

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 March 19-20, 2020 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 via videoconference through zoom.
15

16 Agenda Item 1 Call to Order/Roll Call Time: 9:13 a.m.
17

18 The March 19, 2020 meeting day was called to order by Chair, Debra Hamilton at 9:13 a.m.
19

20 Board members present, constituting a quorum:
21

22 Debra Hamilton, Licensed Professional Counselor – *Chair*
23 Laura Patin, Licensed Professional Counselor
24 Alice Baum, Licensed Professional Counselor
25 Janece Richard, Licensed Professional Counselor
26 Eleanor Vinson, Public Member
27

28 Division staff present:
29

30 Andy Khmelev, Acting Records and Licensing Supervisor
31 Billy Homestead, Investigator II
32 Amber Whaley, Investigator II
33 Melissa Dumas, Administrative Officer II
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35

36 Others Present:
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38 Whitney Whitman, Licensed Professional Counselor
39 Gary Zepp, Legislative Assistant to Senator David Wilson
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Agenda Item 2 Review/Approve Agenda

On a motion duly made by Alice Baum, seconded by Janece Richard, and approved unanimously, it was

RESOLVED to approve the agenda for the March 19-20, 2019 meeting as amended with the addition of “tele-behavior health” added to new business.

	APPROVE	DENY	ABSTAIN	ABSENT
Debra Hamilton	x			
Alice Baum	x			
Laura Patin	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 (September 2019)

On a motion duly made by Eleanor Vinson, seconded by Janece Richard, and approved unanimously, it was

RESOLVED to approve the minutes from the September 2019 meeting.

	APPROVE	DENY	ABSTAIN	ABSENT
Debra Hamilton	x			
Alice Baum	x			
Laura Patin	x			
Eleanor Vinson	x			
Janece Richard	x			

The motion passed with no further discussion.

Agenda Item 5 Public Comment

86 The public comment was on the agenda starting at 9:15 am. The meeting continued, and no
87 calls were made during this time. The board chair then continued to agenda item 6, which is
88 new board member introduction concurrently with any potential public comment. Public
89 comment closed at 9:43 am with no calls.

90

91 **Agenda Item 6 New Board Member Introduction**

92

93 The board members were introduced to Laura (Lori) Patin, who replaced Steven Kyle
94 Cardwell, who resigned in September of 2019. The board then introduced themselves to the
95 new board member.

96

97 **Agenda Item 7 Correspondence**

98

99 The chair welcomed Whitney Whitman, a professional counselor who wanted to discuss the
100 topic of Parenting Coordination with the board. Miss Whitman gave a presentation on the
101 parenting coordination documents she provided for the board packet. She explained that in
102 the state of Alaska that are two professional counselors involved, herself included, a handful
103 of social workers and one attorney. It is not a counseling service, but rather a mediation
104 service. It's a service to provide very high conflict divorce parents mediation without
105 involving a court system. Typically, after a custody case is settled, the courts can recommend
106 seeking parenting coordination services as a form of mediation and transition. It cannot be
107 required however, it must be done voluntarily by the parents with a 2 year term with a
108 parenting coordinator. Miss Whitman advises that mental health professionals may have a
109 better idea of what the parents and the children want/need better than officers of the court.
110 Miss Whitman is bringing this information before the board to potentially expand parenting
111 coordination services. Chair Debbie Hamilton thanked Miss Whitman for providing a good
112 explanation for what this means, as the board did not know what it was before today. Miss
113 Whitman then informed the board that if they ever have a situation where parenting
114 coordination is needed to feel free to reach out to her.

115

116 **Agenda Item 8 Division Update**

117

118 Administrative Office II Melissa Dumas joined the meeting to provide the board with the
119 division update, which is the FY 2020 2nd Quarter financial report. Total expenditures for
120 the board were \$108,777. The board has a carry-over surplus of \$157,944, with a total
121 surplus of \$244,609.

122

123 **Agenda Item 9 Investigative Report**

124

125 Investigators Amber Whaley and Billy Homestead joined the meeting to deliver the
126 investigative report. The report covers all activities from September 2019 through March
127 2020. There are currently 9 open cases, and 11 have been closed.

