

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

BOARD OF PROFESSIONAL COUNSELORS  
JULY 20-22, 2016  
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 W. 7th Avenue.

Thursday, July 22, 2016

Call to Order/Roll Call 9:33 A.M.

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

Anne Brainerd Marko, Licensed Professional Counselor, Chair  
Stephanie Johnson, Licensed Professional Counselor  
Lyn Tashea, Licensed Professional Counselor  
Debra Hamilton, Licensed Professional Counselor

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

Sonia Lipker, Probations Monitor/ Investigator  
Renee Hoffard, Licensing Examiner

Chair Anne Brainerd Marko reminded the board that at this time the public member position on the board is vacant; she and Renee encouraged the other board members to let their communities know of the vacancy.

Chair Marko stated that due to canceled flights on Thursday, July 20, the board was not able to go on the record to begin the meeting as there was no quorum; the two board members that were present reviewed CEU audits in the presence of Renee Hoffard, the licensing examiner.

Ethics Reports

There were no ethics violations to report.

## **Agenda Item 2            Review Agenda**

The Board reviewed the agenda:

The board struck Agenda item 7, review of task list from previous meeting as the 2 items on it were completed. The board struck Agenda item 8(a) as the AkCA has held no meetings, updated their website or responded to board requests for contact since the April meeting. The board struck Agenda item 9(b) as there is no new information regarding the mental health licensing board summit. The board struck Agenda item 9(c) as that project has been tabled until further notice. The board struck Agenda item 11 as no correspondence has been received for the board.

The board reviewed CEU audits and applications.

## **Agenda Item 5 Investigator Report**

Investigator Sonia Lipkir joined the meeting at 10:28 to provide the investigative report. The report she provided was for the period of April 6 – July 21, 2016. In that time investigations closed 7 matters and have 3 matters currently open. One licensee ended probation and one licensee began probation as of July 1. Investigator Lipkir informed the board that Investigator Brian Howes will be taking over investigations for the board, Investigator Lipkir and Investigator Wall-Rood will still be available to provide support for the board as needed.

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

**RESOLVED that the Board would enter Executive Session in accordance with AS 44.62.310(c) and Alaska Constitutional Right to Privacy Provisions, for the purpose of discussing subjects that tend to prejudice the reputation and character of any person, provided the person may request public discussion. Board staff Renee Hoffard and Investigator Sonia Lipkir to remain during the session.**

Off record at 10:33 a.m.

Back on record at 10:37 a.m.

Investigator Lipkir exited the meeting at 10:38 am.

The board resumed the review of CEU audits and applications.

## **Agenda Item 6 Division Update**

Operations Manager Sara Chambers joined the meeting telephonically at 11:03 a.m. to provide the division update. She discussed the current travel restrictions and limits with the board. Chair Marko expressed the concerns that the board has regarding limiting face-to-face board meetings; she also stated that the board will do everything they can to work with the division within the limits that are in place.

The call ended at 11:11 am

The board resumed the review of CEU audits and applications.

## **Agenda Item 8 Conference Reports**

B. NBCC Symposium report

Debra Hamilton and Stephanie Johnson traveled in May to the NBCC Annual Symposium, it was held in collaboration with CCE this year. They noted that ACS is making changes to their supervision requirements. NBCC is recommending that all states look into establishing an Impaired Professionals program; they suggest that the programs comply with current ADA standards. NBCC also discussed "Supervision of Supervisors;" stating that some states have exams for supervisors that cover overall practice. It was suggested that state programs consider requiring state law and ethics exams.

Communication between NBCC and state boards is highly encouraged; NBCC would like boards to utilize them as a resource.

Debra and Stephanie found the entire conference highly informative and felt it was an excellent learning opportunity.

**Agenda Item 9 Old Business**

A: Review of meeting minutes:

Upon review of the April meeting minutes, the only corrections to be made were regarding Chair Marko's name and UAF staff member Kristine Cook.

**On a motion duly made by Debra Hamilton, seconded by Lyn Tashea, and passed unanimously, it was**

**RESOLVED that the Board approve the April 2016 meeting minutes as amended.**

As the board had concluded all of the day's business other than public comment and application review, Chair Marko recessed the meeting for lunch.

Off the record at 12:03 pm

Back on record at 1:56 pm

**Agenda Item 10 Public Comments**

There was no public comment.

**Agenda Item 3 Application Review**

The Board reviewed 16 applications for licensure, 7 applications to be a Board Approved Supervisor, 1 reinstatement of licensure, 3 continuing education provider's approval requests, 4 requests for Alternate Supervision Plans, and 1 request for a substitution of examination.

