

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 TELECONFERENCE MEETING

Friday, February 24th, 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, February 27th, 2017 beginning at 9:00 a.m. via teleconference.

Agenda Item 1 Call to Order/Roll Call

The meeting was called to order by Chair Leon Webber at 8:20 a.m.

Board Members Present, constituting a quorum:

Leon Webber, Chairman, Licensed Marital and Family Therapist
Linda King, Licensed Marital and Family Therapist
Kennith McCarty, Licensed Marital and Family Therapist *(via teleconference)*
JoAnn Young, Public Member
Dorothea Aguero, Public Member *(joined the meeting at 9:01 a.m.)*

Division Staff present were:

Aiko Zaguirre, Licensing Examiner
Laura Carrillo, Records & Licensing Supervisor
Jun Maiquis, Regulations Specialist

Present from the Public:

Susan Pollard, Attorney VI, Alaska Department of Law *(via teleconference)*

Agenda Item 2

Review Agenda

Time: 8:21 a.m.

The Board reviewed their meeting agenda.

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

RESOLVED to approve the Agenda as presented.

Agenda Item 3

Ethics

Time: 8:22 a.m.

There were no ethics to report.

Agenda Item 4

Draft Regulations

Time: 8:23 a.m.

With no ethics violations to report, the Board moved to the next item on the agenda, drafting regulations in regards to teletherapy and continuing education.

Continuing Education

Chair, Leon Webber opened the meeting for discussion on continuing education regulations. The Board first addressed the continuing education regulation project that they have previously submitted to the Department of Law. Aiko Zaguirre reminded the Board that they would need to specify who can apply for continuing education approval, as this was one of the reasons why the Department of Law returned their previous regulations project. Kenneth McCarty recalled that the reason why the proposal was returned to the Board was due to not indicating the costs should a State agency submit an application for CE approval. Mr. McCarty provided suggestions to the Board as to how they can address this. One of them was to simply add a statement on the proposal that says “this applies to all applications, including State and non-State agencies. Linda King asked why the proposal that they have submitted was “disapproved.” Mr. McCarty stated that Laura Carrillo, the Board’s previous examiner was the one who wrote the corrections, to which Ms. Zaguirre disagreed to. Ms. Zaguirre stated that the corrections were all from the Department of Law when the proposal was returned to the Board.

Ms. Zaguirre read the email from Susan Pollard, who reviewed the CE regulations project that the Board submitted. In Ms. Pollard’s email, she stated that the proposal needs further work, specifically on clarifying who can submit an application, as well as again, the costs to State agencies. Mr. McCarty stated that he does not remember any other comment from the Department of Law other than the issue on costs. Mr. McCarty asked if Ms. Pollard can join the meeting to clarify the disapproval of the CE regulation proposal that the Board has submitted before. Ms. Zaguirre stated that she will try and contact Ms. Pollard to attend the teleconference.

Agenda Item 5**Board Members****Time: 8:40 a.m.**

While waiting for the clarification from the Department of Law, Mr. McCarty asked Mr. Webber if he can provide his final message to the Board as it was his last meeting as a Board member. Mr. Webber allowed Mr. McCarty to provide his statement to the Board, and also encouraged Ms. King to deliver hers as she will also be terming out.

Mr. McCarty read out his farewell letter to the Board. Mr. McCarty expressed his gratitude as a member of the Board to the licensees, to a couple of legislators, as well as to the Office of the Governor. Mr. McCarty also commended the Board's passion to serve the marital and family therapy workforce, and their effort in cutting the Board's deficits in any way possible. Mr. McCarty also challenged the Board to continue pushing for the statutes and regulations that they have been seeking to be implemented, as well as to be more responsible in keeping track of all the documents that include previous motions passed, position statements, and meeting minutes, in order to be more clear in future meetings and continue keeping the licensees informed.

Mr. Webber, Chair, thanked Mr. McCarty for his final message to the Board. Mr. Webber then asked Ms. King to provide her departure message to the Board. Ms. King stated that it has been an honor to serve the marital and family therapy workforce as a Board member. Ms. King added that although sometimes being a member of a Board that is continuously changing gets frustrating, she believes that the Board is doing excellently in handling the difficulties and considers it a privilege to work with the other members.

Agenda Item 4**Draft Regulations****Time: 8:23 a.m.**

Laura Carrillo, Records and Licensing Supervisor, entered the room at 8:45 a.m.

Laura Carrillo, Records and Licensing Supervisor, left the room at 11:20 a.m.

