

STATE OF ALASKA
DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT
DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING

BOARD OF PROFESSIONAL COUNSELORS

MINUTES OF MEETING

By authority of AS 08.01.070(2) and AS 08.95.020, and in compliance with the provisions of AS 44.62, Article 6, a scheduled meeting of the Board of Professional Counselors was held in Anchorage, Alaska, at 550 West 7th Avenue.

Thursday July 24, 2014

Call to Order/Roll Call 9:20 AM

Board members present, forming a quorum of the Board, were:

Anne Brainerd, Licensed Professional Counselor, Chair
Deborah Hamilton, Licensed Professional Counselor
Stephanie Johnson, Licensed Professional Counselor
Lyn Tashea, Licensed Professional Counselor
Lillian Mitchell, Public Member

Present from the Division of Corporations, Business, and Professional Licensing at various times were:

Michele Wall-Rood, Investigator
Angie Parker, Licensing Examiner
Eleanor Vinson, Licensing Examiner
Sara Chambers, Director, telephonic
Martha Hewlett, Administrative Officer, telephonic

Ethics Reports

There were no ethics violations to report.

Agenda Item 1 Review Agenda

The Board approved the agenda as amended: some items were added /changed as follows:

Item 3B added, Old Business, update on Supervisory Language

Item 5A changed, Lynn Tashea will make report not Hamilton

Item 5B changed, AASCB already reported, change to AMCHA Report by Hamilton

Agenda Item 2 Review Meeting Minutes

The Board reviewed the minutes from the April 24-25, 2014 meeting. The Board approved the agenda as amended:

- Pg. 4 - Correct spelling to HIPPA
- Pg. 4 - Section C, changed last line to University Staff, delete word "she".
- Pg. 5 - add the word "to" between RESOLVED and adjourn on the last line.
- Pg. 6 - on Item 8, first line of the Motion, delete the word "for"
- Pg. 7 - on the last line delete February 7, 2014 and changed to April 25, 2014
- Pg. 8 - top of page corrected date to Friday April 25, 2014
- Pg. 10 - correcting wording from liaison to liaise
- Pg. 11 - Item 14 A. and F (1) correct spelling from Brainard to Brainerd

On a motion duly made by Deborah Hamilton, seconded by Lynn Tashea, and passed unanimously, it was

RESOLVED that the Board accept the April 24-25, 2014 meeting minutes as amended.

Agenda Item 3 Old Business

- A. Face to Face Committee** - consisting of Anne Brainerd and Stephanie Johnson. Brainerd researched and found that many other Boards are discussing and debating this issue. The Board discussed the need to define their own face-to-face definition. Brainerd discussed with the Board interactive simultaneous video and audio media, virtual learning environment definitions which model conventional in person education by providing equivalent virtual access to classes and class content where students and teacher can interact synchronously. Participants meet in "real time" and can communicate through microphone, chat rights or by writing on the board by using computers to talk to each other, text, and chat. Synchronicity means happening precisely at the same time. The key is with the students having the ability to ask questions in "real time". Johnson discussed finding that face-to-face definitions are in line with the University model on online classes. Discussion also regarding CEU's and the need to change to synchronicity. Board member Hamilton suggests that the Board take the opportunity to change language on 12 AAC 62.310. The Board agreed.

- B. Update to Supervisor Language** – Board Member Hamilton gave the report. The Board has long been discussing the need to clarify or modify the requirements for supervision. It is a statute and not a regulation, so if there is any change to the statute the Counseling Association has to make that change. Hamilton reports that the Board wrote a letter to the Counseling association last fall sharing our concerns primarily with the lack of language that says, "Post Licensure Experience", right now it just reads 5 years of experience. It does not require any renewal. Basically once you're approved as a supervisor it does not expire. In conversing with other state boards, we found that they were much more stringent. We proposed that the counseling board change that statute by adding post 5 years licensed as a LPC and adding 3 CEU's in supervision as part of the 40 credit renewal. J.R. Myers, President of the Counseling Association, responded by saying that the Alaska Counseling Association Board was in support of the proposal but they are waiting to get a letter out to the legislators prior to the next legislate session. AKCA is waiting for specific language from the LPC Board. Hamilton suggested the Board give them specific language to propose. In Sec. 08.29.210 Supervision Requirements (3) the Board wants to change that to read: (3) has five years of counseling experience as a licensed professional per Sec 08.29.210(a)(1). It was determined that if the statute is changed in subsection 3 above then the Board can later change the regulation to require 3 CEU's in supervision for Approved Supervisors as part of their required 40 CEU's for renewal. There was further discussion about the need to change the language of Sec. 08.29.210 (a)(5)(b) to read, Certification under (a) of this section is dependent upon: (1) completion of continuing education requirements as established by the Board, (2) meeting other criteria that may be established by board in regulations, and/or (3) until the persons