128

129 Senior Investigator Whaley then explained to the board members what will need to happen
130 in order to create a disciplinary matrix, the investigative staff can provide old cases to the
131 board to create case precedent to actually write the matrix. The matrix would then need to
132 go to the Department of Law for vetting.
133

134 *Off the record for recess at 10:55 am*

135 *Back on the record at 11:11 am*

136

137 After recess the board reviewed the existing disciplinary matrixes provided by Acting RLS
138 Andy Khmelev. The existing examples shown at the board meeting were from the Medical
139 board and the AELS board. RLS Andy Khmelev also sent the board members the old cases
140 for review. The board will see what kind of precedents those cases hold and if they want to
141 design a matrix in the future.
142

143 *Off the record for lunch at 11:50 am*

144

145 **Agenda Item 10 Lunch**

146

147 *Back on the record at 1:02 pm*

148

149 **Agenda Item 11 Legislative Update**

150

151 After return from lunch, all board members present, were joined by Garry Zepp. Mr. Zepp
152 is the legislative assistant to Senator David Wilson. Mr. Zepp, along with Senator Wilson's
153 office, have been lobbying to have SB 134 passed. SB 134 is a piece of legislation that would
154 allow professional counselors to bill Medicaid for mental health services that they provide.
155 Mr. Zepp disclosed in the beginning of his presentation that the bill passed the Senate with a
156 16-0 vote, and now moves to the House, where it may face some challenges. Mr. Zepp gave
157 his presentation to the board to seek board support for the bill. RLS Andy Khmelev
158 informed the board that they are within their rights to support the bill, as long as they either
159 make a motion in support and the motion passes, or they can write a letter to the legislators
160 supporting the bill, but the letter must be approved via quorum vote from the board. RLS
161 Andy informed the board that this can be drafted fairly quickly and voted on during the
162 meeting.
163

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

166

167 **RESOLVED to draft a letter to be sent to Senator Wilson in support of SB 134.**

168

	APPROVE	DENY	ABSTAIN	ABSENT
169 Debra Hamilton	x			
170 Alice Baum	x			
171				

172	Laura Patin	x
173	Eleanor Vinson	x
174	Janece Richard	x

175
176 The motion passed with no further discussion.

177
178 The board is going to draft a letter to the legislators in support of SB 134, which needs to be
179 done ASAP as the legislative session is getting ready to adjourn early due to the COVID-19
180 pandemic.

181
182 **Agenda Item 12 Annual Report FY 2021**

183
184 The board chair is beginning to draft the annual report. This main thing the board wants is
185 to emphasize the importance of in person meetings. During fiscal year 2020, there were only
186 two meetings, and only one was in person. The current meeting for March 2020 was
187 supposed to be an in-person meeting in Anchorage, however the COVID-19 pandemic
188 caused the trip to Anchorage to be cancelled at the last minute. The board also expressed
189 desire to travel to the NBCC conference for 2020, which was attended by Chair Debbie
190 Hamilton and RLS Andy Khmelev in Washington DC in August of 2019. The board also
191 discussed the upcoming board meetings in the fiscal year, and when they will take place. The
192 board discussed adding RLS Andy Khmelev and board member Alice Baum to the AMHCA
193 conference. Board members Janece Richard and Eleanor Vinson will be the representatives
194 for the FARB Conference in 2021. The top conference for priority is NBCC/AASB,
195 followed by FARB, followed by AMHCA, followed by ACA.

196
197 *Off the record for recess at 2:29 pm*
198 *Back on the record at 2:50 pm*

199
200 The board discussed the final details of the annual report. Some of the goals and objectives
201 are to make the requirements for credential applicants equal to a renewal in regards to
202 continued education. The board also wants to remove some regulations that are barriers to
203 licensing, and make it easier for military families to obtain licensure. Possibly looking into
204 accepting hours from an out of state supervisor. Chair Hamilton will finish writing the
205 report and it will be up for vote before the end of the fiscal year.

206
207 **Agenda Item 13 New Business**

208
209 RLS Andy Khmelev presented the professional licensing reform bills SB 157 and HB 216
210 that were currently in legislation. These bills had a massive overhaul of the professional
211 licensing division, including creating a universal temporary license across all licensing boards.
212 It would provide any qualified applicant in our licensing programs to apply for a 180
213 temporary license while they are seeking licensure. The bill also had a reasonable basis
214 license review stipulation that would require; a review to associate time since conviction,

215 relevance to profession, rehabilitation, nature and seriousness of the crime, allows an
 216 applicant to request a determination prior to application, and requires the department and
 217 licensing boards to define nebulous phrases like “good moral character” in regulations. The
 218 reform bills would also eliminate certain licensing programs in their entirety, such as
 219 geologists and concert promoters. While the board did review the reform documents, RLS
 220 Andy Khmelev informed the board that this legislation is not gaining much traction in the
 221 current session, and it may not be until the next session that this topic is reviewed again.
 222 Chair Debbie Hamilton asked RLS Andy Khmelev to add this to old business in the agenda
 223 for the next quarterly meeting.