Jun Maiquis, Regulations Specialist, entered the room at 9:20 a.m.

Jun Maiquis, Regulations Specialist, left the room at 9:33 a.m.

Susan Pollard, Attorney VI, joined the meeting at 9:53 a.m.

Susan Pollard, Attorney VI, left the meeting at 10:06 a.m.

Continuing Education

After hearing a few words from Mr. McCarty and Ms. King, Chair, Mr. Webber asked the Board to continue discussing their regulations for continuing education approval applications. Mr. McCarty stated that during the Board's last meeting, he recalled that the Board was told that they only need to clarify who may apply for continuing education approval by changing "sponsor" to "applicant" for consistency, and also to make a

statement regarding giving privileges to the State in regards to CEU so as they are exempt from paying any fees.

Ms. Carrillo joined the meeting and clarified the corrections in regards to the continuing education regulation proposal returned to the Board from the Department of Law. Ms. Carrillo reiterated to the Board the same reasons for disapproval that Ms. Zaguirre identified earlier, and also read to the Board the email Ms. Pollard sent to the Division's regulations specialist, Jun Maiquis. Mr. McCarty insisted on adding an additional line stating: "(e) the State of Alaska is dismissed of charges for CEUs, but the presenter must have completed a Masters or Doctorate." Ms. Zaguirre asked if the Board wants to waive the fees for the State agencies, to which Mr. McCarty agreed to, exemplifying the Board's stance on exempting the American Association for Marital and Family Therapy and Alaska Association for Family Therapy. Ms. Carrillo clarified that if this is what the Board would prefer, they should make it clear for the record. Mr. McCarty, however, stated that they need not specify that in the current continuing education regulation proposal, as it is already included in their regulations under the approved continuing education activities that associations are exempted from submitting an application. Ms. Carrillo explained that the inclusion of the national and Alaska associations in 12 AAC 19.320 (b)(2)-(3) does not exempt them from applying and paying the fees, but rather, only clarifies the acceptable activities for continuing education. The Board continued their discussion in regards to the already approved activities under 12 AAC 19.320.

Ms. Carrillo also reminded the Board to be receptive to Ms. Zaguirre's input, as it appears that she provided the same information to the Board regarding the CE regulations project. Ms. Zaguirre sent Ms. Pollard an email to check if she is available to join the teleconference.

Chair, Mr. Webber asked the Board to finalize their regulations draft in regards to continuing education. Mr. McCarty, however, suggested to wait until Ms. Pollard clarifies the disapproval on their earlier proposal.

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

RESOLVED to table the discussion on the continuing education regulations project until Susan Pollard from the Department of Law can provide input.

Teletherapy

Chair Webber prompted Dorothea Aguero to present the draft for the teletherapy language, and also asked Mr. McCarty to explain his suggested corrections to the draft. Ms. Aguero acknowledged that the guidelines provided a good framework for developing the

regulations, adding that the professional counselors draft was helpful as well. Ms. Agüero informed the Board that she reviewed the April Board packet and referred to the list of preferred language that could be added to the teletherapy regulations draft. Ms. Agüero further commented that as far as the detailed language goes, it should be specified by the licensed therapists. Ms. King asked Ms. Agüero to provide clarification on the proposed language for teletherapy endorsement. Mr. McCarty crossed out the language for teletherapy endorsement as he does not believe an individual needs an endorsement to practice teletherapy, but should be in compliance with the required training. The Board continued to discuss the necessity of an endorsement. Ms. Carrillo added that the “endorsement” language is simply a suggestion based on the Dispensing Opticians Program. Ms. Carrillo explained that the dispensing opticians program use the endorsement language for those who are already licensed who would like to practice in a certain area, which the Board can do for the practice of teletherapy, to verify their qualifications. Mr. McCarty insisted that the endorsement application is not necessary.

After the discussion on the endorsement language, Mr. Webber asked Ms. Agüero to continue presenting the teletherapy regulations draft.

Continuing Education

Ms. Zaguire asked the Board to return to their discussion regarding continuing education, as Jun Maiquis, the Division’s regulations specialist joined their meeting for clarification. Mr. Maiquis clarified to the Board that the CE draft was disapproved not because of the language, but due to the costs not being properly public noticed. Mr. Maiquis explained that the attorney handling the project will scratch the disapproved section, but it is not necessary because it was written, and added that the Board can simply re-write the draft.