professional licensure is revoked, suspended or otherwise lapses. The Board will strike the language “remains in effect, without the need for renewal of the certification “of subsection 5 (b).

In response to correspondence from J.R. Myer, in discussion the Board agreed upon the above language to submit in a letter to Alaska Counseling Association for consideration of statute changes regarding supervisor certification. Deb Hamilton will write the letter.

Agenda Item 4 Division Update/Budget Report

The Board discussed with Martha Hewlett, via telephone, the Board program’s 3rd quarter budget information and projections. The Board is carrying a deficit, and discussion took place regarding the Boards revenue and expenses between this year and last. Director Chambers also discussed, telephonically, the upcoming changes to the Travel Policy. She explained that there will be an option to make your own travel arrangements or to opt to have the Division make and pay for them for the Board members so that they don’t have to carry the charges while waiting for reimbursement. The new travel policy should be effective on September 1, 2014. More info will be provided to the Board.

Agenda Item 5 Conference Reports

A. AKCA Liaison Report – Lynn Tashea reports that she attended a telephonic meeting. They are unanimously in agreement with our proposal but questioned that once the letter is crafted who the recipients would be. How do they disseminate who and how to distribute the information? Brainerd suggested that J.R. Myers check with the previous Chair as to who would be the best person to contact. Tashea reported that J.R wants to have more representation in Juneau and will make more structured trips to Juneau. Lynn Tashea will check with Renee to see who would be the best contact. The reason that the Board planned the January Board meeting for Juneau was for the purpose of being able to speak with the legislators, Brainerd will ask Director Chambers if the Board can lobby as licensed professional counselors or as the Professional Counseling Board. It was suggested to build into the agenda time for Board members to lobby the legislature. It is up to the Chair to set up the meetings/conversations as individuals (no more than two) but to discuss statutes that they want changed. Deb Hamilton will talk with Counseling Association to let them know we have a meeting in Juneau on Jan 22 & 23, 2015.

C. AMCHA Conference Report- Deborah Hamilton and Lynn Tashea. Hamilton reports they both went to the AMCHA in Seattle in July 2014. The main focus was the Affordable Care Act and how it is affecting healthcare in our country and especially mental health care. The workshops should be helpful to the Board when writing regulations for what is ethical and what is protective for our clients in regards to technology. The discussion regarding the Affordable Care Act was that the primary concern was the expansion of the Medicaid program, It was reported that 26 of the states have adopted the expansion and 24 have not, the concern being to recipients of non-insured individuals that have diagnosable mental health issues and their lack of access to health care in those 24 States that have not adopted the expansion. Alaska is one of the States that has not adopted the expansion. 38% of Alaska’s uninsured have mental health issues which may represent approximately 55,000 people. It is a concern because our State is more conservative in considering adopting the expansion of Medicaid. Tashea reported that our State presented the pros and cons of adopting the expansion. There were two different studies and it was not a mutual presentation. It was the called the Dashed Hopes Report.

Discussion regarding the expansion of SAMHSA and what programs it affects.

D. University Liaison Report- This report has to do with Tricare and the ability of licensed professional counselors having the ability to be credentialed with Triwest in Alaska and Tricare to provide services for the Military. The movement has been to allow mental health clinicians and licensed professional counselors to provide counseling without being under the supervision of a physician if they have passed the NCMHCE exam through NBCC and have graduated from a CACREP university. Alaska's concern is that our universities are not CACREP accredited (which is an accrediting association specific for counselors). So, States that have no or few CACREP universities have been contesting this new ruling that was to take effect January 2015 but is now extended until 2017. They have not changed the requirement yet. As it stands now, clinicians who are currently licensed and have not attended a CACREP school can take the clinical exam and then can pursue credentialing. After 2017, clinicians who are licensed will have to have attend a CACREP school and will have to pass the clinical examination in order to be credentialed as a provider with Tricare. Hamilton reported that in conversations with Renee George of Alaska Pacific University, there is no indication that they are moving in that direction because of the number of units that are required for CACREP and primarily because of staffing requirements. Hamilton reported that while attending the AMCHA conference that she spoke to Tom Clausson the President of NBCC and who shared with them that one of the Alaska Universities had just been awarded a grant to pursue CACREP accreditation. Which school is not yet known.

