

STATE OF ALASKA
DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT
BOARD OF PROFESSIONAL COUNSELORS
August 15-16, 2013

Minutes of Meeting

By authority of AS 08.01.070(2) and in compliance with the provisions of AS 08.95.020, Article 1, a scheduled meeting of the Board of Professional Counselors was held August 15-16, 2013, in Anchorage, Alaska.

Thursday, August 15, 2013

Call to Order/Roll Call

Board Members Present and constituting a quorum of the Board were:

Emily Zimbrich, Licensed Professional Counselor – Haines, Chair
Lillian Mitchell, Public Member – Anchorage
Anne Brainerd, Licensed Professional Counselor – Fairbanks
Debra Hamilton, Licensed Professional Counselor - Soldotna

Board Members absent

Jennifer Burkholder, Licensed Professional Counselor – Anchorage

Attending at various times from the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing were:

Don Habeger, Director, by telephone
Susan Winton, Investigator
Michelle Wall-Rood, Investigator
Eleanor Vinson, Licensing Examiner

Members of the Public :

Sarah McConnell
Jan Keunnen

Ethics Reports

There were no ethics violations to report.

Agenda Item 1 – Review Agenda

The Board reviewed the agenda.

Upon a motion by Anne Brainerd and seconded by Debra Hamilton, and approved unanimously, it was RESOLVED to accept the agenda as amended.

Agenda Item 2 – Review Minutes

The minutes from the meeting were reviewed.

Upon a motion by Anne Brainerd and seconded by Debra Hamilton, and approved unanimously, it was RESOLVED to accept the April 25-26, 2013 minutes as written.

Agenda Item 3 – New Business

A. Reference questions

The Board discussed the possibility of changing some of the reference questions on applications.

B. Application by credentials

The Board briefly discussed some of the shortcomings of the application for license by credentials, such as not requiring any references from candidates for licensure.

Agenda Item 4 – Budget Report

Director Habeger addressed the Board regarding budget, renewals, HB 187, and the CACREP and Federal jobs.

Regarding renewals: Originally, the Board recommended that the fees be increased to \$450.00. After the Director reviewed the numbers, public comments, and old issues; and after he had consulted with the Board Chair and the Association Chair, the renewal/application fees were set at \$400.00. It is not known exactly how long it will take to be out of debt; it will depend on renewals and expenses.

In response to a question from the Chair, the Director noted that the previous review had shown no “disappearance” of money, only a recording issue. The 2009 Legislative Audit noted that there were problems. The Department has implemented a new checks and balances.

Regarding HB187, the Director noted that it will put into statute an ability to expand recovery time for cost; consolidate fees with one fee regulation; and have public protection (Investigations fees) underwritten by the general fund, not the licensees.

The director discussed with the Board some of the areas of expenditure, such as direct (staff, supervisor, investigators), indirect expenses (some Director and Management-commissioner-time, telephones, internet, office space) travel, and contractual (Dept of Law, administrative hearings, supplies, association dues).

Director Habeger reported that he had given the Board’s letter regarding CACREP and the Veteran’s Administration to the Governor but had no progress to report.

Agenda Item 5 – Public Comment

Sarah McConnell, LCSW, from Trust Training Cooperative, which was previously the Alaska Rural Behavioral Health Training Academy (AKRHTA), under the Center for Human Development at UAA, spoke to the Board and introduced herself as the new Behavior Health Training Coordinator for the Trust Training Cooperative.

Agenda Item 6 – Travel Lists

There was a short discussion regarding having to change the lists for next year's reports.

Agenda Item 7. Investigations Reports

Investigator Michelle Wall-Rood gave the Investigative Report to the Board. There are four open complaints, four open intakes currently opened. Since the last meeting, one investigation, one complaint, and six intakes have been closed. Investigator Winton reported on an older open case.

Upon a motion by Anne Brainerd and seconded by Lillian Mitchell, and approved unanimously, it was RESOLVED to go into Executive Session, with staff, under authority of AS 44.62.310 in order to discuss applications.

Into Executive Session: 1:57 pm

Out of Executive Session: 2:13 pm

The Investigator gave a brief talk on the investigations process for the board members.