Mr. Maiquis also suggested that the Board would need to clarify who is the “applicant,” and suggested that if the Board does not want the licensees to apply, then they would need to specify that. Ms. Young stated that the provider, who can be a licensee, may apply as an “instructor” of the class, but not as a “licensee.” Ms. Carrillo suggested that since the Board has approved CE applications from licensees in the past, they would have to clarify that this will not be allowed in the future. Mr. Maiquis agreed to Ms. Carrillo, adding that they should specify in their regulations draft that the application only applies to the providers, excluding licensees. Ms. Carrillo asked the Board if they will automatically reject applications from licensees. Ms. Young and Mr. McCarty disagreed, and explained that the licensee may apply as the provider of the class, but not as a licensee who will take or have taken the class.

Chair, Mr. Webber reiterated that the Board would like to specify that: 1) only providers may apply for continuing education course approval; and 2) that the American Association

of Marital and Family Therapy, Alaska Association of Marital and Family Therapy, and State of Alaska agencies will be exempted from submitting an application and fees, when and if such fees are implemented.

Mr. Maiquis stated that the Board can make a motion as to how they want this to be rewritten and will be in contact with Harriett Milks, who is the assigned attorney for the project. Ms. Aguero requested to simply attach a memo instead of crossing-out portions to the regulations proposal if the Department of Law will return a regulations proposal again to the Board in the future to prevent any confusion of the whole draft being rejected. Chair, Mr. Webber thanked Mr. Maiquis for providing suggestions and clarifications to the Board.

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

RESOLVED to approve to add to the current continuing education regulation proposal 12 AAC 19.350 to read as:

12 AAC 19.350. Application of providers for continuing education course approval. (a) Except as provided in 12 AAC 19.310, to be approved by the Board to meet the continuing education requirements of 12 AAC 19.320, an applicant for continuing education course approval shall submit to the board, not less than seven days before the date of the proposed program presentation date,

- (1) a completed application on the form provided by the department;**
- (2) the continuing education course approval fee specified in 12 AAC 02.242;**
- (3) the name of the course provider;**
- (4) a complete course description, including the course title and a description of the learning objectives;**
- (5) a course syllabus; and**
- (6) an outline of the major topic covered by the course and the number of classroom hours allowed for each topic.**

(b) Approval of continuing education course under this section is valid until December 31 of the next even numbered year.

(c) An applicant who has a change in condition required under (a)(3)-(6) of this section during the approval period described in (b) of this section must reapply to the board for continuing education credit approval not later than seven days after the course is presented.

(d) The applicant shall keep records of attendance of all courses provided for a minimum of two years after the expiration date of the approved course, and may be audited at the discretion of the board.

(e) Exemption of the continuing education fee requirements are: American Association of Marital and Family Therapy, Alaska Association of Marital and Family Therapy, and the State of Alaska.

Authority: AS 08.63.050 AS 08.63.100

Ms. Carrillo asked the Board regarding the Board's intent to audit the providers of continuing education. Ms. Young clarified that this is for safeguarding the licensees, and also to verify their attendance in the class. Mr. McCarty also added that the Board, in their discretion may audit the provider if there is a concern regarding the class, or simply to verify if the class indeed took place, and also agreed to what Ms. Young stated earlier, which was to verify the class attendance. Ms. Carrillo stated that she believes that it is not necessary to audit the class as there are centralized statutes and regulations regarding renewals and auditing the licensees, which is outlined in 12 AAC 02.960.

Chair, Mr. Webber called for a break at 9:41 a.m.

Off the record at 9:41 a.m.

Back on the record at 9:47 a.m.

During the break, Mr. McCarty called Susan Pollard from the Alaska Department of Law, who was the Attorney who provided comments to the continuing education regulation proposal that the Board has initially submitted. Mr. McCarty said that Ms. Pollard will be joining the teleconference to provide clarifications.

Before the break, the Board had a discussion on possibly auditing the CE provider if and when needed. Ms. Young asked Ms. Zaguirre if they can simply change the word "audit" to "verify," as the Board only wants verification of a licensee's attendance to a class. Ms. Zaguirre stated that seems like a better option than using the word "audit," so as not to be confused with license auditing.

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

RESOLVED to amend the motion for the continuing education regulation proposal 12 AAC 19.350(d) to change the word "audit" to "for verification." 12 AAC 19.350(d) should now read as: (d) the applicant shall keep records of attendance of all courses provided for a minimum of two years after the expiration date of the approved course for verification.

