

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 19TH, 2018

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 19th, 2018 beginning at 9:00 a.m. The meeting was held at 333 Willoughby Ave, 9th Floor, Conf. Rm A, in the State Office Building, in Juneau, Alaska.

Agenda Item 1

Call to Order/Roll Call/Ethics Report

The meeting was called to order by Chairperson Dorothea Aguero at 8:55 a.m.

Board Members present, constituting a quorum:

Dorothea Aguero, Public Member, Chairperson
Karen Cunningham, Licensed Marriage and Family Therapist, Vice-Chair
Nicole Jenkins, Licensed Marriage and Family Therapist
JoAnn Young, Public Member

Board Members absent:

Leon Webber, Licensed Marriage and Family Therapist

Division Staff present were:

Chelsea Childress, Licensing Examiner

Ethics Report:

There were no ethics conflicts to report.

Agenda Item 2

Review Agenda

The Board reviewed their meeting agenda. The Board had no revisions or suggestions for the agenda presented.

Licensing Examiner, Chelsea Childress noted she would like to add the topic 'Teletherapy Update' to the agenda item 'Old Business'.

Ms. Jenkins also noted she would like to add the topic 'Out of State Supervision Update' to the agenda item 'Old Business'.

On a motion duly made by Ms. Young, seconded by Ms. Jenkins, and approved unanimously, it was

RESOLVED to accept the agenda as amended.

Agenda Item 3

Review Minutes

After reviewing the agenda, the Board proceeded to review the meeting minutes for October 25th, 2017.

The Board had no revisions or suggestions for the agenda presented.

Licensing Examiner, Ms. Childress noted a new paragraph should be started on page 3, midway down the page.

On a motion duly made by Ms. Jenkins, seconded by Ms. Young, and approved unanimously, it was

RESOLVED to accept the October 25th, 2017 minutes as amended.

Agenda Item 4

Application Review

No applications presented for review. The Board has been reviewing applications by mail ballot, eliminating the requirement for application review during this meeting.

Agenda Item 5

Investigative Report

Jeannette Akers, Investigator entered the room at 9:44 a.m.

Jeannette Akers, Investigator left the room at 9:46 a.m.

Ms. Akers, provided the Board with her investigative report. Ms. Akers reported that there were no new matters. Additionally, two matters remain on-going. With the information provided, the Board was delighted to hear the current stance of the Board in terms of legal matters.

Ms. Akers asked the Board if they had any further questions. With no further questions presented, Ms. Akers concluded her investigative report, exiting at 9:46 a.m.

Agenda Item 6

Division Update

Sara Chambers, Deputy Director entered the room at 9:55 a.m.

Sara Chambers, Deputy Director left the room at 10:21 a.m.

Ms. Chambers also addressed the FY17 Year End report and informed the Board that their licensing revenue was at \$67,375 with an ending cumulative surplus of \$51,458.

Ms. Chambers addressed the FY18 1st Quarter report and informed the Board that their licensing revenue was at \$3,805 with an ending cumulative surplus of \$47,358. Ms. Chambers noted they were in a good position to begin renewals. Ms. Childress agreed and noted the Board will be doing a fee analysis within the next few months.

Agenda Item 7

Board Business

Report of Contact:

The Board noted no new Report of Contacts were present.

Review Goals and Objectives:

The Board reviewed the Goals and Objectives for FY18, included in the Finalized FY17 Annual Report.

The Board determined they are meeting the goals and objectives set forth.

Liaison and Conference Report:

There were no liaison or conference reports for this meeting.

Agenda Item 8

Old Business

Military License Update:

JoAnn Young provided the Board with the outcome of the subcommittee held with Mr. Webber. They determined the Board did not need to adopt regulations for military licensing, since there is already language in place within the Centralized Statutes and Regulations.

The Board discussed forming a position statement for the Military License Update. Ms. Childress noted she would draft a position statement for the Board's review.

Out of State Supervision Update:

JoAnn Young and Leon Webber were supposed to lobby and set up a meeting with the legislature to find a sponsor for the desired statute changes.