In addition, Hamilton reported that in response a letter the Board had written to legislators regarding this issue, she received back a response from Lisa Murkowski, thanks the Board for their interest in the matter. She also received a call from LAVOR Kirkpatrick, who was assigned by Senator Begich, to address the Tricare issue in Alaska. They have contacted the Department of the Army and Tricare and Tricare is reviewing it. Kirkpatrick wants more information such as, how many licensed professional in Alaska? How many affected by CACREP? There was lengthy discussion on the NCE exam vs NCMHCE.

Agenda Item 6 Public Comment

There was no public comment.

Agenda Item 7 Correspondence

An LPC Counselor requests the Board review of LPC Supervisor nomenclature use, and instruction regarding board approval of how to abbreviate the attainment of Board Approved Supervisor status next to the LPC title/professional. The Board discussed that there is no authority in the Statutes or Regulations that allows for assignment of title. The Board at this meeting is discussing statute changes for supervision requirements, 08.29.210, that will give the Board more authority and they will have more flexibility in the future and will consider at that time.

Agenda Item 8 Applications/CEU Audits

The Board reviewed 29 applications, 2 course approvals, 3 continuing education provider's approval requests, and 2 reinstatements. Review done on Thursday and Friday, motion made on Friday.

On a motion by Lynn Tashea, seconded by Stephanie Johnson, and approved unanimously it was

RESOLVED to approve the following list of applications with the stipulation that the information in the applicants' files will take precedence over the information in the minutes:

PROFESSIONAL COUNSELOR – EXAM

- **Edwards, Sarah L.**
- **Gallegos-Randal, Vicky L.**

- **Krivda, Peter J.**
- **Lavarias, Glen D.**
- **Lyman, Kala P.**
- **Leonard, Jennifer L.**
- **Pinkerton, Daniel**
- **Vick, Leif O.**

PROFESSIONAL COUNSELOR – CRED

- **Dunn, Edthye B.**
- **Sasse, Grant M.**

PROFESSIONAL COUNSELOR SUPERVISOR

- **Adkins, Darrell**
- **Bailey, Marita L.**
- **Clampitt, Richard**
- **David, Jay**
- **Harvey, Jerrie Dee**
- **Kleven, Sandra L.**
- **Mole, Theodore W.**
- **Russ, Windy G.**

CONTINUING EDUCATION PROVIDER APPROVAL

- **Lynn Canal Counseling Svcs**
(Role of Creativity in AK Native)
- **Lynn Canal Counseling Svcs**
(Transformation in Trauma)
- **Rural Alaska Community Action program ,Inc**
(A1- Lethality of Domestic Violence)
(A2- Caring For Ourselves So We Can Be Present for Others)
(A3- Hope and Belonging: Cultural and Community Strengths for Suicide Prevention)
(A4- Unlearning Oppression)
(A5- GEO Group Reentry Services)
(B1- Healthy Sexuality)
(B2- Memory Management)
(B3- Alaska Gatekeepers/QPR Suicide Prevention Training)
(B4- Replacing Self Medication w/Cultural Tools & Strengths to Manage the Negative Effects of Domestic Violence and Sexual Abuse.
(Justice 2-Tribal-State Judicial Approaches to Drug, Alcohol, and Domestic Violence Cases.
(Healthy Healers)
(Justice 3A & 3B – Breaking the Cycle of Native Incarceration and Recidivism is Key to the Futures of Indigenous Peoples, Tribes and Their Communities)
(C1- Strengthen Sobriety by Being Tobacco-Free)
(C2- Native It's Your Game)
(C3 & D3 – Returning to Harmony)
(C4 – Storytelling: Walking the Path of Your Heroic Journey)

- (D1 – Nicotine Addiction and Sobriety)
- (D2 – Making Healthy Choices about Substance Abuse)
- (D4 – Historic Trauma, Historic Strengths, Navigating Wellness)

- **Jody Stahl**
University of Alaska Anchorage, Professional & Continuing Ed

(Cyberbullying & Social Media Effects on Youth)
(Social and Emotional Learning Implementation and Sustainability Process)
(Connected & Respected :Updated RCCP/SEL Infusion for K-12)

Upon a motion made by Stephanie Johnson and seconded by Lillian Mitchell, and approved unanimously, it was

RESOLVED to adjourn.

