

1 State of Alaska
2 Department of Commerce, Community and Economic Development
3 Division of Corporations, Business and Professional Licensing
4

5 Alaska Board of Professional Counselors
6 February 7-8, 2019 Meeting Minutes
7

8 The staff of the Division of Corporations, Business and Professional Licensing
9 prepared these draft minutes. They have not been reviewed or approved by the
10 Board.

11
12 By authority of AS 08.01.070(2), and in compliance with the provisions of AS
13 44.62, Article 6, a scheduled meeting of the Board of Professional Counselors
14 was held at the Robert Atwood Building, 550 W. 7th Ave., 102 in Anchorage,
15 Alaska, and at the State Office Building, 9th floor conference room A in Juneau,
16 Alaska, on February 7-8, 2019.

17
18 Agenda Item 1 Call to Order/Roll Call Time: 9:32 a.m.
19

20 The February 7, 2019 meeting day was called to order by Chair, Debra Hamilton at 9:32
21 a.m.
22

23 Board members present, constituting a quorum:
24

25 Debra Hamilton, Licensed Professional Counselor PCOP366 - *Chair*
26 Alice Baum, Licensed Professional Counselor PCOP929
27 Steven Kyle Cardwell, Licensed Professional Counselor PCOP801
28 Eleanor Vinson, Public Member
29

30 Division staff present:
31

32 Andy Khmelev, Occupational Licensing Examiner
33 Dawn Hannasch, Records and Licensing Supervisor
34 Erika Priekstat, Investigator
35 Glenn Hoskinson, Administrative Assistant III
36 Sara Chambers, Division Director
37 Sharon Walsh, Division Deputy Director
38 Marylene Wales, Accountant III
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40 Board members absent:
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42 Janece Richard, Licensed Professional Counselor PCOP620 (Excused)

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Agenda Item 2 Review/Approve Agenda

On a motion duly made by Alice Baum, seconded by Kyle Cardwell, and approved unanimously, it was

RESOLVED to approve the agenda for the February 7-8, 2019 meeting

	APPROVE	DENY	ABSTAIN	ABSENT
Debra Hamilton	x			
Alice Baum	x			
Kyle Cardwell	x			
Eleanor Vinson	x			
Janece Richard				x

The motion passed with no further discussion.

Agenda Item 3 Ethics Report

The board then moved on to addressing ethics, however, there were no ethics disclosures to report.

Agenda Item 4 Review & Approve Minutes from December 2018

The board proceeded to review the minutes from a teleconference that took place on December 14, 2018. Eleanor Vinson suggested that in the future, rather than use just first names for staff members, add titles prior to their names such as staff member, examiner, or staff supervisor so that in case the minutes are reviewed in the future, there doesn't need to be any research as to who is who. Chair Hamilton then requested that the minutes be amended on lines 98, 103 and 104 to reflect staff titles.

On a motion duly made by Alice Baum, seconded by Eleanor Vinson, and approved unanimously, it was

RESOLVED to approve the minutes from the December 14, 2018 teleconference as amended.

	APPROVE	DENY	ABSTAIN	ABSENT
Debra Hamilton	x			
Alice Baum	x			
Kyle Cardwell	x			

85	Eleanor Vinson	x
86	Janece Richard	x

87

88 The motion passed with no further discussion.

89

90 **Agenda Item 5 Public Comment**

91

92 Due to technical difficulties setting up the video conferencing system, which never did end
 93 up working, the meeting did not start until 9:32am instead of 9:00am as originally intended.
 94 However all board members were present and the phone line was open to accept calls for
 95 public comment. No members of the public made appearances in Juneau, Anchorage, or via
 96 phone. As a result, the board members decided that public comment started at 9:15 am and
 97 ended at 9:42 am.

98

99 **Agenda Item 6 Old Business**

100

101 The board's old business included a review of public comment from the prior regulation
 102 project, which was Technology-Assisted Distance Professional Services, 12 AAC 62.400-420
 103 which was tabled on 12/14/18.

104

105 Kyle Cardwell wanted to know how other boards handle requirements for telehealth. Staff
 106 supervisor Dawn Hannasch was called back into the room so that the board can get her
 107 input on how other licensing boards handle telehealth. Dawn confirmed that federal law
 108 indeed overrides state law, and an individual who has an active license in another state can
 109 practice on federal or native land without an Alaskan license. Dawn explained that if you are
 110 licensed in Alaska, you are required to follow the law in Alaska. If an individual is licensed in
 111 another state, the individual would have to abide by the statutes and regulations of the state
 112 that they are licensed in, even if telehealth is against the law in that state and they are
 113 providing services within Alaska on federal/tribal land.