Upon a motion by Anne Brainerd and seconded by Lillian Mitchell, and approved unanimously, it was RESOLVED to go into Executive Session, with staff, under authority of AS 44.62.310 in order to discuss applications.

Into Executive Session: 2:35 pm

Out of Executive Session: 2:45 pm

Agenda Item 9 – Application Review

The Board reviewed 27 applications and 38 continuing education providers' approval requests.

Upon a motion by Anne Brainerd and seconded by Debra Hamilton, and approved unanimously, it was RESOLVED to approve the following list of applications for with the stipulation that the information in the applicants' files will take precedence over the information in the minutes:

PC BY EXAMINATION

ACOSTA, JESSICA

DICK, CARINA

FLEMING, REBECCA

GENTZ, AUDRA

HERRING, CRYSTAL
KORNKVEN, ELIZABETH
MENSING, KARIN
MILLER, DREW
ST. ROSE, CASSEY
STANTON-GREGOR, JAY

PC BY CREDENTIALS

FEARRINGTON, NATHAN
GLANZER, CHRISTOPHER
RINTZEL, JULIA
WARNER, NATALIE

PC SUPERVISOR

CATES, KEITH
MAHAN, LUCY
ROBINSON, TIMOTHY
STANNARD, ERIKA

CONTINUING EDUCATION PROVIDERS' APPROVAL REQUESTS

CPI

Nonviolent Crisis Intervention-Instructor Certification Program

Lynn Canal Counseling

Mentalizing Alaska Native Experience

Yukon Kuskokwim Health Corporation

Recovery of Innocence

Co-Occurring Disorders Institute, Inc

Ethics

Psychopharmacology for Clinicians & Counselors

Hazelden Co-occurring Disorders Program: Review

Hazelden Co-occurring Disorders Program: Medication Management

Hazelden Co-occurring Disorders Program: Cognitive Behavioral Therapy

Hazelden Co-occurring Disorders Program: Family Program

Autism Spectrum Disorders

Trauma 101

Trauma Informed Care

ASAM

Rural Alaska Community Action Programs

2013 30TH ANNUAL RURAL PROVIDERS/ CONFERENCE

JUSTICE TRACK:

Community Wellness through Self-Governance

Tribal Justice Models to Support Sobriety

Bringing Our Hears Together for Successful Prisoner Reentry

Introduction to the Division of Juvenile Justice

Developing a monitoring program to strengthen tribal courts

Overview of AK Tribal Justice Programs, Funding, & Sustain

A 2 Historical Trauma

A 3 Alcohol Use in Young Adults:Harm Reduction Approaches

A4 Healing Our Past & Future with Ceremony

A5 Stand Up & Speak Out about Domestic Violence

B 1 Nicotine Addition

B 3 Sex Trafficking in Alaska: Info for Service Providers

B 4 ANTHC –your thoughts @mental health/survey tools

B 5 Teens & Trauma

C2/D2 DV: Identifying & Mitigating Effects of DV on Children

C3/D3 Suicide & its Preventions

C 4 Cultural Reflections

- D 1 Collaborative Partnerships to Improve Response to DV & SA
- E 1 Revitalizing Celebration of Traditional AN Rites of Passage
- E 2 Honoring Family Roles
- E 4 TCCP Prevention Efforts in Rural Communities

Upon a motion by Lillian Mitchell and seconded by Debra Hamilton, and approved unanimously, it was RESOLVED to adjourn the meeting.

Meeting adjourned at 4:31 pm until Friday, August 16, 2013 at 9:00 am.

Friday, August 16, 2013

Call to Order/Roll Call

Board Members Present and constituting a quorum of the Board were:

Emily Zimbrich, Licensed Professional Counselor – Haines, Chair
Lillian Mitchell, Public Member – Anchorage
Anne Brainerd, Licensed Professional Counselor – Fairbanks
Debra Hamilton, Licensed Professional Counselor – Soldotna

Board Members absent

Jennifer Burkholder, Licensed Professional Counselor – Anchorage

Attending at various times from the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing were:

Eleanor Vinson, Licensing Examiner

Members of the Public

Jan Keunnen
Kari Peltora
Megan Hamilton
Quentyn Richards

Agenda Item 8 – Reports

A. Alaska Counseling Association Liaison Report

An email from Chair Georg of the organization was read. It stated that they had done a 20 hour series on addictions issues. Their annual meeting is set for Saturday, 9/28/13.