Meeting adjourned until 9:30am Friday July 25, 2014

Meeting adjourned at 6:05 p.m.

Friday July 25, 2014

Call to Order/Roll Call 9:31 AM

Board members present, forming a quorum of the Board, were:

Ann Brainerd, Licensed Professional Counselor, Chair
Deborah Hamilton, Licensed Professional Counselor
Stephanie Johnson, Licensed Professional Counselor

Lynn Tashea, Licensed Professional Counselor
Lillian Mitchell, Public Member

Present from the Division of Corporations, Business, and Professional Licensing at various times were:

Michele Wall-Rood, Investigator
Angie Parker, Licensing Examiner
Eleanor Vinson, Licensing Examiner

Agenda Item 8 Applications/CEU Audits

The Board continues review of the remaining applications / CEU's.

Agenda Item 9 Investigator Report

A. General Report

Investigator Wall-Rood met with the Board.

Investigator Wall-Rood gave the Investigations Report. As of July 2014, open matters include six complaints, and three intakes. During that time period Wall-Rood closed four complaints. She gave an explanation of the investigation process. She also explained the difference between a disciplinary consent agreement (which is a violation of a statute or regulation, reported to the National databank and a public record), a non-disciplinary consent agreement (which is not reported to the National databank and not a public record), and an imposition of a civil fine which this Board adopted in Sept of 2011 (which means the Board can write a disciplinary document which fines licensees without censure or reprimand for making a mistake) It is another level of enforcement in which we condition or limit their licensure . It is not applicable for patient care cases or case that would have to be reported to the National practioner databank. Discussions took place regarding the different level of discipline.

On a motion by Lynn Tashea, seconded by Stephanie Johnson, and approved unanimously it was

RESOLVED to go into executive session with staff in accordance with AS 44.62.310(c) (2) and (3) for the purpose of discussing a CEU audit.

Off record at 10:14 am

On record at 11:20 am

Agenda Item 10 Regulations

The Board discussed the need to define "face-to-face" as it pertains to CEU's because the question always asked by applicants is if certain classes are acceptable or meet the criteria of face-to-face. Brainerd stated that in areas like Nome, Bethel, Kotzebue and other areas the opportunity for in person conferences or classes is far less available, making the need for defining the language important. Also, more and more webinar classes are becoming available and can be utilized with the ability to call in and ask questions but not be in physical attendance. Hamilton stated that when looking at the CEU regulation and the face-to-face requirements that there is language that is implied but not stated. Brainard stated that 20 of the 40 CEU hours must be face-to face hours. The Board wants to define face-to-face hours clearly. Hamilton stated there is a language distinction that needs to be addressed. Hamilton stated, on the CEU audit form, the question is asked "Was the CEU face-to-face, yes or no?", but actually under the regulation it does not say that the hours are face-to-face, it is

implied. Audit forms require contain the language of face-to-face although again we do not really define it in the regulation. Brainerd discussed "synchronous v. asynchronous and expressed the importance of defining this so that it is clear that the classes are in real time. The Board then discussed and crafted the language for changes to the regulations as follows.

The Board discussed the use of the word synchronous versus face-to-face. Defining synchronous would better serve the intent of the requirement of the regulation. The Board then crafted the language for defining synchronous.

On a motion duly made by Lynn Tashea, seconded by Stephanie Johnson, and passed unanimously, it was

RESOLVED to change regulation 12 AAC 62.990 Definitions, to add subsection (d) to read as follows:

(d) In 12 AAC.62.310, "Synchronous" means happening at precisely at the same time during which the instructor and attendee are able to communicate in real time.

After defining synchronous, the Board then returned to discuss the tabled Motion above of 12 AAC 62.310. The Board crafted new language to incorporate synchronous as defined earlier.

