

STATE OF ALASKA
DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT
BOARD OF PROFESSIONAL COUNSELORS
February 6-7, 2014

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 February 6-7, 2014, in Juneau, Alaska.

Thursday, February 6, 2014

Call to Order/Roll Call

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

Debra Hamilton, Licensed Professional Counselor – Soldotna, Acting Chair
Emily Zimbrich, Licensed Professional Counselor – Haines
Lillian Mitchell, Public Member – Anchorage
Jennifer Burkholder, Licensed Professional Counselor – Anchorage

Board Members absent

Anne Brainerd, Licensed Professional Counselor – Fairbanks, Chair
(joined by telephone for agenda item 10.A.)

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

Sarah Chambers, Operations Manager
Martha Hewlett, Administrative Officer
Susan Winton, Investigator, by telephone
Michelle Wall-Rood, Investigator, by telephone
Eleanor Vinson, Licensing Examiner

Attending from the Department of Law, Commercial and Fair Business Section:

Assistant Attorney General Todd Araujo

Attending from the public:

J.R. Myers, Chair of the Alaska Counseling Association, by telephone

Ethics Reports

There were no ethics violations to report.

Agenda Item 1 – Review Agenda

The Board reviewed the agenda. They added a time period to speak to the Chair of the Alaska Counseling Association and added agenda items number 10.F, 10.G., and 10.H. Some correspondence was moved from Friday to Thursday.

Upon a motion by Jennifer Burkholder and seconded by Lillian Mitchell, 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 Emily Zimbrich and seconded by Lillian Mitchell, and approved unanimously, it was RESOLVED to accept the August 15-16, 2013 minutes as written.

Agenda Item 3 – Old Business

A. Supervision Statute-ACA letter

Board member Debra Hamilton had written a letter to the Chair of the Alaska Counseling Association regarding the Board's concern regarding changes to the supervision statutes. The Board would like to change the wording so instead of merely saying that you must have five years of experience; it would say five years of licensed experience. Many of the states have the more stringent requirements. This would mean a change to 08.29.210, which must go through the Legislature.

In addition to requiring post-licensure experience, the Board would also like to require supervisory continuing education for a licensee to remain an approved supervisor. This would also require Legislative change.

J.R. Myers, chair of the Alaska Counseling Association, spoke with the Board by telephone. He at first did not see the validity of changing the supervisor requirements, but after discussion, stated he sees the validity of requiring five years of post-licensure experience.

The Board also discussed changing 12 AAC 62.200 to require that applicants be required to submit a verification of licensure from the licensing jurisdiction, not just a copy of their license, if applying to be certified from another jurisdiction.

Agenda Item 4 – Budget Report/fiscal update

Sara Chambers, Operations Manager, and Martha Hewlett, Administrative Officer, spoke with the Board regarding the second quarter budget report. The fee increase and the raising of fees kept budget stable, though still in deficit. They also discussed indirect/direct costs and how it is determined.

It was also reported that the Division is working on streamlining the process for travel.

Agenda Item 5 – Conference/Reports

A. AKCA Liaison Report-Supervision

Jennifer Burkholder reported that she had spoken with the President of the AKCA and he will be telephoning in.

B. New AKCA Liaison appointment

Debra Hamilton will be the new AKCA Liaison for the Board.

C. AASCB Conference report

Ms. Brainerd was absent. The report will be given at the next meeting.

AASCB Conference report

Debra Hamilton discussed that there are concerns with the LPC requirements for them to serve the military community; their degrees must come from a CACREP accredited school.

Board Member Hamilton had spoken with Rene George about the problem. It was reported that UAA would not require a sixty credit masters degree; it would be a doctorate degree with that amount of credits. The requirements for CACREP accreditation are not something Alaska schools can do at this time.

CACREP requires that the degree must be housed in a counseling program; must require sixty credits; must have PhD level professors.

The state organization is pursuing exemptions, as University change is not an option.

There was discussion; the board will write a shorter letter than what was done previously. Board members Brainerd and Hamilton will rewrite a previous letter to send to Federal representatives, Governor Parnell, and the Lt. Governor.

Agenda Item 6 – Public Comment

J.R. Myers spoke with the Board by telephone (see agenda item 3).

Agenda Item 7 – Investigations Reports

A. General Report

Investigator Michelle Wall-Rood gave her Report to the Board. She reported that there are currently seven complaints and one in-take open. Eight complaints and fourteen in-takes have been closed since the last meeting.

B. Applications/Executive Session

Investigator Winton updated the Board regarding an older (2008) case.

Todd Araujo, Assistant Attorney General, joined the meeting.

Upon a motion by Emily Zimbrich 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/cases.

Into Executive Session: 1:35 pm

Out of Executive Session: 1:43 pm

For reasons noted in executive session, both jurisdictional and those determined by the Division and the Attorney General's Office, that they will be closing the 2008 investigation, with all records remaining in the Investigations Office.

Investigator Winton also spoke regarding renewal application wording regarding applicants who may be under investigation when applying.