224
 225 **On a motion duly made by Janece Richard, seconded by Eleanor Vinson, and**
 226 **approved unanimously, it was**

227
 228 **RESOLVED to move agenda item “tele-behavior health” from new business**
 229 **on 3/19/2020 to make it part of old business on 3/20/2020.**

	APPROVE	DENY	ABSTAIN	ABSENT
231 Debra Hamilton	x			
232 Alice Baum	x			
233 Laura Patin	x			
234 Eleanor Vinson	x			
235 Janece Richard	x			

236
 237
 238 Motion passed with no further discussion

239
 240 *Off the record for recess at 3:57 pm until 9:00am on 3/20/2020*

241
 242 *On the record at 9:03 am 3/20/2020*

243
 244 **Agenda Item 15 Roll Call/Call to Order**

245
 246 Board members present, constituting a quorum:

- 247
 248 Debra Hamilton, Licensed Professional Counselor – *Chair*
 249 Laura Patin, Licensed Professional Counselor
 250 Alice Baum, Licensed Professional Counselor
 251 Janece Richard, Licensed Professional Counselor
 252 Eleanor Vinson, Public Member

253
 254 Division staff present:

- 255
 256 Andy Khmelev, Acting Records and Licensing Supervisor
 257 Jun Maiquis, Regulations Specialist

258

259 **Agenda Item 16** **Old Business**

260

261 Regulations Specialist June Maiquis joined the meeting to discuss regulation proposals that
262 the PCO board has sent. The board proposed that incoming credential applicants have the
263 same requirements as a renewal application. Currently its 40 hours of continued education
264 with 3 in ethics. The board wishes to proceed with making incoming applicants have half
265 their continued education be via attending live/synchronous courses. The board also is
266 proposing to increase the number of continued education for supervisor applications. The
267 board believes that the current supervision requirements are not sufficient enough, and that
268 there are supervisees potentially receiving bad supervision due to low requirements. The
269 board is proposing going from 6 hours of continued education pertaining to supervision, to
270 45 hours. After a discussion, Jun then told the board that it will still need to be vetted by law,
271 and go through public comment. The board discussed potentially having a teleconference to
272 meet and adopt the regulations when they are ready.

273

274 The board then asked Jun about the leftover agenda item of providing tele-behavioral health.
275 Currently with the COVID-19 pandemic, the board wants to know what kind of options
276 they can provide for licensees to perform telehealth. Currently, the requirement is to be
277 licensed in Alaska, and complete 6 hours of NBCC sanctioned hours of continued education
278 pertaining to providing telehealth. With the pandemic growing, a lot of practices statewide
279 and nationwide are moving to telehealth. Jun explained to the board that the regulation
280 cannot be waived as the text in the regulation is black and white. After some discussion, the
281 board decided they are not making changes to the telehealth requirements at this time. They
282 deem that the training is sufficient, and there is no reason to waive it, and that the
283 requirements for telehealth are simple enough. Six hours of continued education is not too
284 much to ask for, and its better to have the person providing the services via distance deliver
285 to have their credentials updated.

286

287 *Off the record at 10:10 am for recess.*

288 *Back on the record at 10:31 am.*

289

290 Upon return from recess, the board appointed Janece Richard to fill out the FAQ for the
291 regulations specialist.

292

293 RLS Andy Khmelev brought up the issue of signing authority. Recently there was an
294 applicant who completed her supervision, however her supervisor for unknown reasons was
295 unable to sign off the verification of hours. The applicant was able to obtain the signature of
296 the supervisor's direct supervisor, who is also a board approved supervisor. The question to
297 the board is whether or not this is something that the board would accept. If not, an
298 individual's license may be in jeopardy. This particular applicant has already been approved,
299 but RLS Andy Khmelev was still seeking board opinion on the matter for future scenarios.
300 The board did accept the application because the supervisor of the supervisor, was in fact a

301 certified Alaska supervisor. The board stance is that as long as a board approved supervisor
302 is able to sign off on hours, then the hours will be accepted.

303

304 **Agenda Item 17 Right Touch Regulation**

305

306 The right touch regulation is an initiative by the current administration to go through all of
307 the statutes and regulations for each program, and weed out any that could be considered
308 outdated, inefficient, or barriers to licensing. Initially the board was intending to go through
309 all the stats and regs during the meeting, however with the meeting no longer being in
310 person, it would be better to divide the sections for review between the board members, and
311 discuss this at the next face to face meeting. The project is divided as follows:

312

313 • Statutes (sorted by number ending)

314 ○ AS 100 series – Eleanor Vinson

315 ○ AS 200 series – Alice Baum

316 ○ AS 400 series – Janece Richard

317

318

319

320 • Regulations (sorted by number ending)

321 ○ AAC 100 series – Debbie Hamilton

322 ○ AAC 200 series – N/A

323 ○ AAC 300-320 – Janece Richard

324 ○ AAC 330-350 – Lori

325 ○ AAC 400 series – N/A

326

327 **Agenda Item 19 Application Review**

328

329 **On a motion duly made by Janece Richard, seconded by Laura Patin, and approved**
330 **unanimously, it was**