The organization sent a letter to Director Habeger regarding the fees and he telephone Ms. Georg regarding this issue.

They are also concerned about and working on the Tricare issue. They are advocating for SHARP to include LPCs and LMFTs.

A. NBCC Report

Board member Debra Hamilton gave the report regarding attendance to the National Board for Certified Counselors' annual meeting/training. She thanked the Board for the chance to attend.

NBCC is updating their code of ethics and it may be a helpful tool as the Board looks at changing theirs.

There was information regarding the “digital era” that included safety, confidentiality, and HIPPA concerns; and information on different requirements for supervision. There was discussion regarding requiring supervisors to have five years of post license experience.

Regarding CACREP requirements, many states, including Texas, is concerned with the implementation of their requirements. Dr. Clausen did dispel some ideas, including those that NBCC solicited the Department of Defense.

Upon a motion by Anne Brainerd and seconded by Lillian Mitchell, and approved unanimously, it was RESOLVED to create a board liaison position to liaise with Alaska Universities to discuss CACREP and how we can work more easily with Dept of Defense.

Debra Hamilton will be the Board Liaison to the universities.

Agenda Item 10 – ACA Code of Ethics Committee Report

The Board had a subcommittee looking into the ACA Code of Ethics and alternatives. The members are: Anne Brainerd and Debra Hamilton.

The question is whether or not the Alaska Board of Professional Counselors will write their own code of ethics; stay with the ACA Code; or adopt the NBCC or AMHCA Codes. There are those who feel that the ACA Code of Ethics is getting intrusive.

The concern is that the old ACA Code gave restriction that take into account your expertise or scope of practice, but the new ACA restricts referrals.

The committee has reviewed different state codes, including Alabama, NBCC, ACA, and Georgia.

The Board members will read the NBCC and the AMHCA's codes of ethics to make a determination at the next meeting.

Agenda Item 11 – Regulations

A. Update-12 AAC 62.100 & 62 .200

Changes previously made have been signed by the Lt. Governor and will become effective August 18, 2013.

B. Retention of records

The Board had previously requested legal advice from the Attorney General's Office regarding this subject and received their answer (see minutes from last meeting). The AG's office suggested the Board may wish to adopt an amendment (regulation) to clarify and offered two examples. The amendment would be to 12 AAC 62.900.

There was discussion regarding using Health and Social Services' retention times. The Board will create an amendment clarifying records retention when they decide on a code of ethics.

The Board consensus is to use the NBCC's distance learning and records retention.

The Board tabled the discussion until the next Board meeting.

C. Adding NCMHC to 62.110

The Board of Professional Counselors accepts the National Clinical Mental Health Counseling Examination (NCMHCE) in addition to the National Counselor Examination for Licensure and Certification (NCE). This is also the examination that the Department of Defense requires for “grandfathering” into their system.

The regulation now reads:

12 AAC 62.110. EXAMINATION. (a) The written examination for a professional counselor license required under AS 08.29.110(a)(4) is the National Counselor Examination for Licensure and Certification (NCE), administered by the National Board for Certified Counselors, Inc. (NBCC). An applicant must obtain a passing score on the examination accepted by the board based on the determinations made by the NBCC.
(b) In lieu of the NCE, the board will accept passage of another nationally recognized examination for professional counselors that is equivalent to the NCE. The applicant must obtain verification of passage of the examination accepted by the board, sent directly to the board by the administrator of the examination.

