

DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT
 DIVISION OF CORPORATIONS, BUSINESS, AND PROFESSIONAL LICENSING
BOARD OF PROFESSIONAL COUNSELORS

CONDENSED MINUTES OF THE MEETING HELD APRIL 27, 2023

These are DRAFT minutes prepared by the staff of the Division of Corporations, Business, and Professional Licensing

These minutes have not yet been reviewed or approved by the board.

Date:	April 27, 2023
Time:	9:00 AM to 4:30 PM
Location:	Zoom call originating from Juneau, Alaska
Attending:	Chair Dorene Hagen, Vice Chair Sammie O’Neal, Rachel Buddin-Young, Teresa Cotton, Public Member Eleanor Vinson
Staff Present:	OLE Logan Bugayong, PC1 Jeanne Pace, PC2 Renee Carbajal, Division Director Sylvan Robb, Boards and Regulations Advisor Sara Chambers, Regulations Specialist Stefanie Davis
Absent:	N/A
Members of the Public:	Malan Paquette, Loni Quinn, Rose Elbert, Sonya Smith, “Taylor”, Olivia Foote, Amelia Hanrahan, Stacie Braband, Allen Blair

Call to Order/Roll Call	
The meeting was called to order at 9:06 AM	
Review and Approve Agenda	
Brief Discussion:	No amendments to be made.
Motion:	<i>In a motion duly made by Rachel Buddin-Young and seconded by Eleanor Vinson it was resolved with unanimous consent to approve the agenda as presented.</i>
Ethics Report	
Brief Discussion:	The board had no ethics to disclose, however Dori Hagen disclosed that she is familiar with one of the applicants in this afternoon’s application review. Dori Hagen stated that this will not preclude her from making an unbiased decision.
Meeting Minute Review	
Brief Discussion:	No amendments to be made.
Motion:	<i>In a motion duly made by Rachel Buddin-Young and seconded by Eleanor Vinson it was resolved with unanimous consent to approve the meeting minutes from the February 23-24, 2023 meeting.</i>
Annual Report Planning	
Brief Discussion:	The board discussed the creation of the annual report for FY23. They divided sections amongst themselves and will meet on June 23 rd , 2023 to vote on the final draft before it is sent to the Division’s Publications Team.
The board took a brief at ease	
Off Record: 9:42 AM	On Record: 9:48 AM
Investigations Report	

Brief Discussion:	Investigator Jasmin Bautista provided the board with their investigative report from February 22 nd , 2023 through April 14 th , 2023.
Executive Session:	Upon a motion made by Rachel Buddin-Young, seconded by Eleanor Vinson, and approved unanimously, it was resolved to enter into 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 a public discussion and matters which by law, municipal charter, or ordinance are required to be confidential; Board staff members Logan Bugayong, Jasmin Bautista, and Jeanne Pace to remain in the room during the session.
Off Record: 9:52 AM	
On Record: 9:48 AM	
Motion:	<i>In a motion duly made by Rachel Buddin-Young and seconded by Teresa Cotton it was resolved with unanimous consent to accept the default revocation for case number 2021-001075 as presented.</i>
	<i>In a motion duly made by Rachel Buddin-Young and seconded by Teresa Cotton it was resolved with unanimous consent to accept the voluntary surrender for case number 2023-00268 as presented.</i>
New Business	
Brief Discussion:	The board reviewed a request from LPC Tom McCabe to determine if Ketamine Assisted Psychotherapy and Somatic Experiencing Touch are within the scope of practice of his license. Dori Hagen said that as long as the clinician is trained in the area or technique, that area or technique will ethically fall within their scope of practice. Rachel Buddin-Young stated that the clinician must check with his liability insurance as the board will not be liable. The board does not govern specific practices, modalities, or trainings and only becomes involved if a complaint is filed. Per Sec. 08.29.230. Limitation of Practice, "Notwithstanding that a specific act is within the definition of the 'practice of professional counseling,' a person licensed under this chapter may not perform the act if the person lacks appropriate education or training related to the act." Logan will inform Tom McCabe that as long as he has the appropriate training in the subject areas, they fall within his scope of practice.
	Rachel Buddin-Young requested that the discussion of a disciplinary matrix is revisited. The Board of Social Work Examiners has been developing a disciplinary matrix and will be discussing this at their next meeting.
Break	
Motion:	<i>In a motion duly made by Rachel Buddin-Young and seconded by Teresa Cotton it was resolved with unanimous consent to recess until 11:00 AM.</i>
Off Record: 10:39 AM	
On Record: 11:00 AM	
Regulations Projects	
Brief Discussion:	Regulations Specialist Stefanie Davis and Program Coordinator 2 Renee Carbajal joined the meeting. The board adopted regulations in the February 23-24 meeting to change the abandonment date of applications for licensure by examination. The intent was to make the regulations congruent with the Division's statutes and make the date of abandonment one year from the last date of correspondence from or on behalf of the applicant. The language that had been adopted instead stated that the date of abandonment is one year from when the application is received. It is advised that the board withdraws the motion and instead strikes 12 AAC 62.100(e) entirely.

