

**Board Business**

**Time: 10:39 a.m.**

*Laura Carrillo, Records and Licensing Supervisor, entered the room at 10:25 a.m.*

*Charles Ward, Marine Pilot Coordinator (previous Paralegal II), entered the room at 10:35 a.m.*

*Charles Ward, Marine Pilot Coordinator (previous Paralegal II), left the room at 10:57 a.m.*

After the break, Ms. Carrillo invited Mr. Ward, the previous Paralegal II of the Division, to the meeting for his advice regarding the continuing education request that the Board had tackled earlier. Mr. Ward suggested that the Board go into executive session to speak about the matter.

**On a motion duly made by Kenneth McCarty, seconded by Dorothea Aguero, 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 and Matters which by law, municipal charter, or ordinance are required to be confidential and for the purpose of discussing confidential disciplinary matters for the purpose of discussing investigations and reports.**

**Staff, Ms. Carrillo, Mr. Ward, and Ms. Zaguirre would be present for discussion.**

*Off the record at 10:42 a.m.*

*Back on the record at 10:59 a.m.*

For the record, Mr. Webber stated that no motions were made during executive session. Mr. Webber opened the floor to entertain any motions pertaining to the continuing education exemption request submitted by licensee, Liz Lorraine.

**On a motion duly made by Dorothea Aguero, seconded by JoAnn Young, and approved by a roll call vote, it was:**

**RESOLVED to amend the motion as follows: to approve a one-time exemption request to Liz Lorraine, to meet her face-to-face continuing education requirements provided that she enters a consent agreement to complete all**

**the CEUs for the 2015-2016 licensing period, both live and non-live, by May 1<sup>st</sup>, 2017, and submit the license renewal application by February 20<sup>th</sup>, 2017. If the terms of the consent agreement are not met, then her license will be suspended without further action by the Board.**

**Roll Call Vote:**

<b>Board Member</b>	<b>Approve</b>	<b>Deny</b>	<b>Abstain</b>	<b>Absent</b>
<b>Leon Webber</b>	<b>X</b>			
<b>Dorothea Aguero</b>	<b>X</b>			
<b>Linda King</b>				<b>X</b>
<b>Kennith McCarty</b>	<b>X</b>			
<b>JoAnn Young</b>	<b>X</b>			

Report of Contact

With no further discussions regarding the CE exemption request, the Board proceeded to the next item under Board Business: Report of Contact.

Since Mr. McCarty and Ms. Young went to meet with the legislators regarding the statutory changes that the Board re-approved during their previous meeting, they have submitted Report of Contact forms to Ms. Zaguirre, as per the Board's protocol. A summary of the meeting with the legislators will be provided during Agenda Item number 11, at 1:45 p.m.

Review Goals and Objectives

The Board then reviewed the updated Goals and Objectives after their November 18<sup>th</sup>, 2016 meeting, where they have decided to specify under Goal #2 the statutory and regulatory changes that they have wanted to pursue.

**Goal 2. The Board of Marital and Family Therapy will continue to review statutes and regulations to be consistent with the practice of marital and family therapy.**

*Objective 1: Continue to research and recommend changed to Regulation as needed*

*Objective 2: Amend Alaska Statute (AS) 08.63.100(a)(3)(C):*

- (i) Practiced marital and family therapy, including 1,500 *supervised clinical contact hours of contact with couples, individuals, and families; and*
- (ii) *Been supervised concurrently during contact for at least 200 hours, including 100 hours of individual supervision and 100 hours of group supervision approved by the board; and*
- (iii) *Group supervision conducted by the Alaska licensed supervisor of Marital and Family Therapists, Social Workers, Professional Counselors, Psychologists, Psychiatric A.N.P.s, or Psychiatrists.*

*Objective 3:* Require all LMFT's to carry liability insurance with a provision for Regulatory Investigation Fees of at least \$30,000

*Objective 4:* Pursue the inclusion of Marital and Family Therapists to Title 47 under AS 47.07.030

**Agenda Item 7**

**Old Business**

**Time: 11:04 a.m.**

Since there were no discussions pertaining to the Board's Goals and Objectives under Board Business, the Board moved to discussing Old Business.