Upon a motion by Debra Hamilton and seconded by Anne Brainerd, and approved unanimously, it was RESOLVED to add the National Clinical Mental Health Counseling Examination to 12 AAC 62.110 to read as follows (additions in bold and underlined):

12 AAC 62.110. EXAMINATION. (a) The written examination for a professional counselor license required under AS 08.29.110(a)(4) is the National Counselor Examination for Licensure and Certification (NCE) **or the National Clinical Mental Health Counseling Examination (NCMHCE)**, administered by the National Board for Certified Counselors, Inc. (NBCC). An applicant must obtain a passing score on the examination accepted by the board based on the determinations made by the NBCC.
(b) In lieu of the NCE **or NCMHCE**, the board will accept passage of another nationally recognized examination for professional counselors that is equivalent to the NCE. The applicant must obtain verification of passage of the examination accepted by the board, sent directly to the board by the administrator of the examination.

D. Alaska Rural Behavioral Health

At this time, the Alaska Rural Behavioral Health Training Academy is listed as a pre-approved provider in 12 AAC 62.320. This organization has changed its name to Trust Training Cooperative.

Upon a motion by Debra Hamilton and seconded by Anne Brainerd, and approved unanimously, it was RESOLVED to amend 62.320(b)(2)(O), which reads “Alaska Rural Behavioral Health Training Academy” to the new name as verified (Trust Training Cooperative)

Agenda Item 12 – Regulations

The Board reviewed the draft of the Division’s yearend report for Professional Counselors.

Agenda Item 13 – Correspondence

A. New Jersey Office of Attorney General

This was a letter from NJ soliciting information on states that have established guidelines or statutes in regards to telepsychology.

B. Distance Counseling from out of state

This was an FYI to the Board regarding a request for out of state counselors to practice in Alaska via telecommunications. The Division had answered the question, based on what the Board states on their website, which is:

From the minutes of the January 2011 Board of Professional Counselors' Meeting:

The Board's position is that to provide services to Alaskans, you should be licensed in Alaska. They support the AASCB stand that, if you have a patient in a state you should be licensed in that state.

Per our statutes, we do not have practice protection, but one cannot represent them self as a Licensed Professional Counselor in Alaska if they are not an LPC licensed in the state of Alaska.

08.29.100. Unlicensed use of title prohibited.

- (a) A person who is not licensed under this chapter may not
 - (1) profess to be a licensed professional counselor, a professional counselor, or a licensed counselor; or
 - (2) make use of a title, words, letters, or abbreviations that may reasonably be confused with the title of "licensed professional counselor," "professional counselor," or "licensed counselor."

C. CACREP/CORE

This was an "FYI" from CACREP regarding their working together with CORE.

Agenda Item 5 – Public Comment (return)

Quentin Richards wished to discuss requirements for an application.

Upon a motion by Anne Brainerd and seconded by Lillian Mitchell, and approved unanimously, it was RESOLVED to go into Executive Session, with staff, under authority of AS 44.62.310 in order to discuss an application.

Into Executive Session 1:30 pm

Out of Executive Session 1:50 pm

Agenda Item 14 – Board Business

A. Task List

All-Read AMHCA and the NBCC Code of Ethics

Jennifer Burkholder – contact state association regarding changing supervision statute and their position

Debra Hamilton – write letter to Alaska Counseling Association regarding supervision and their recommendations.

Anne Brainerd and Debra Hamilton – Ethics Committee

B. Sign Wall Certificates

Wall certificates were signed.

C. Future Meetings

February 6 and 7, 2014 in Juneau

Meetings will begin at 9:30 am on the first day and at 9:00 am on the second day.

D. Sign Meeting Minutes

The minutes from the previous meeting were signed.

E. Travel Authorizations

Travel authorizations were signed by Board members and paperwork turned in.

F. Conferences/training

The Board has approved the following conferences/attendees:

The American Association of State Counseling Boards (AASCB) – Anne Brainerd & Staff
(alternate is Emily Zimbrich)

CLEAR Conference – Lillian Mitchell (alternate is Debra Hamilton)

State Conference (AkAC) for state counseling association – Emily Zimbrich

F. Duties of the Chair-Agendas

The Board was reminded that the Chair is in charge of the agenda.

Upon a motion by Lillian Mitchell, seconded by Debra Hamilton and approved unanimously it was

RESOLVED to adjourn the meeting.

Meeting adjourned at 1:54 pm.