Upon a motion by Emily Zimbrich 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: 2:14

Out of Executive Session: 3:05 pm

Upon a motion by Jennifer Burkholder and seconded by Lillian Mitchell, and approved unanimously, it was

RESOLVED to deny the application in case number 2013.002311. This denial is based on Alaska Statute (AS) 08.29.110-(a)(3), AS 08.29.110-(a)(5)(B), AS 08.20.110-(a)(6), and failure to satisfy the conditions and requirements in the Decision and Order of April 11, 2003, Case Number 3700-02-001

Upon a motion by Emily Zimbrich and seconded by Jennifer Burkholder, 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: 3:35 pm

Out of Executive Session: 4:27 pm

Agenda Item 8 – Application/Audit Review

The Board reviewed 23 applications, 20 continuing education audits, and 4 continuing education providers' approval requests.

Upon a motion by Jennifer Burkholder and seconded by Emily Zimbrich, 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

Bailey, Marita
Grauvogel, Nathalia
Kalachevskiy, Ekaterina
Pace, Kelvin
Richardson, Douglas
Slana, Dorian
Yarmak, Meghan

PC BY CREDENTIALS

Kowalchuk, Katie
McWilliams, Martin
Scarborough, Roger
Seymour, Kristi

PC SUPERVISOR

Caldwell, Sally
Cirocco, Carol
Curtis, Marissa
Davey, Eileen
Feinstein, Margaret
Stratman, Brandy
Smith, Katy Ketchum

PC Alternate Supervision

Alley, Kandy
Barnard, Robert
Harris, Mark
Pipkin, Carrie

PC Continuing Education Audits

LICENSE NUMBER	NAME
61	Karen Gillis
37	Jennifer Cashion
112	Linda Ransom
227	Clark Stanton
267	Joseph Gertzen
312	Sharon Fishel
326	Barbara Jacobs
341	Terese Kashi
434	Christine Sam
496	John Fugett
499	Joseph Nowell
512	Jeanine Sparks
561	Sally Caldwell
616	Michael Horton
617	Richard Clampitt
647	Keith Cates
668	Sarah Leavitt
712	Marjorie Massen
728	Jeffrey Arndt
768	Deborah Davis

CONTINUING EDUCATION PROVIDER’S APPROVAL

Frontier Law Group

Managing & Mediating High Conflict Disputes

Trust Training

1. What Counts as Evidence in Evidence Based Practice With Alaska Natives
2. Addressing Cultural Complexities in Practice with Alaska Natives
3. Historic Trauma

Upon a motion by Lillian Mitchell and seconded by Jennifer Burkholder, and approved unanimously, it was

RESOLVED to adjourn the meeting.

Meeting adjourned at 6:00 pm until Friday, February 7, 2014 at 9:00 am.

Friday, February 7, 2014

Call to Order/Roll Call

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

Debra Hamilton, Licensed Professional Counselor – Soldotna, Acting Chair
Emily Zimbrich, Licensed Professional Counselor – Haines
Lillian Mitchell, Public Member – Anchorage
Jennifer Burkholder, Licensed Professional Counselor – Anchorage

Board Members absent

Anne Brainerd, Licensed Professional Counselor – Fairbanks, Chair

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

Agenda Item 9 – Correspondence

A. Williams-job descriptions

Ms. Williams had a question regarding whether or not her job as Protective Service Specialist would count for licensure hours. The Board determined that part of the hours would not be countable toward the supervision for licensure. The job does not diagnose; not mental health assessment. It is not counseling.

B. Yarbrough-Faulkner University

Faulkner University requested information on making sure that their program/counseling degree meets licensure requirements for Alaska. The Board determined that it did and referred them to 12.AAC 62.120.

C. Senator Fairclough-Suicide education

The Senator wrote to the Board asking if they would give their perspective on the areas of training and education regarding suicide prevention. The Board discussed it and noted that they now approve such hours of study in these areas but it is not required; it is an individual preference for the clinician to pursue further training if this is an area of expertise they would like to develop.

C. Harris-classes

Ms. Harris asked if the Board would accept courses toward the required sixty semester hours. The Board approved Harris' courses per 12 AAC 62.120.

Agenda Item 10 – Regulations

A. Code of Ethics Subcommittee

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

The Board does not wish to continue using the ACA Code of Ethics, as it is overly restrictive regarding referrals. Several codes of ethics were reviewed, including NBCC's and AMHCA's. The Board discussed the different codes of ethics. They feel it is prudent to move away from the ACA Code of Ethics.

Upon a motion by Jennifer Burkholder and seconded by Emily Zimbrich, and approved unanimously, it was

RESOLVED to change 12 AAC 62.900.(a) and (b) to read:

12 AAC 62.900. CODE OF ETHICS. (a) The “AMHCA Code of Ethics”, is adopted by reference as the code of ethics for professional counselors in the state. A professional counselor licensed in the state must adhere to the code of ethics.

