

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 April 10, 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: 2:03 p.m.
17

18 The April 10, 2020 meeting day was called to order by Chair, Debra Hamilton at 2:03 p.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 Sara Chambers, Division Director
32

33
34 Others Present:
35

36 Nancy Seamount, Member of the Public
37 Tavis Logan, Boards and Commissions
38
39

40 Agenda Item 2 Review/Approve Agenda
41

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

44
45 **RESOLVED to approve the agenda for the April 10, 2020 meeting.**
46

	APPROVE	DENY	ABSTAIN	ABSENT
47				
48	Debra Hamilton	x		
49	Alice Baum	x		
50	Laura Patin	x		
51	Eleanor Vinson	x		
52	Janece Richard	x		

53
54 The motion passed with no further discussion.

55
56 **Agenda Item 3 Administrative Business**

57
58 Interstate Telehealth:

59
60 The meeting was called as an emergency meeting due to the COVID-19 pandemic. There
61 has been a significant influx of requests for more relaxed regulations for counselors
62 performing telehealth, and for making it easier for people seeking mental health services.
63 Currently, the PCO regulations only allow Alaska licensed counselors to perform telehealth,
64 which leaves out of state providers with no option other than to seek full licensure in Alaska
65 if they want to provide telehealth. There has also been a significant number of Alaska
66 residents that have been out of state for work or school, that have been receiving mental
67 health services who have now been sent home, and wish to continue to receive mental
68 health services from their provider from another state via telehealth.

69
70 Chair Debbie Hamilton invited Nancy Seamount to speak at the meeting. Miss Seamount is
71 advocating on behalf of her daughter, who has been going to an out of state school, and her
72 medical situation is very unique. She found a mental health professional in Oregon that
73 worked with her situation, and her daughter has grown accustomed to this professional. The
74 COVID pandemic has forced her daughter to return to Alaska from school, and the
75 counselor in question is unable to deliver distance professional services due to the current
76 regulation that requires licensure in Alaska.

77
78 Janece Richard indicated that she may have to get off the meeting call, but she did indicate
79 her support for temporary measures to make it easier for people in Alaska to receive mental
80 health services.

81
82 SB 241:

83
84 Director Sara Chambers joined the meeting at 2:30 pm to go over SB 241. SB 241 is an
85 emergency bill by the legislators that specifically deals with the COVID 19 pandemic, and it
86 has provisions for distance professional services during the state of emergency. Director

87 Chambers goes over how emergency regulations will work, which would usually last 120
 88 days before expiring, and they are non-renewable. Currently Director Chambers is working
 89 with the Department of Law to determine what kind of provisions that SB 241 would allow
 90 to see if emergency regulations would even be necessary. Miss Chambers also indicated that
 91 emergency regulations can also be made permanent with the proper adoption process.
 92 Currently, Director Chambers believes that the Department of Law will come back and say
 93 that to create a courtesy license for the declared state of emergency, emergency regulations
 94 will be required. RLS Andy Khmelev asked Director Chambers if SB 241 would allow the
 95 PCO board to waive licensure requirements to provide telehealth to Alaskans if the
 96 individual has an active, unencumbered license in another state. Director Chambers
 97 informed RLS Andy Khmelev that the board can make a motion to have it on record,
 98 however the final word from Law will determine the answer to this. The legislation is
 99 currently a day old, and more information is needed.

100
 101 After Director Chambers departed the meeting, Chair Hamilton took a poll from the
 102 remaining board members. The four remaining members were in favor of waiving licensure
 103 requirements temporarily during the COVID 19 pandemic.

104
 105 **On a motion duly made by Alice Baum, seconded by Laura Patin, and approved**
 106 **unanimously via Roll Call Vote, it was**

107
 108 **RESOLVED based on SB 241 during the current COVID-19 emergency to**
 109 **allow professional counselors from another US state or territory with an**
 110 **unencumbered license to practice tele-behavioral health with persons residing**
 111 **within the state of Alaska.**

	APPROVE	DENY	ABSTAIN	ABSENT
113 Debra Hamilton	x			
114 Alice Baum	x			
115 Laura Patin	x			
116 Eleanor Vinson	x			
117 Janece Richard				x

118
 119
 120 The motion passed with no further discussion.

121
 122 Distance Supervision:

123
 124 RLS Andy Khmelev showed the board what the Social Workers board did in regards to
 125 distance supervision. The CSW program issued a board statement where they are allowing a
 126 blanket supervision as long as the supervision is done in a similar setting as if it were to
 127 happen in person. The supervisee and supervisor are still in the same community, and
 128 instead of it being done in the same room, its done via live/synchronous methods, such as
 129 through zoom. After some discussion, the board agreed that they can define synchronous as

130 sufficient supervision to be counted as face to face. The board is going to make a motion to
 131 issue a statement that supervision can continue as it has been via live/synchronous methods,
 132 and if the supervisor in question is located in a different community, then a prior board
 133 approval will still be required for remote supervision.
 134

135 **On a motion duly made by Alice Baum, seconded by Eleanor Vinson, and approved**
 136 **unanimously via Roll Call Vote, it was**

137
 138 **RESOLVED to allow applicants who are currently receiving clinical**
 139 **supervision are permitted to continue supervision under distance delivery**
 140 **services as required by the agency, or supervisor. 12 AAC 62.220(e) will remain**
 141 **in effect.**
 142

	APPROVE	DENY	ABSTAIN	ABSENT
143 Debra Hamilton	x			
144 Alice Baum	x			
145 Laura Patin	x			
146 Eleanor Vinson	x			
147 Janece Richard				x

148
 149
 150 The motion passed with no further discussion.

151
 152 Distance Counseling for Supervisees:

153
 154 The board discussed the issue of supervisees having to obtain hours via distance delivery
 155 services. Currently the regulations require an individual to be licensed and have completed 6
 156 hours of NBCC sanctioned continued education pertaining to distance deliver services in
 157 order to engage in telehealth. The COVID-19 pandemic has created a situation where
 158 businesses, offices, and schools are closed and the majority of the population is currently
 159 under quarantine. The board is moving towards allowing supervisees to obtain their hours by
 160 engaging in telehealth under the guidance of their supervisor, as long as they have completed
 161 the continued education necessary.
 162

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

165
 166 **RESOLVED to post on the website that all Alaska counselors, both licensed,**
 167 **and supervisees working under an Alaska approved supervisor must comply**
 168 **with 12 AAC 62.400(b)(2).**
 169

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

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

176
177 The motion passed with no further discussion.

178
179 Notary Requirements:

180
181 Due to the COVID-19 pandemic, most business that have notaries have closed. At this time,
182 it is very difficult, in many cases almost impossible to have the forms and applications
183 notarized. The PCO statutes and regulations do not require a notary, they only state that one
184 must complete everything on division forms. The board has no problems waiving notary
185 requirements during the pandemic.

186
187 **On a motion duly made by Laura Patin, seconded by Alice Baum, and approved**
188 **unanimously, it was**

189
190 **RESOLVED to adjourn the April 10, 2020 emergency meeting.**

192	APPROVE	DENY	ABSTAIN	ABSENT
193	Debra Hamilton	x		
194	Alice Baum	x		
195	Laura Patin	x		
196	Eleanor Vinson	x		
197	Janece Richard			x

198
199 The motion passed with no further discussion.

200
201 *Off the record at 4:06 pm.*

202
203
204
205
206 _____
207 Andy Khmelev, Acting Records and Licensing Supervisor Date

208
209 _____
210 Debra Hamilton, Board of Professional Counselors Chair Date
211