114

115 Upon further discussion, Dawn informed the board that she would email the members with
 116 sample regulations from other licensing programs, and that should the members wish to do
 117 further research on the matter, the regulations would be on each licensing programs website.

118

119 **On a motion duly made by Alice Baum, seconded by Kyle Cardwell, and approved**
 120 **via roll call vote, it was**

121

122 **RESOLVED** to table the discussion until the following day on 2/7/19 upon
 123 receipt of further information.

124

	APPROVE	DENY	ABSTAIN	ABSENT
125				
126	Debra Hamilton	x		
127	Alice Baum	x		

128	Kyle Cardwell	x		
129	Eleanor Vinson		x	
130	Janece Richard			x

131
132 The motion passed with no further discussion.

133
134 **Agenda Item 7 Investigative Report**

135
136 Investigator Erika Priekstat joined the meeting for the investigative report. Investigator
137 Priekstat reported that there were no changes from the prior investigative report with the
138 exception of case # 2018-001201 which closed in December instead of January.

139
140 *Off the record for break at 10:36 am*
141 *Back on the record at 10:52 am*

142
143 **Agenda Item 8 Division Update**

144
145 Division Director Sara Chambers, Deputy Director Sharon Walsh, and Accountant Marylene
146 Wales joined the meeting to discuss the division update. Director Chambers went over the
147 financials for the counselor program for quarters 1 and 2 for fiscal year 2019. There is an
148 overall surplus of \$245,912.

149
150 Board member Kyle Cardwell expressed his concerns and frustrations regarding travel
151 denial, and asked Director Chambers if there would be a possible way to reinstate in person
152 meetings compared to doing it remotely. Director Chambers replied that with the new
153 administration there needs to be a demonstrated business need to get travel approved.
154 Follow up concern was getting travel denied for national conferences, to which Director
155 Chambers replied by stating it is a goal to have the members travel to at least one conference
156 per fiscal year.

157
158 Fee analysis shows there will most likely be a \$250 reduction in licensing fees. This stems
159 from a projected \$470,000 surplus at the end of 2020, which could potentially draw the
160 attention of the licensees and legislative audit. In order to keep from getting to such a high
161 surplus, the fees would be cut to lower the projected surplus to \$267,086 at the end of 2020.

162
163 **On a motion duly made by Kyle Cardwell, seconded by Alice Baum, and approved**
164 **unanimously, it was**

165
166 **RESOLVED to accept the division proposal for reduction in fees.**

	APPROVE	DENY	ABSTAIN	ABSENT
168				
169	Debra Hamilton	x		
170	Alice Baum	x		

171	Kyle Cardwell	x	
172	Eleanor Vinson	x	
173	Janece Richard		x

174

175 The motion passed with no further discussion.

176

177 The meeting went into recess for lunch.

178

179 *Off the record for lunch at 12:03 pm*

180 *Back on the record at 1:19 pm*

181

182 **Agenda Item 9 Continue Tabled Application Review**

183

184 Review tabled applications. The first tabled ballot from the prior voting cycle required the
185 board to enter executive session.

186

187 **On a motion duly made by Eleanor Vinson and seconded by Kyle Cardwell in**
188 **accordance with AS 44.62.310(c)(2), the board unanimously moved to enter executive**
189 **session for subjects that tend to prejudice the reputation and character of any person,**
190 **provided the person may request a public discussion.**

191

192 Board staff Andy Khmelev and Dawn Hannasch were authorized to remain in the room.

193

194 *Off the record for executive session at 1:25 pm*

195 *Back on the record at 3:03 pm*

196

197 Upon return from application review the application review continued.

198

199 **On a motion duly made by Eleanor Vinson, seconded by Kyle Cardwell, and**
200 **approved unanimously, it was**

201

202 **RESOLVED to table the application for supervisor for W.C. until she can**
203 **provide the contact hours of CEU's required under 12 AAC 62.200(a)(4)**

204

	APPROVE	DENY	ABSTAIN	ABSENT
205				
206	Debra Hamilton	x		
207	Alice Baum	x		
208	Kyle Cardwell	x		
209	Eleanor Vinson	x		
210	Janece Richard			x

211

212 The motion passed with no further discussion.

213 On a motion duly made by Eleanor Vinson, seconded by Alice Baum, and approved
214 unanimously, it was
215

216 **RESOLVED** to table the application for supervisor for J. L. until he can meet
217 the requirements as designated in executive session prior to the next board
218 meeting on May 9-10, 2019.
219