After the discussion on verifying a licensee's attendance in a continuing education class, Ms. Pollard joined the teleconference. Mr. Webber thanked Ms. Pollard for her presence to provide guidance to the Board in regards to the initial CE regulation proposal. Mr. Webber prompted Mr. McCarty to ask questions to Ms. Pollard, as he was the one who contacted her to join the teleconference. Mr. McCarty asked Ms. Pollard to clarify the disapproval of their submitted continuing education regulation proposal, also asking for her advice on how the Board should proceed. Ms. Pollard stated that since she was not informed that the Board wanted clarification, she only looked at the email that she sent to Mr. Maiquis and Ms. Carrillo last March regarding this proposal. Ms. Pollard explained that as she recalled, the disapproval of the CE regulation proposal was due to a lack of understanding of the scope; specifically as to whom it would apply to. Ms. Pollard also added that in particular, they have noticed potential inclusion of the State without properly being specified. Mr. Webber informed Ms. Pollard of the changes that the Board has made earlier on the CE regulations proposal, and also expressed his appreciation towards her for participating in the meeting even in such short notice.

Ms. Carrillo asked Ms. Pollard if verifying a licensee's participation in a course and the course provider's compliance to the regulations are necessary as it appears to be duplicative of the current audit process of the Division. The Board opened the discussion again on possibly auditing the course provider for the purpose of verifying a licensee's attendance. Mr. McCarty suggested that since this issue has already been discussed earlier, the Board should move on to discuss their teletherapy regulations draft.

Teletherapy

Mr. Webber asked the Board to review both what he and Ms. Aguero had worked on, as well as the copy with the edits and corrections from Mr. McCarty.

Ms. Aguero asked Mr. McCarty why he removed the first section in their draft, which was a Statute indicating the Scope of Teletherapy. Mr. McCarty explained that the Board does not have authority to add this. Ms. Carrillo explained that Senate Bill 74 authorizes the Board to make changes to their regulations, and if necessary, to the statutes as well. Ms. Carrillo added that Mr. Maiquis verified with her that once the regulations draft is submitted, the statutes will also be updated in accordance with SB74, as naturally, there is nothing in the statutes and regulations of the Board is pertaining to teletherapy as of yet.

The Board then continued to discuss the teletherapy draft that was provided by Ms. Aguero line-per-line, and used the edits from Mr. McCarty and the Board of Professional Counselors' teletherapy draft as a resource for finalizing theirs.

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

RESOLVED to accept the first paragraph referring to the authorizing statute and code section on the Board's working draft on teletherapy.

It will read as:

AS. 08.63 _____ (new section) Scope of Teletherapy Practice.

Services offered by licensees of this Board across a distance by electronic means fall within the jurisdiction of the Board as with traditional, face-to-face services described in this chapter. AS 08.63 and 12 AAC 19 will apply to these services. Teletherapy or technology-assisted services refers to the scope of marriage and family therapy practice of diagnosis, evaluation, consultation, intervention, and treatment of behavioral, social, and interpersonal disorders through synchronous or asynchronous two-way electronic communication, including but not limited to telephone, videoconferencing, email, text, instant messaging, and social media. The practice of technology-assisted distance professional services does not include functions or practices that are not within the training required for licensure under this chapter in accordance with AS 08.63.240.

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

RESOLVED to approve the section "Eligibility to Practice Teletherapy" with the following amendments: adding "regarding teletherapy," and "with a minimum of four (4) hours."

It will read as:

12 AAC 19. _____ (new section): Eligibility to Practice Teletherapy Therapy.

- (a) to be eligible to practice teletherapy with Alaska clients, an individual must
1. be licensed in good standing under AS 08.63.100 as a marital and family therapist or AS 08.63.110 as a marital and family therapy associate
 2. complete the following initial training in all topics regarding teletherapy, totaling a minimum of 4 hours
 - i. appropriateness of teletherapy
 - ii. teletherapy theory and practice
 - iii. modes of teletherapy delivery
 - iv. legal and ethical issues
 - v. handling online emergencies
 - vi. best practices and informed consent

The Board then continued to discuss the section, "Application for Teletherapy Endorsement" which was initially included in their working teletherapy regulations draft. Mr. McCarty, Mr. Webber, and Ms. King agreed that it is not necessary to have an application for those who will be practicing teletherapy in the State. Ms. Carrillo stated that

this is one way to track who is practicing teletherapy in the State. Ms. Zaguirre asked the Board if she can just assume that all licensees are practicing teletherapy, to which Ms. King has agreed to. The Board has agreed to remove this language at this time, and if prompted to have an application, then they can add it in the future.

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

RESOLVED to remove the “Application for Teletherapy Endorsement” language from their working draft at this time.