Ms. Young informed the Board this meeting hadn't happened, as she wasn't aware she should be setting this meeting up. Ms. Young explained that Mr. McCarty used to be the lead when lobbying, and that she was not familiar with the process.

Ms. Childress noted they could work on the Out of State Supervision now, since we're running a little ahead of schedule. Ms. Childress noted they would have to change the statutes in order to allow out of state supervision, but that they would need to determine how they want to move forward with starting the change.

Ms. Childress noted the two options; they could choose to:

- Change the language under Sec. 08.63.110 for License for Supervised Practice and repeal Sec. 08.63.120 for Authorized Supervisors
- Or
- Change the language under Sec. 08.63.120 for Authorized Supervisors, allowing an out of state Marital and Family Therapist to apply to be a board approved supervisor.

The Board discussed the details for each option, and determined they would prefer to revise Sec. 08.63.120 for Authorized Supervisors, leaving Sec. 08.63.110 License for Supervised Practice as-is.

Ms. Childress suggested changing section (b)(2) from 'be licensed under this chapter' to read 'be licensed under this chapter or other licensing jurisdiction as a Marital and Family Therapist'.

Ms. Jenkins noted there is no fee associated with the approved supervisor form and that, with the changes, there would be no new barriers for out of state LMFT's to become an Alaska board approved supervisor.

TASK: Ms. Aguero will contact the legislature in regards to out of state supervision and revising the language under Sec. 08.63.120.

Teletherapy Update:

Ms. Childress provided the comments and notes returned by the Department of Law, provided by Jun Maiquis.

The Board discussed the comments provided, and made revisions to the drafts accordingly.

Starting with 12 AAC 02.242, the Board of Marital and Family Therapy discussed the continuing education approval fee. The draft submitted noted a \$25 fee, and did not include a fee to renew. Ms. Childress noted that the Board of Social Work Examiners has a \$100 continuing education approval fee, with a \$50 renewal fee.

Ms. Young noted there were a few reasons for the continuing education fee. One being, there was a point in time where they were reviewing 20+ continuing education provider approval forms at each board meeting. Without having a filing fee, there was no financial support for the expenses to review the documentation. Another reason, the Board had an expensive investigation, causing the Board to go into a high deficit. The Board hoped to build a cushion for future unexpected expenses they may incur in the future. The Board also recognized the fact that fees have increased in the last

few biennial cycles, and that the new continuing education approval fee may help eliminate the need for fee increases for the 2018 renewal.

On a motion duly made by Ms. Young, seconded by Ms. Jenkins, and approved unanimously, it was

RESOLVED to revise 12 AAC 02.242(6) for continuing education approval fees and insert (7) for continuing education renewal fees.

12 AAC 02.242. Board of Marital and Family Therapy. The following fees are established for marital and family therapists and associates:

- (1) nonrefundable application fee for initial license, \$200;**
- (2) license fee for all or part of the initial biennial license period, \$800;**
- (3) biennial license renewal fee, \$800;**
- (4) four-year associate license fee for supervised practice, \$500;**
- (5) temporary license fee, \$200;**
- (6) continuing education course approval fee, \$100.**
- (7) continuing education course renewal fee, \$50.**

Moving forward with revisions, the Board discussed proposed draft 12 AAC 19.210. The Board decided to strikeout the Authority listed as AS 08.83.060.

On a motion duly made by Ms. Jenkins, seconded by Ms. Cunningham, and approved unanimously, it was

RESOLVED to revise the Authority listed for 12 AAC 19.210 – removing the Authority AS 08.83.060.

Moving forward with revisions, the Board discussed the proposed draft 12 AAC 19.350 Application of providers for continuing education course approval. The Board decided to revise the language listed under section (e) to read “The American Association of Marriage and Family Therapy will be exempt of the CE fee requirements”.