	APPROVE	DENY	ABSTAIN	ABSENT
220 Debra Hamilton	x			
221 Alice Baum	x			
222 Kyle Cardwell	x			
223 Eleanor Vinson	x			
224 Janece Richard				x

225
226
227 The motion passed with no further discussion. Staff will send a letter to the applicant
228 requesting the information.
229

230 *Off record for break at 3:07 pm*

231 *Back on record at 3:27 pm*
232

233 Application review continued after break. The remaining ballots were reviewed via onboard
234 website and each member cast their vote through their personal devices.
235

236 On a motion duly made by Kyle Cardwell, seconded by Eleanor Vinson, and
237 approved unanimously, it was resolved to recess for the day until 2/8/19 at 9:00 am.
238

239 *Off the record for recess until the following day at 4:19 pm.*
240

241 **Agenda Item 12 Roll Call/Call to Order**
242

243 The **February 8, 2019** meeting day was called to order by Chair, Debra Hamilton at 9:15
244 a.m.
245

246 Board members present, constituting a quorum:
247

248 Debra Hamilton, Licensed Professional Counselor PCOP366 - *Chair*
249 Alice Baum, Licensed Professional Counselor PCOP929
250 Steven Kyle Cardwell, Licensed Professional Counselor PCOP801
251 Eleanor Vinson, Public Member
252

253 Division staff present:
254

255 Andy Khmelev, Occupational Licensing Examiner

256 Dawn Hannasch, Records and Licensing Supervisor
257 Erika Priekstat, Investigator

258

259 Board members absent:

260

261 Janece Richard, Licensed Professional Counselor PCOP620 (Excused)

262

263 **Agenda Item 13** Correspondence

264

265 There was no correspondence to discuss.

266

267 **Agenda Item 14** New Business

268

269 Eleanor Vinson asked about modifications to regulations regarding out of state CEUs for
270 supervisor experience. Chair Hamilton said that those regulations are still with the
271 regulations specialist. No further new business to discuss.

272

273 **Agenda Item 15** Annual Report

274

275 Chair Hamilton described the narrative statement, which is a summary of why the board of
276 counselors is necessary and what kind of things that the board has done to protect the
277 public. There has been a full board for a year, and chair discussed the board travel for
278 conferences that they have made. Chair then discussed a recommended budget for the
279 upcoming year and upcoming travel for conferences as well as goals and objectives.

280

281 The board suggested that if the telehealth regulations are approved, then the board should
282 travel to the NBCC conference to be in good standing with them.

283

284 In regards to conference travel, staff supervisor Dawn Hannasch advised the board to list
285 any or all conferences that they wish to travel to, which increases chances of something
286 getting approved, and whichever conference is highest priority should be listed on top even
287 if its already paid for due to the fact that even 100% reimbursable travel had been denied in
288 the recent past. The board decided that the AASCB should be place at number one, with the
289 priority list as follows:

290

- 291 1. AASCB
- 292 2. NBCC
- 293 3. AMHCA
- 294 4. FARB
- 295 5. CLEAR

296

297 The board agreed along with Dawn that the FARB conference is better for staff
298 development than for the actual board members.

299

300 Chair Hamilton also expressed that even though they did get a lot accomplished in the
301 meeting the prior day, she expressed her frustration of having to do it all telephonically.
302 Other board members expressed their frustration as well by stating that it was cumbersome
303 and difficult to do this via phone, and that it limits communication by not giving the public
304 as much access as it did in the past. Board agreed that when they were all present in one
305 room for the September meeting a lot was accomplished with a handful of regulations
306 getting pushed through.

307

308 *Off the record for break at 10:41 am*

309 *Back on record at 11:02 am*

310

311 Upon return from break, the board discussed the goals and objectives for FY19. The chair
312 went over the FY18 goals and board chair Hamilton will write up the annual report for
313 FY19 which will be provided at the next board meeting. Chair Hamilton requested staff
314 member Andy Khmelev to provide her with numbers of how many LPC and supervisors
315 that there are currently active, which Andy will provide prior to the next board meeting.

316

317 **Agenda Item 6 Old Business**

318

319 Due to not having enough information the prior day, the board voted to table the discussion
320 on Technology-Assisted Distance Professional Services, 12 AAC 62.400-420 which was
321 previously tabled on 12/14/18. Since the tabling of this discussion, staff supervisor Dawn
322 Hannasch was able to obtain some information to the board on how different licensing
323 boards handle telehealth. Staff member Andy Khmelev explained to the board that the
324 Board of Psychology has these regulations on their radar, but nothing in place at this time.
325 Andy provided a few pages of minutes from the Clinical Social Workers prior board meeting
326 for the board to review.