Code of Ethics

Ms. Zaguirre asked the Board if they would like to update their Code of Ethics as under 12 AAC 19.900, the Board is still using the 2001 version, even after the AAMFT has posted a 2015 revised edition on their website. Mr. Webber suggested that the Board table this to the next meeting, especially since there would be two new clinical members who would be able to provide suggestions. Mr. McCarty agreed to the suggestion of Mr. Webber, and also added that there are some States that are not in favor of the new Code of Ethics, which would mean there is a need for further discussions regarding the topic.

**On a motion duly made by Kenneth McCarty, seconded by Dorothea Aguero and approved unanimously, it was:**

**RESOLVED to table to the next meeting the discussion on updating the Code of Ethics under 12 AAC 19.900.**

Regulations Project Update

The Board then reviewed the regulations draft that Mr. Webber and Ms. Aguero forwarded to Ms. Zaguirre. Ms. Aguero suggested to disregard the draft that she provided, as she had not seen the comments from the Department of Law that is included in the Board Packet.

**Agenda Item 8**

**Draft Regulations**

**Time: 11:09 a.m.**

Teletherapy (SB74)

Chair, Mr. Webber suggested that the Board should table drafting the teletherapy regulations to give more time to read through the AMFTRB guidelines that the Board had previously approved. Ms. Carrillo recommended that the Board should not delay the drafting of their teletherapy regulations any further as the Board has been behind for about a year in doing so. Ms. Carrillo added that the Board should take advantage of their in-

person meeting getting approved to draft their regulations, especially with most of the members being physically present in the meeting.

Mr. McCarty asked a few questions regarding the AMFTRB Guidelines, as to whether or not it is still a draft and if they were approved by legislators. Mr. Webber answered that the current guidelines is the final document that were provided by the AMFTRB, as approved by thirty-three States. Ms. Carrillo stated that during one of their past meetings, the Board approved that they use the draft AMFTRB guidelines to be incorporated in the teletherapy regulations that they would need to draft, not to use it as it is. Ms. Carrillo added that it does not matter what the other Boards are doing with the guidelines, what matters is that the Board drafts their teletherapy regulations with that resource as that is what was recommended from their previous sunset audit. The Board continued to discuss the importance of teletherapy to Alaska, and how they can go about starting to draft the regulations.

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

**RESOLVED to table drafting the teletherapy regulations after lunch.**

#### Continuing Education

With the Board agreeing to draft the teletherapy regulations after lunch, they continued the discussion of amending their regulations for Continuing Education.

Ms. Carrillo stated that there are two things that the Board needs to address regarding continuing education. First, Ms. Carrillo stated that the Board needs to make the process in applying for continuing education approval clearer and less broad. The other issue is regarding resubmitting to the Department of Law the regulation proposal to include the information of costs for other State Departments. Mr. McCarty explained that the submitted proposal was returned to the Board as there was no language indicating the costs. Ms. Carrillo stated that there is a form that the Board can fillout for this, and submit to the Division's Regulations Specialist, Jun Maiquis. The Board continued to discuss working with the draft that the Department of Law has returned to the Board.

The Board also reviewed the draft checklist that Ms. Carrillo has provided to the Board during their previous meeting, showing how broad the continuing education requirements are their regulations. Mr. McCarty stated that under 12 AAC 19.320, it states that the Board can accept CE applications. Ms. Carrillo stated that those under 12 AAC 19.320 are the activities that the Board can accept, but the Board needs to specify the method for getting the CE applications to the Board, as the Board cannot simply ask for anything not included

in their regulations. Ms. Carrillo suggested that the Board can add a new section that will provide the requirements for CE approval. The Board then started to amend the draft regulations for CE applications that they initially submitted to the Department of Law.