On a motion duly made by Ms. Cunningham, seconded by Ms. Jenkins, and approved unanimously, it was

RESOLVED to revise the language under 12 AAC 19.350. Application of providers for continuing education course approval to read:

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 a 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 topics covered by the course and the number of classroom hours allowed for each topic.**
- (b) Approval of continuing education courses 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) The American Association of Marriage and Family Therapy will be exempt of the CE fee requirements

Authority: AS 08.63.050 AS 08.63.100

Ms. Jenkins pointed out a typo in the language listed under 12 AAC 19.400. About halfway through the paragraph, ‘ad’ should be listed as ‘and’.

On a motion duly made by Ms. Jenkins, seconded by Ms. Young, and approved unanimously, it was

RESOLVED to revise the language under 12 AAC 19.400. Scope of teletherapy practice to read:

12 AAC 19.400. 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 AS 08.63 and 12 AAC 19 will apply to these services. Teletherapy or technology-assisted services refers to the scope of marital 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. (Eff. ___/___/___, Register ___)

Authority: AS 08.63.050 AS 08.63.100 AS 08.63.110

Moving forward with revisions, the Board discussed the proposed draft 12 AAC 19.405 Eligibility to Practice Teletherapy. The Board decided to revise the language “Alaska clients” to read “clients physically present in this state”.

On a motion duly made by Ms. Jenkins, seconded by Ms. Cunningham, and approved unanimously, it was

RESOLVED to revise the language under 12 AAC 19.405. Eligibility to practice teletherapy to read:

12 AAC 19.405. Eligibility to practice teletherapy. To be eligible to practice teletherapy with clients physically present in this state, 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 four hours

(A) appropriateness of teletherapy;

(B) teletherapy theory and practice;

(C) modes of teletherapy delivery;

(D) legal and ethical issues;

(E) handling online emergencies;

(F) best practices and informed consent. (Eff. ___/___/___, Register ___)

Authority: AS 08.63.050 AS 08.63.100 AS 08.63.110

Moving forward with revisions, the Board discussed the proposed draft 12 AAC 19.410 Providing technology assisted distance professional services. The Board decided to revise the language listed under section (a) from “a client in this state” to read “clients physically present in this state”. The Board decided to revise the language listed under section (b)

by inserting “Additionally,” before the sentence “Licensees are required to comply with all statutes, regulations, and rules of the state where the client is physically located”.

On a motion duly made by Ms. Jenkins, seconded by Ms. Young, and approved unanimously, it was

RESOLVED to revise the language under 12 AAC 19.410. Providing technology assisted distance professional services to read:

12 AAC 19.410. Providing technology assisted distance professional services.

(a) The provision of any service as the practice of marital and family therapy defined under AS 08.63.900(5) to clients physically present in this state 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 this state and shall require licensure of the service provider under the statutes and regulations of this state 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 this state 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 this state and shall require licensure of the provider under the applicable provisions of the statutes and regulations of this state for marriage and family therapists. Additionally, licensees are required to comply with all statutes, regulations, and rules of the state where the client is physically located.

Moving forward with revisions, the Board discussed the proposed draft 12 AAC 19.415 Safety and confidentiality of communications. The Board decided to remove the language listed under section (a), (b), (c) and (d). The Board decided to revise the language listed under section (a) to read “all forms of communications with clients must be HIPAA compliant”. The Board decided to change section (e) to (b), and to insert the word ‘must’ between ‘licensees’ and ‘endeavor’.

On a motion duly made by Ms. Jenkins, seconded by Ms. Young, and approved unanimously, it was

RESOLVED to revise the language under 12 AAC 19.415. Safety and confidentiality of communications to read:

12 AAC 19.415. Safety and confidentiality of communications. (a) All forms of communications with clients must be HIPAA compliant.

(b) Synchronous distance professional services. Licensees must endeavor to protect clients from unwanted interruptions during sessions. (Eff. ___/___/___, Register ___)

Authority: AS 08.63.050 AS 08.63.100 AS 08.63.110

Moving forward with revisions, the Board discussed the proposed draft 12 AAC 19.900 Code of Ethics. The Board decided to insert the word ‘those’ between ‘including’ and ‘practicing’.