**On a motion by Debra Hamilton, 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**

- Coyle, Julia
- Cox, Christopher Isaac
- Eagle, Kathleen

- Ekstom, Hannah
- Funk, Samantha
- Linsley, Laurie
- Loht, Monica
- Mitchell, Lee Ann
- Ornquist, Gena
- Patterson, Mary
- Russell-Licata, Megan
- Rush, Matthew
- Shewman, Julie
- Wolfe, Amanda

**PROFESSIONAL COUNSELOR – CRED**

- Pope, Brittany
- Smith, Christy Lee

**PROFESSIONAL COUNSELOR SUPERVISOR**

- Chipp, Cody
- Forst, Teri
- Leonard, Anna M.
- Metzgar, Paige
- Tallman, Peter
- White, Greg
- Zeedyk, Jana

**REINSTATEMENT OF LICENSURE**

- Jones, Sharon

**ALTERNATE SUPERVISION PLANS**

- Edenshaw, Erik
- Nytes, Anna
- Serrano, Thelma
- Watson, Andres

**CONTINUING EDUCATION PROVIDER APPROVAL**

- Accord Alaska, LLC; Basic Mediation Training
- Alaska Psychiatric Institute; Ethics in Clinical Practice
- George Krichner, MA, LPC

Off the record at 4:32 pm

**Friday July 22, 2016**

**Call to Order/Roll Call 9:07 A.M.**

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

Anne Brainerd Marko, Licensed Professional Counselor, Chair  
Stephanie Johnson, Licensed Professional Counselor  
Lyn Tashea, Licensed Professional Counselor  
Debra Hamilton, Licensed Professional Counselor

Present from the Division of Corporations, Business, and Professional Licensing:

Renee Hoffard, Licensing Examiner

The Board continued with the agenda as amended.

**Agenda Item 12      New Business**

A: Future Regulations Projects: Regulations in response to SB74.

The Board discussed and drafted a regulations regarding SB74 as it pertains to professional counselors and telehealth. The board felt it would best service public safety and licensee for the regulations be an entire new article of regulations; Article 5, Technology-assisted distance professional services.

**SCOPE OF PRACTICE**

Services offered by licensees of this Board across a distance by electronic means fall within the jurisdiction of the Board just as traditional, face-to-face services. Therefore, all Board statutes and regulations will apply to these services. Technology-assisted distance professional services include but are not limited to psychotherapy, diagnosis, evaluation; administration of assessments, tests and appraisals; referral; and the establishment of counseling plans for the treatment of individuals, couples, groups and families with emotional, mental, addiction and physical disorders. The practice of technology-assisted distance professional services does not include functions or practices that are not within the licensee's training or education.

**GENERAL PROVISIONS**

- (a) Technology-assisted, distance professional services offered by licensees must be delivered using the application of accepted and established mental health counseling principles, methods, procedures and ethics. To ensure the highest level of service delivery and public safety, professional licensees wishing to conduct technology-assisted distance professional services must:
  - 1) Be in good standing with the Licensing Board
  - 2) Prior to the delivery of distance professional services, have obtained a minimum of six (6) continuing education hours, from a NBCC approved continuing education provider, pertaining to technology assisted distance professional services.
  - 3) Prior to the delivery of distance professional services, establish that the client is appropriate for such services.
- (b) Per **SB74**, initial in-person meeting between the licensee and the client is not required but is strongly recommended.
- (c) Licensees are required to develop a safety plan with client at the onset of services.

**PROVISION OF TECHNOLOGY-ASSISTED DISTANCE PROFESSIONAL SERVICES**

- (a) The provision of any service defined as the practice of professional counseling (Sec. 08.29.490(1)) 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

professional counseling in the State of Alaska and shall require licensure of the service provider under the statutes and regulations of the State of Alaska for Licensed Professional Counselors.

- (b) The provision of any service defined as the practice of professional counseling 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 professional counseling in the State of Alaska and shall require licensure of such provider under the applicable provisions of the statutes and regulations of the State of Alaska for Licensed Professional Counselors. Licensees are required to comply with all statutes, regulations and rules of the state where the client is physically located.
- (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 required to abide by the most current NBCC policy regarding the provision 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.

#### **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 should be discouraged. 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.

#### **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 Sec. 08.29.200.
- (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;
- (n) Establish protocols for verifying the identity and age of the client.

#### 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.

The board noted that any numbering and authority would be corrected and checked by the division and department of law.

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

**RESOLVED that the Board approve the draft Article 5 regulations to be sent to the division for review.**

**Agenda Item 13 Board Business**

**A. Task List**

1. Renee – post notice on the board webpage concerning PESI no longer being approved to provide CEU's per NBCC.

2.

**B. Sign Wall Certificates**-Wall certificates were signed

**C. Schedule future meetings**- The Board confirmed the following meeting dates for the upcoming year.

1. October 13-14, 2016; Anchorage
2. January 26-27, 2017; Anchorage
3. May 11-12, 2017; Anchorage - Tentative
4. September 28-29, 2017; Anchorage - Tentative

**D. Sign Meeting Minutes** -

Chair Marko signed Final Minutes for April 2016.

**F. Training/conferences** -

Chair Marko and Renee Hoffard are scheduled to attend the AASCB annual conference in January 2017. The conference is scheduled to be held in New Orleans, LA.

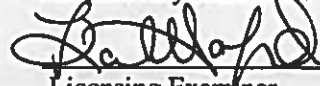
At this time the Board concluded all scheduled Board business.

**Upon a motion made by Debra Hamilton, and seconded by Lyn Tashea, and approved unanimously, it was**

**RESOLVED to adjourn.**

Meeting adjourned at 1:14 p.m.

Respectfully submitted:

  
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Licensing Examiner

Approved:

  
\_\_\_\_\_  
Anne Brainerd Marko, Chair  
Board of Professional Counselors

Date: 10/14/2016