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

RESOLVED to amend 12 AAC 19.300 to add (c): an applicant renewing a license who participates in teletherapy must complete 2 hours of continuing education relating to teletherapy practice, which includes teletherapy ethics.

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

RESOLVED to amend 12 AAC 19.210 to add (d): a supervisor must:

- 1.) Have completed at least 4 hours of training in the use of teletherapy technologies before engaging in teletherapy practice, according to 12 AAC19__ (new section)(a)(2)**
- 2.) Determine that telesupervision is appropriate for a supervisee considering professional, intellectual, emotional, and physical needs**
- 3.) Inform supervisees of the potential risks and benefits associated with telesupervision**
- 4.) Take reasonable steps to ensure the security of their communication medium;**

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

RESOLVED to accept the proposed language provided by Ms. Agüero to be added as numbers five, six, seven, and eight to 12 AAC 19.210.

The additions will read as:

- 5.) Commence telesupervision only after gaining appropriate education, training or supervised experience using the relevant technology**

- 6.) Be aware of the risks and responsibilities associated with tele-supervision and advise supervisees in writing of these risk as well as the supervisor's and supervisees responsibilities for minimizing such risks.
- 7.) Consider that communications may be synchronous or asynchronous and that technologies may augment traditional in-person supervision or be used as stand-alone supervision.
- 8.) Be aware of the potential benefits and limitations in their choices of technologies for a particular supervisee in a particular situation.

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

RESOLVED to adopt the changes that were suggested by Mr. McCarty to the section "Providing Technology Assisted Distance Professional Services," bullets (a) and (b).

This section will now read as follows:

PROVIDING TECHNOLOGY ASSISTED DISTANCE PROFESSIONAL SERVICES.

- (a) The provision of any service as the practice of Marital and Family Therapy (Sec. 08.63.900 (5)) to a client in the State of Alaska through digital, telephonic, electronic or other means, regardless of the location of the provider of such service, shall constitute the practice of Marital and Family Therapy in the State of Alaska and shall require licensure of the service provider under the statutes and regulations of the State of Alaska for Marital and Family Therapy.
- (b) The provision of any service defined as the practice of marital and family therapy by a provider of such service in the State of Alaska through digital, telephonic, electronic, or other means, regardless of the location of the Client receiving such services, shall constitute the practice of marital and family therapy in the State of Alaska and shall require licensure of the provider under the applicable provisions of the statutes and regulations of the State of Alaska for marriage and family therapists. Licensees are required to comply with all statutes, regulations, and rules of the state where the client is physically located.

Mr. McCarty asked Mr. Webber to pause the meeting for a short break. Chair, Mr. Webber called for a break at 10:49 a.m.

Off the record at 10:49 a.m.

Back on the record at 10:55 a.m.

After the break, the Board continued to discuss and finalize their teletherapy regulations draft.

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

RESOLVED to accept the language that the Board of Professional Counselors used in their draft for the section “Providing Technology Assisted Distance Professional Services,” (c)-(g), except for (f) as it should read:

(f) Licensees are encouraged to refer to the most current AMFTRB Guidelines published on the Board’s website regarding delivery of distance professional services

The rest of the section, “Providing Technology Assisted Distance Professional Services” should read:

- (c) When providing technology-assisted distance professional services, licensees determine that clients are intellectually, emotionally, and physically capable of using the application and that the application is appropriate for the needs of the client.
- (d) When technology-assisted distance professional services are deemed inappropriate by the licensee or client, licensees consider referral to a clinician local to the client for in-person services. If the client refuses referral, licensee must document rationale for continuing to provide distance professional services.
- (e) Each time a technology-assisted, distance professional services session takes place the licensee verifies the client’s identity and duly notes the same in the progress note.
- (f) Licensees are encouraged to refer to the most current AMFTRB Guidelines published on the Board’s website regarding delivery of distance professional services
- (g) At the onset of services, licensees are required develop a safety plan naming local resources in the community of the distance client should emergency care be needed. Safety plan must include contact phone numbers. Local resources may be family members, law enforcement, Health Aid, religious leader, or Tribal leader but should preferably be someone trusted by the client to be available during distance professional services.

The Board then continued to discuss the “Safety and Confidentiality” section on their proposed regulations draft.

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

RESOLVED to accept bullets (A)-(E) in the proposed “Safety and Confidentiality of Communications” section in the teletherapy regulations draft.