On a motion duly made by Ms. Jenkins, seconded by Ms. Young, and approved unanimously, it was

RESOLVED to revise the language under 12 AAC 19.900. Pro Code of Ethics to read:

12 AAC 19.900. Code of ethics. Marital and family therapists licensed in this state, including those practicing distance therapy or teletherapy shall adhere to the *AAMFT Code of Ethics* of the American Association for Marriage and Family Therapy (AAMFT) (July 1, 2001 Revision). The *AAMFT Code of Ethics* is adopted by reference in this section. (Eff. 10/1/93, Register 127; am 6/21/97, Register 142; am 8/24/2002, Register 163; am // , Register)

Authority: AS 08.63.050

Break for Lunch at 11:56pm

Back from Lunch at 1:00pm

Agenda Item 10

New Business

Board Appointments:

In an effort to keep all board seats filled, the Board discussed the fact of Ms. Young's term ending 3/1/2018. Ms. Young holds a public member position, and will be concluding her second term with the Board.

Ms. Aguero noted that, according to the website, Ms. Young could participate in future board meetings until the position is filled, so long as she is willing. Ms. Young said she would be willing to participate until October, if need be.

Agenda Item 11

Public Comment

No persons present for public comment.

Agenda Item 12

Administrative Business

Sign Wall Certificates and Meeting Minutes:

Ms. Childress noted there were no Wall Certificates to sign.

Ms. Childress worked to correct the drafted minutes from the board meeting held October 25, 2017. Ms. Childress provided the revised draft to chairperson, Ms. Aguero, for signature.

Correspondence:

The Board reviewed a correspondence inquiry from Dena Wilson, regarding receiving supervision from a board approved supervisor. Ms. Wilson noted concern that she would not be able to receive supervision in-person from a board approved supervisor, as there were no board approved supervisors in her area.

The Board noted confusion, as they thought supervision was acceptable by phone/video. Ms. Childress noted the position statement to define "face to face" was in regards to obtaining CEU classes, not in regards to supervision. The Board requested Ms. Childress draft a position statement to define "face to face" in regards to obtaining supervision.

TASK: Ms. Childress will draft a position statement to define "face to face" in regards to obtaining supervision.

Upon review, the Board determined that supervision can be provided via phone/video. The Board recommended that Ms. Wilson contact the supervisors on the board approved supervisor list to see who would be willing to provide her with distance supervision.

Travel:

The Board discussed future conferences for the AAMFT, the AMFTRB and CLEAR.

The AMFTRB Conference is 9/25-26/2018 in Philadelphia, Pennsylvania

The CLEAR Conference is 9/26-29/2018 in Philadelphia, Pennsylvania

The AAMFT Conference is from 11/15-16/2018 in Louisville, KY

The Board discussed who should attend the conferences. Ms. Childress noted most boards take turns, alternating who is sent to the conferences. Ms. Childress also noted that, with Ms. Cunningham attending the conference last fall, it would be a good idea to have a different member attend. The Board determined that Ms. Jenkins would attend the conferences.

Break at 2:34

Back at 2:43

Meeting Dates:

The Board set future meeting dates as:

- April 13, 2018
- August 3, 2018
- November 9, 2018

Task List:

Ms. Childress reviewed the notes on her task list, asking the Board if they had any additional tasks noted.

Ms. Young inquired about the Board Evaluation forms, noting the Board used to complete an evaluation at the end of each board meeting. Ms. Young asked Ms. Childress to find the evaluation form and email it to the Board for their use.

TASK: Ms. Childress will obtain the board evaluation form and email it to the Board for their use.

Agenda Item 13

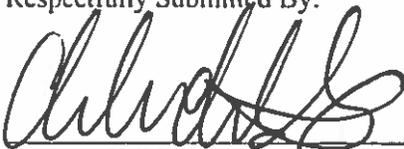
Adjourn

With no additional board business, the Board moved to adjourn.

On a motion duly made by Ms. Jenkins, seconded by Ms. Cunningham and approved unanimously, it was:

RESOLVED to adjourn the meeting at 2:57 p.m.

Respectfully Submitted By:


Chelsea Childress, Licensing Examiner

Approved By:


Dorothea Goddard-Aguero, Chairperson