327

328 Board member Kyle Cardwell expressed his concern about the code of ethics that are
329 adopted for distance professional services from NBCC, which requires there to be a
330 disclosure of services statement even for short sessions. Board member Eleanor Vinson
331 commented that if they were to change anything on these regulations, it could be a two year
332 setback. Lengthy discussion followed as the board members debate the different code ethics.
333 Supervisor Dawn Hannasch confirmed with the board that once a code of ethics is adopted,
334 it is no longer tied with the organization, but rather it becomes state law. After a further
335 lengthy discussion on the regulations project, the matter had to be set aside due to
336 Investigator Erika Priekstat calling in on the phone to discuss a consent agreement from
337 earlier that the board requested clarification on.

338

339 The board wanted know if the licensee for consent agreement #2018-000539 was on
340 probation and if someone enters a consent agreement, are they automatically in a probation
341 status due to being in a consent agreement. Investigator Priekstat confirmed that in order for
342 a licensee to be on probation, it must be outlined in the consent agreement itself. The board

343 requests board staff Andy Khmelev for a copy of the boards disciplinary matrix to ensure
344 that there won't be future confusion with consent agreements.

345
346 **On a motion duly made by Eleanor Vinson, seconded by Alice Baum, and approved**
347 **via roll call vote, it was**

348
349 **RESOLVED to accept 12 AAC 62.400-420 as reviewed.**

350

	APPROVE	DENY	ABSTAIN	ABSENT
351 Debra Hamilton	x			
352 Alice Baum	x			
353 Kyle Cardwell		x		
354 Eleanor Vinson	x			
355 Janece Richard				x

356

357
358 The motion passed with no further discussion.

359
360 **Agenda Item 16 Lunch – Board elected to skip lunch to finish meeting earlier**

361
362 **Agenda Item 17 Board Admin Business**

363
364 The board discussed future board meetings for the year. After a discussion, the board agreed
365 to keep the next meeting for May 9-10, 2019. The board tentatively scheduled a meeting for
366 September 19-20, 2019 in Anchorage, and a possible teleconference in July with no set date
367 at this time.

368
369 The board chair will need to sign the minutes from the prior teleconference, however with
370 the meeting taking place in both Juneau and Anchorage, signing the minutes at the meeting
371 was not possible, so staff member Andy Khmelev will email the finalized minutes to the
372 board chair for a signature, and the chair will mail them back to the office in Juneau.

373
374 Andy then went over his task list to the board which was to send the board members
375 legislative protocol training, obtain 6 CEUs from an applicant whose application was
376 previously tabled, obtain information on how many applicants were licensed in the fiscal year
377 for the annual report, and send the board the disciplinary matrix. The task of obtaining the
378 number of applicants can be deferred until closer to the May meeting, since there will be
379 more application review between now and then.

380
381 The board agreed that member Kyle Cardwell will be the board liaison for the Alaska
382 Counseling Association, and he will be following up with them to find out what level of
383 activity they are having at this time.

384

385 The board had a discussion as to which member goes to which conference. Kyle Cardwell
386 and Janece Richard will be the designated ones to attend the AASCB conference, Debra
387 Hamilton and Eleanor Vinson will be the designated ones to attend the NBCC with the
388 possibility of a staff member if approved, Alice Baum will be the one designated to attend
389 AMHCA. The board would like Alice Baum to also attend the FARB conference, along with
390 a staff member.

391

392 **On a motion duly made by Kyle Cardwell, seconded by Alice Baum, and approved**
393 **unanimously, it was resolved to adjourn the meeting as of 2:09 pm on 2/8/19.**

394

395 *Off the record at 2:09 pm*

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400 Andy Khmelev, Occupational Licensing Examiner

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404

405 Debra Hamilton, Board of Professional Counselors Chair

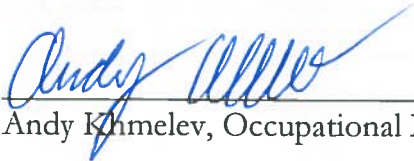
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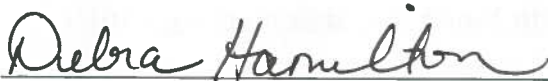
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9/20/19

Date



9-20-19

Date