Due to time constraints, the Board has agreed to continue their discussion regarding CE application regulations after lunch.

**Agenda Item 11**                      **Legislative Business Update**                      **Time: 11:52 a.m.**

After agreeing to table the discussion for the regulations regarding CE applications, Mr. Webber asked Mr. McCarty and Ms. Young to provide their update from meeting with the legislators the day before the meeting.

Mr. McCarty stated that he and Ms. Young met with a couple of legislators regarding the statutes that the Board was seeking approval for. Mr. McCarty stated that Senator Wilson was particularly concerned about the marital and family therapists not being included under Title 47, specifically AS 47.07.030. Mr. McCarty also reported that there were many questions and discussions regarding SB74. Mr. McCarty stated that the Board just needs to keep pushing their stand even after the legislative session. Overall, Ms. Young and Mr. McCarty affirmed the Board that their meeting with the legislators went well.

**Agenda Item 10**                      **Lunch**                      **Time: 12:00 p.m.**

Off record at 12:01 p.m.

On record at 1:15 p.m.

**Agenda Item 8**                      **Draft Regulations**                      **Time: 1:15 p.m.**

Chair, Mr. Webber suggested returning to the discussion of clarifying the requirements for continuing education approvals. Ms. Carrillo provided a copy to the Board of the previous regulations draft that the Board submitted to the Department of Law which was disapproved and returned back to the Board. The Board had discussed the comments from the Department of Law and determined the changes that they needed to make, specifically in indicating who can apply for CE approval, as in one of the sections, it was first stated as an “applicant,” then changed to “sponsor.” The Board would need to specify who can submit an application, as well as the fees for State Departments. Ms. Aguero suggested that the Board should use “applicant,” throughout the proposal, and also specify who can apply for continuing education approval. Ms. Zaguirre asked the Board if they are open to a licensee applying for a CE approval, to which Mr. McCarty disagreed. Mr. McCarty explained that only the provider can submit an application, as it is the provider’s responsibility to

make sure that the courses being offered can be applied for continuing education in the marital and family therapy industry.

**Agenda Item 10      Budget Report/Division Updates**

**Time: 1:30 p.m.**

*Janey Hovenden, Division Director, entered the room at 1:30 p.m.*

*Janey Hovenden, Division Director, left the room at 2:08 p.m.*

*Martha Hewlett, Administrative Officer II, entered the room at 1:30 p.m.*

*Martha Hewlett, Administrative Officer II, left the room at 2:08 p.m.*

Chair, Mr. Webber halted the discussion on the continuing education regulations and asked Director Hovenden and Ms. Hewlett to present their updates. Ms. Hewlett provided the budget reports for the fourth quarter of FY 2016 and first quarter of FY 2017 respectively.

Since the Board recently had their renewals, they were hoping to be able to generate enough income for the next two years. The Board discussed possible options for generating more income and means to decrease Board expenses with Director Hovenden and Ms. Hewlett. Mr. McCarty suggested that the Board is trying to impose fees on continuing education applications, but this would also incur expenses as it needs to go through the regulation process. Mr. McCarty also discussed briefly about the Board mandating liability insurance with stipulations for regulatory investigation fees.

Director Hovenden also asked the Board if they can benefit from the telemedicine bill, as this can incur more licensing revenue. Mr. McCarty stated that this bill will help the Board of Medicine but not the Board of Marital and Family Therapy Board. This is due to the licensed marital and family therapists not being included in Title 47, specifically in AS 47.07.030, Mr. McCarty added.

**Agenda Item 8**

**Draft Regulations**

**Time: 2:10 p.m.**

After the Division Update and Budget Report, the Board continued to draft the continuing education application approval regulations. The Board returned to clarifying who can apply for continuing education approval. Ms. Carrillo suggested that the Board needs to clarify what a “professional organization” is as written under 12 AAC 19.320(b)(3). Ms. Carrillo also added that in the past, the Board has approved continuing education applications that were submitted by licensees, which would mean that denying any CE applications submitted by licensees in the future would be inconsistent to the Board’s approval practices.