This section reads as:

SAFETY & CONFIDENTIALITY OF COMMUNICATIONS

- (a) Email: Licensees should advise clients about the risks of exchanging emails. Licensees should include a disclaimer when sending emails. Email transmissions are part of the client record; copies should be maintained in the client file.

- (b) Text Messages: Text messages are not a secure form of communication. Therefore, texting of personal information is not recommended. Text messages are considered a part of the client record and should be kept in the file.
- (c) Online Scheduling: Any online scheduling software should be encrypted and secure. If not, licensees should disclose to clients the fact that the software is not encrypted and therefore is not confidential.
- (d) Chat Rooms: Licensees should not participate in chat rooms with clients because they may imply a licensee is able to intervene in the event that a crisis is mentioned.
- (e) Synchronous Distance professional services: Licensees endeavor to protect clients from unwanted interruptions during sessions.

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

RESOLVED to accept the proposed language for the section, “Informed Consent,” and amend (j) to be made specific to the MFT Board’s statute.

The “Informed Consent” section will now read as:

INFORMED CONSENT

Informed consent should be clearly set forth, understandable, discuss the benefits and risks of entering into distance professional services, and address the use of phone, online synchronous counseling, electronic billing, text, and email contact with a client. As part of the process of establishing informed consent, licensees do the following:

- (a) Address issues related to the difficulty of maintaining the confidentiality of electronically transmitted communications;
- (b) Inform clients of all colleagues, supervisors, and employees, such as information technology (IT) administrators, who might have authorized or unauthorized access to electronic transmissions;
- (c) Urge clients to be aware of all authorized or unauthorized users, including family members and fellow employees, who have access to any technology clients may use in the counseling process;
- (d) Inform clients of pertinent legal rights and limitations governing the practice of a profession over state lines or international boundaries;
- (e) Whenever possible, use encrypted websites and email communications to help ensure confidentiality;
- (f) When the use of encryption is not possible, licensees notify clients of this fact and limit electronic transmissions to general communications that are not client specific;
- (g) Inform clients if and for how long archival storage of transaction records are maintained;
- (h) Discuss the possibility of technology failure and alternate methods of service delivery;
- (i) Inform clients of emergency procedures, such as calling 911 or a local crisis hotline when the licensee is not available;
- (j) Inform clients of the limits of confidentiality according to Sec. 08.63.200.
- (k) Discuss time zone differences, local customs, and cultural or language differences that might impact services delivery;
- (l) Inform clients when technology-assisted distance professional services are not covered by insurance;

(m) Fully disclose the licensee's licensing, credentials and areas of expertise;

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

RESOLVED to accept AS 08.63.230(4) as the guide for payment practices for Distance therapy coverage.

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

RESOLVED to accept the proposed language for ethics as written.

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

RESOLVED to accept the "Definitions" as written in the Board of Professional Counselors' regulations draft.

The last sections of the teletherapy regulations draft are to be written as:

Distance Therapy Coverage Mandated/payment

Distance therapy coverage mandated payment is to follow the payment practices listed under Sec 08.63.230(4).

ETHICS: Amend 12 AAC.19.900 to add: all Licensed Marriage and Family Therapists and Associate Marriage and Family Therapists practicing distance therapy (teletherapy) must adhere to the same code of ethics as they do in a traditional (face-to-face, in person) therapy/supervision setting as indicated in current statutes and regulations 12 AAC 19.900 Code of Ethics.

DEFINITIONS

- (a) "Synchronous" interaction means a real-time interaction between a client and a counselor occurring at exactly the same time during which the client and counselor are able to communicate in real-time
- (b) "Asynchronous" interaction means the transmission of a client's information from an originating site to a licensed professional counselor at a distant site not occurring at exactly the same time; no real-time communication is present or able;
- (c) "Distant site" means a site or location from which services are delivered by a licensee via a technology-assisted media.
- (d) "Originating site" means a site where a client is located at the time counseling services are provided via technology-assisted media or where the asynchronous storage and forwarding services originate.
- (e) "Distance professional services" means the mode of delivering services via technology-assisted media, such as but not limited to, a telephone, video, internet, a smartphone, tablet,

PC desktop system, or other electronic means using appropriate encryption technology for electronic health information, occurring either synchronously or asynchronously as it pertains to Professional Counseling practices.

Agenda Item 6

Adjourn

Time: 12:10 p.m.

With no further discussions, Chair, Mr. Webber has called to adjourn.

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

RESOLVED to adjourn the meeting at 12:10 p.m.

Respectfully Submitted by:

Aiko Zaguirre, Licensing Examiner

Approved by:

Leon Webber, Chair