331

332 **RESOLVED to deny the application for continued education from the Alaska**
333 **Mental Health Trust Authority titled “Empowerment Through Employment”.**

334

	APPROVE	DENY	ABSTAIN	ABSENT
335				
336	Debra Hamilton	x		
337	Alice Baum	x		
338	Laura Patin	x		
339	Eleanor Vinson	x		
340	Janece Richard	x		

341

342 After a discussion, the board decided to strike the current motion due to the use of the
343 words deny, instead of not approve. Since this is a continued education, it would be the

344 board not approving it, instead of a formal license denial. Prior motion is now stricken, and
345 a new motion took place.

346
347 **On a motion duly made by Janece Richard, seconded by Laura Patin, and approved**
348 **unanimously, it was**

349
350 **RESOLVED to not approve the application for continued education from the**
351 **Alaska Mental Health Trust Authority titled “Empowerment Through**
352 **Employment”.**

353

	APPROVE	DENY	ABSTAIN	ABSENT
354 Debra Hamilton	x			
355 Alice Baum	x			
356 Laura Patin	x			
357 Eleanor Vinson	x			
358 Janece Richard	x			

359

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361
362
363 The board discussed the audit for licensee PCOP504. The licensee provided a write up of
364 the presentations that she gave, and currently the board is not accepting a write up. They
365 want certificates, and valid proof of the presentation actually happening from the
366 organization that she presented for.

367
368 For the time being, the audit will remain tabled requesting more information. Barring state
369 shutdown, the board wishes to give the applicant 30 days to provide information, and if
370 more time is needed, the licensee will submit a request in writing. RLS Andy Khmelev will
371 send out a written request with a May 1 deadline.

372
373 *Off the record for recess at 11:50 am*

374 *Back on record at 12:05 pm*

375
376 **Agenda Item 20 Board Admin Business**

377
378 Chair Debbie Hamilton will work on drafting the letter to Mr. Zepp in support of SB 134,
379 which will need to be voted on and sent to the CED Legislative Liaison as soon as possible.
380 Both the House and the Senate are trying to finish up and leave Juneau before the pandemic
381 gets worse.

382
383 The board is wanting to meet on June 5, 2020 to discuss the regulations project, and the
384 board is setting a tentative date for a meeting in late September on September 24-25, 2020.

385
386

387 Task list:

- 388 • RLS Andy Khmelev will send a letter to licensee PCOP504 requesting more
389 information
- 390 • RLS Andy Khmelev will send a letter to Alaska Mental Health Trust Authority
391 informing them that their continued education application was not accepted.
- 392 • The board will draft a letter in support of SB 134, which the board will provide a
393 quorum vote on. RLS Andy Khmelev will then put the letter on board letterhead and
394 send it to Director Chambers who will then forward it to the legislative liaison.
395

396 Janece Richard and Debbie Hamilton gave the supervisor application task force update. At
397 this time they have looked at what other states require, and the other states have a more
398 delineated procedure for how their supervisors need to supervise. The Alaska statutes don't
399 specify anything on how to supervise. Chair Debbie Hamilton then advised the board
400 members to review the statutes for a supervisor license so that they can be given a closer
401 look at the next meeting.
402

403 Chair Hamilton drafted the letter to Senator Wilsons office in support of 134. She read it out
404 loud for the board, and the board discussed some additions and edits to the letter.
405

406 **On a motion duly made by Eleanor Vinson, seconded by Janece Richard, and**
407 **approved unanimously, it was**

408
409 **RESOLVED to accept the last draft of the letter received from the chair in**
410 **support of SB 134.**
411

	APPROVE	DENY	ABSTAIN	ABSENT
412 Debra Hamilton	x			
413 Alice Baum	x			
414 Laura Patin	x			
415 Eleanor Vinson	x			
416 Janece Richard	x			

417
418
419 Motion passed with no further discussion.
420

421 RLS Andy Khmelev will put the letter on board letterhead, and send to Director Chambers,
422 who will forward it to the legislators.
423

424 **On a motion duly made by Alice Baum, seconded by Laura Patin, and approved**
425 **unanimously, it was**

426
427 **RESOLVED to adjourn the March 2020 PCO board meeting.**
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	APPROVE	DENY	ABSTAIN	ABSENT
Debra Hamilton	x			
Alice Baum	x			
Laura Patin	x			
Eleanor Vinson	x			
Janece Richard	x			

Off the record at 12:48 pm.

Andy Khmelev, Acting Records and Licensing Supervisor Date

Debra Hamilton, Board of Professional Counselors Chair Date