On a motion duly made by Deborah Hamilton, seconded by Lynn Tashea, and passed unanimously, it was

RESOLVED to change regulation 12 AAC 62.310 subsection (d) to read as follows:

(d): A minimum of 20 hours of the total number of continuing education contact hours required for renewal of a license under this section must be earned through attendance and completion of synchronous courses, seminars, and workshops.

it was also

RESOLVED to change the current subsection (d) will become (e), and current subsection (e) will become (f).

The Board reviewed the draft language, from Regulations Specialist Jun Maquis, of the previously proposed regulations.

On a motion duly made by Lynn Tashea, seconded by Lillian Mitchell, and passed unanimously, it was

RESOLVED to accept the wording and Public Notice 12 AAC 62.900- (a), (b)(Code of Ethics), as presented with the understanding that the Department of Law has the authority to alter the wording without altering intent of the changes.

On a motion duly made by Lillian Mitchell, seconded by Deb Hamilton, and passed unanimously, it was

RESOLVED to accept the wording and Public Notice 12 AAC 62.900 (adding records retention), as presented with the understanding that the Department of Law has the authority to alter the wording without altering intent of the changes.

On a motion duly made by Stephanie Johnson, seconded by Lillian Mitchell, and passed unanimously, it was

RESOLVED to accept the wording and Public Notice 12 AAC 62.220 (supervisor pre-approval), as presented with the understanding that the Department of Law has the authority to alter the wording without altering intent of the changes.

On a motion duly made by Deb Hamilton, seconded by Stephanie Johnson, and passed unanimously, it was

RESOLVED to accept the wording and Public Notice 12 AAC 62.130 (Add CEU's Credentials), as presented with the understanding that the Department of Law has the authority to alter the wording without altering intent of the changes.

On a motion duly made by Stephanie Johnson, seconded by Deb Hamilton, and passed unanimously, it was

RESOLVED to accept the wording and Public Notice 12 AAC 62.120 (clarify requirements of degree), as presented with the understanding that the Department of Law has the authority to alter the wording without altering intent of the changes.

Agenda Item 11 New Business

- A. AASCB membership dues – The Board has been a member since for at least 10years and \$800.00 has been included in the budget.

On a motion duly made by Deb Hamilton, seconded by Stephanie Johnson, and passed unanimously, it was

RESOLVED to continue membership in AASCB and pay the dues,

- B. Technology in Counseling- Brainard wants the Board to start looking at specific areas such as social networking, distance counseling, skype, etc. The Board will form a sub-committee.

Agenda Item 12 Board Business

A. Task List

Deb Hamilton will write a letter J.R. Myer regarding supervision language and will also talk with local clinicians that have taken both exam (MFT and NCE).

Anne Brainerd will contact Jayden Avey regarding speaking with the Board on Technology.

Anne Brainerd will speak to Sara Chamber regarding when travel requests can be submitted.

Lynn Tashea will talk with Renee George regarding where Counseling Association sends the letter.

Lynn Tashea will attend AKCA and discuss CACREP

B. Sign Wall Certificates-Wall certificates were signed

C. Schedule future meetings- may consider starting both days @9:30

October 30-31, 2014 in Anchorage

January 22-23, 2015 in Juneau

The Board will schedule future meeting at the October meeting.

D ~~Sign Meeting Minutes~~-Minutes were signed by Board Chair Brainerd.

E ~~Discuss Travel Authorizations/collect & sign~~-Travel Authorizations were not available for signatures.

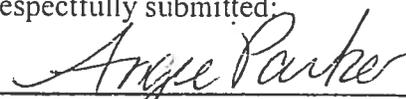
F ~~Training/conferences~~-Brainerd will attend the AAXCB conference In January, Parker has submitted travel request.

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

RESOLVED to adjourn.

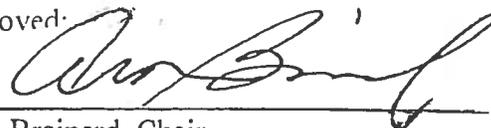
Meeting adjourned at 2:24 p.m

Respectfully submitted:



Licensing Examiner

Approved:



Anne Brainard, Chair
Board of Professional Counselors

Date: 10/30/2014