Mr. McCarty and Mr. Webber suggested that if the Board decides to require an application and fees, they should make an exception for the courses offered by the American

Association for Marital and Family Therapy and Alaska Association for Marital and Family Therapy, to honor the organizations. Ms. Carrillo stated that the Board would need to specify that in the regulations, but noted that by doing so, the Board might receive requests from other professional organizations for an exception for submitting the application and fees as well. Ms. Carrillo added that if they choose to include exemption language, the Board should specify in the regulations that they will be drafting to officially honor these associations, and indicate that other agencies would need to submit an application. Ms. Aguero and Ms. Carrillo also suggested either removing or amending 12 AAC 19.320(4)-(6) to refrain having such broad language in the Board's continuing education regulations.

The Board decided to use the original regulations proposal that was submitted to the Department of Law, and apply the changes and additions that the Board had worked on during the meeting.

Due to time constraints, Chair, Mr. Webber asked the Board if they can meet via teleconference to finalize the continuing education regulations draft before March 1<sup>st</sup>, which is when two members will be terming out.

**Agenda Item 13**

**Administrative Business**

**Time: 2:30 p.m.**

*Heather Noe, Accounting Technician I, entered the room at 2:30 p.m.*

*Heather Noe, Accounting Technician I, left the room at 2:45 p.m.*

**Travel**

Heather Noe, the travel desk personnel for the Division discussed the correct travel procedures with the Board. Ms. Noe explained the frequently asked questions relating to Board travel, as well as instructions for who to call in case they encounter any problems while traveling on for making changes on State travel.

**Next Meeting Dates**

The Board moved forward to setting their next meeting date.

**On a motion duly made by JoAnn Young, seconded by Dorothea Aguero and approved unanimously, it was:**

**RESOLVED to meet via teleconference on February 24<sup>th</sup>, 2017, from 9:00 a.m. to 1:00 p.m. to finalize the teletherapy and continuing education regulations drafts.**

**TASK:**

**Mr. Webber and Ms. Aguero will meet to provide an outline before the February 24<sup>th</sup> teleconference to draft teletherapy regulations.**

**TASK:**

**Mr. McCarty will work with Ms. Carrillo for the continuing education regulations projects.**

**Agenda Item 11**                      **Public Comment**                      **Time: 2:55 p.m.**

There was no one from the public present to comment.

**Agenda Item 12**                      **Correspondence**                      **Time: 2:57 p.m.**

There was no correspondence for the Board to discuss.

**Agenda Item 14**                      **New Business**                      **Time: 2:59 p.m.**

With no correspondences to discuss, Chair, Mr. Webber then moved to the review of procedures for renewal audit. Since the Board recently had their license renewals, the Board will be doing an administrative audit to verify if the licensees selected for a random audit complied with the continuing education requirements.

Ms. Carrillo explained the process to the Board, and was given templates of the letters that the licensees who will be randomly selected for an audit will be receiving.

**Agenda Item 13**                      **Administrative Business**                      **Time: 3:10 p.m.**

Task List

The Board then reviewed the pending task lists from the November 18<sup>th</sup>, 2017.

**TASK:**

**The examiner will inform Ms. King of the teleconference meeting on February 24<sup>th</sup>, 2017.**

Next Meeting Dates

The Board moved to set their next teleconference with the new Board members joining.

**On a motion duly made by Dorothea Aguero, seconded by JoAnn Young and approved unanimously, it was:**



**RESOLVED to adjourn the meeting at 5:45 p.m.**

Respectfully Submitted by:

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Aiko Zaguirre, Licensing Examiner

Approved by:

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Leon Webber, Chair

DRAFT