(b) When using or administering assessment instruments described in AS 08.29.490(1)(C), a professional counselor must comply with Section D: Assessment and Diagnosis of the “American Mental Health Counseling Association Code of Ethics” 2010 adopted by reference in (a) of this section

B. Application by credentials/regulation

There was discussion regarding requiring continuing education for those applicants who are becoming licensed by credential, as the requirements for licensure by credential is not as stringent as becoming licensed by examination, nor did it seem to the Board that it is as stringent as renewals in this state. Requiring the continuing education hours would help insure that they are meeting standards that are substantially the same as this state. They would like to see a requirement implemented as soon as possible.

Upon a motion by Emily Zimbrich and seconded by Lillian Mitchell, and approved unanimously, it was

RESOLVED to add section (7) to 12 AAC 62.130. License by Credentials, that would read:

(7) Submit verification of completion of 40 continuing education contact hours, including three of the education contact hours in ethics, within the previous three years immediately preceding application for licensure by credential. The continuing education must comply with 12 AAC 62.320.

C. Regulations 62.110 and 62.320

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). They had previously requested that the changes to 12 AAC 62.110 in which the NCMHCE becomes an accepted examination in addition to the NCE.

The Board also had a change to 12 AAC 62.320 change the name of an approved continuing education provider.

These changes have now been public noticed.

Upon a motion by Emily Zimbrich and seconded by Lillian Mitchell, and approved unanimously, it was

RESOLVED to accept the changes in 12 AAC 62.110 and 12 AAC 62.320 as public noticed.

D. Records retention/regulation

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.

The Board discussed using various retention times, including Health and Social Services' and NBCC's retention time. The Board wishes to clarify acceptable client records retention requirements for licensed professional counselors.

Upon a motion by Jennifer Burkholder and seconded by Emily Zimbrich, and approved unanimously, it was

RESOLVED to add section (c) to 12 AAC 62.900. Code of Ethics, that shall read:

(c) Licensed Professional Counselors shall retain their clients' records post-termination for a minimum of seven years.

E. Face to face/regulation 62.310 Renewal

The Board wishes to define face-to-face for continuing education (as needed for changes to 12 AAC 62.310), but tabled the discussion until research can be done as to how national organizations define it.

G. 62.220

Some Board members wish to revisit the requirement regarding pre-approval of supervisors. This was tabled until next meeting. As it is now, with supervisors having to be approved before the supervision begins; it is causing difficulty for applicants coming from out of state and with the military.

F. 62.120 Approved Degrees

The Board wished to clarify that it requires all candidates to meet the requirements of 12 AAC 62.120 (b). It was not the Board's wish that some applicants not be required to meet the degree requirements, but there was an assumption that, if accredited, it would meet the current (b). This change makes it clearer that all are required to meet the same requirements for their degrees.

Upon a motion by Emily Zimbrich and seconded by Lillian Mitchell, and approved unanimously, it was

RESOLVED to change 12 AAC 62.120 to read:

12 AAC 62.120. APPROVED DEGREES. (a) Except as provided in (b) of this section, to meet the requirements of AS 08.29.110(a)(5), an applicant's degree must be from an institution of higher education in the United States that is accredited by a regional or national accrediting agency and the degree must have included course work in at least eight of the following subject areas:

- (1) the helping relationship, including counseling theory and practice;
- (2) human growth and development;
- (3) lifestyle and career development;
- (4) group dynamics, processes, counseling, and consulting;
- (5) assessment, appraisal, and testing of individuals;
- (6) social and cultural foundation, including multicultural issues;
- (7) principles of etiology, diagnosis, treatment planning, and prevention of mental and emotional disorders and dysfunctional behavior;
- (8) marriage and family counseling and therapy;
- (9) research and evaluation; and
- (10) professional counseling orientation and ethics.

(b) To meet the requirements of AS 08.29.130, an applicant's degree must be from a foreign college or university approved by the board that meets the standards of a regionally or nationally accredited education institution in the United States. To be approved, a degree from a foreign college or university must have included course work in at least eight of the subject areas listed in

(a)(1) – (10) of this section.

(c) An applicant who has not obtained enough graduate semester hours in the applicant's earned master's degree in counseling or a related professional field to meet the 60 graduate semester hours required under AS 08.29.110(a)(5)(B) may obtain the additional graduate semester hours needed to meet that requirement from an accredited program in (a) of this section either online or at an institution.

(d) If applying on or after February 1, 2012, an applicant must have a minimum of three graduate level credits in ethics.

Agenda Item 11 – New Business

There was no new Board Business in this section.

Agenda Item 14 – Board Business

A. Task List

Debra Hamilton Write letter Senator Fairclough
Write letter to US Representatives

B. Sign Wall Certificates

Wall certificates were signed.

C. Future Meetings

April 24 – 25, 2014

Anchorage

Meetings will begin at 9:00 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 signed.

F. Conferences/training

The Board tabled discussion of attending conferences until next meeting, when new members are present.

The Board extended a “Thank You” with extreme gratitude to Jennifer Burkholder and Emily Zimbrich for their membership on the Board, as this meeting was their last meeting as members of the Board.

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

RESOLVED to adjourn the meeting.

Meeting adjourned at 11:58 a.m.

Respectfully Submitted:

Eleanor Vinson, Licensing Examiner

Approved:

Anne Marie Brainerd, Chair
Board of Professional Counselors

Date: _____