<p>Motion:</p>	<p><i>In a motion duly made by Teresa Cotton and seconded by Rachel Buddin-Young it was resolved with unanimous consent to rescind and withdraw the motion made on February 23rd, 2023 to adopt the drafted regulations as amended.</i></p>
	<p><i>In a motion duly made by Teresa Cotton and seconded by Rachel Buddin-Young it was resolved with unanimous consent to adopt the drafted regulations as presented.</i></p>
<p>Public Comment</p>	
<p>Brief Discussion:</p>	<p>Dori Hagen opened public comment at 11:17 AM. Malan Paquette from the Southern Kenai Peninsula to advocate for public engagement and praise the board for their public notice and agenda. She also wanted to highlight the public notice for the Department of Corrections and their notice regarding sexual offenders. She encourages anyone that is interested and licensed to apply for their recruitment.</p>
<p>Division Report</p>	
<p>Motion:</p>	<p><i>In a motion duly made by Rachel Buddin-Young and seconded by Eleanor Vinson it was resolved with unanimous consent to review the FY23 3rd quarter fiscal report to make best use of time.</i></p>
<p>Brief Discussion:</p>	<p>Logan Bugayong provided the 3rd quarter report for fiscal year 2023. The board is currently in a deficit but as it is a renewal year, they will have revenue from the renewal fees in fiscal year 2024. Sammie O’Neal asked about fee increases. The board has had an influx in travel to attend out of state conferences and gather information regarding the counseling compact and other national developments in the industry. Jeanne will inquire about a fee analysis prior to the renewal in October.</p>
<p>Lunch:</p>	
<p>Motion:</p>	<p><i>In a motion duly made by Rachel Buddin-Young and seconded by Teresa Cotton it was resolved with unanimous consent to recess early for lunch.</i></p>
<p style="text-align: center;">Off Record: 11:46 AM</p>	<p style="text-align: center;">On Record: 1:00 PM</p>
<p>Legislative Updates</p>	
<p>Brief Discussion:</p>	<p>Division Director Sylvan Robb joined to provide guidance regarding Senate Bill 116 and House Bill 126. Rachel Buddin-Young has been spearheading the legislative projects for the board and explained the timeline for both the house and senate bills and the meetings that have already occurred. On Friday, the first hearing for Senate Bill 116 will take place. There are several individuals lined up to speak at this hearing. Sylvan Robb described the scheduling process, the 24 hour rule, and provided information on the three compacts that are currently in front of legislators.</p>
<p><i>*Teresa Cotton was logged out due to an area wide network outage. She was able to rejoin and quorum was not lost.</i></p>	
<p>Old Business:</p>	
<p>Brief Discussion:</p>	<p>Logan informed the board that a log for the continuing education required in the Board Approved Supervisor application has been added to the application packet and the website. The board members will send Logan continuing education that they find during application review to be added to a list of approved continuing education. The board will vote on this list at their quarterly meetings.</p>
	<p>Board and Regulation Specialist Sara Chambers joined to discuss unlicensed telehealth. Under the Department of Health regulations, there is a state authorized community behavioral health provider that may provide counseling services. The</p>

	<p>Board of Professional Counselors only has authority over individuals who use the terms “licensed” or “professional counselor” in their designation, which means that clinicians who do not use these terms are allowed to provide telehealth. Furthermore, the board does not regulate business licenses and cannot prevent unlicensed practitioners from having their own private practices as long as they do not violate the title protection. In April of 2022, the board made a motion to strike a section from 12 AAC 62.400 that stipulates that only under a disaster declared by the Governor, may a supervisee provide distance counseling services. The board made a motion to further specify distance counseling for supervisees in their regulations.</p>
Motion:	<i>In a motion duly made by Eleanor Vinson and seconded by Sammie O’Neal it was resolved with a majority of four to one, with Teresa Cotton opposed, to amend 12 AAC 62.400 to allow for supervisees to deliver service through distance technology.</i>
The board took a brief at ease.	
Off Record: 2:20 PM	On Record: 2:29 PM
Application Review	
Brief Discussion:	The board began application review with Rose Elbert’s application for licensure by examination. The application had been tabled due to the board wanting to discuss her work experience on her application. Rose Elbert was able to provide clarification to the board.
Motions:	<i>In a motion duly made by Eleanor Vinson and seconded by Rachel Buddin-Young it was resolved with unanimous consent to approve the application for licensure by examination for Rose Elbert.</i>
	<i>In a motion duly made by Rachel Buddin-Young and seconded by Sammie O’Neal it was resolved with unanimous consent to approve the application for licensure by examination for Sonya Smith.</i>
	<i>In a motion duly made by Rachel Buddin-Young and seconded by Teresa Cotton it was resolved with unanimous consent to approve the application for licensure by examination for Amelia Hanrahan.</i>
	<i>In a motion duly made by Rachel Buddin-Young and seconded by Sammie O’Neal it was resolved with unanimous consent to backdate Allen Blair’s supervisor certification 205789 to October 31st, 2019.</i>
	<i>In a motion duly made by Rachel Buddin-Young and seconded by Teresa Cotton it was resolved with unanimous consent to approve the application for board approved supervisor for Justin Doggett.</i>
	<i>In a motion duly made by Eleanor Vinson and seconded by Teresa Cotton it was resolved with unanimous consent to approve the application for board approved supervisor for Mary Elkins.</i>
	<i>In a motion duly made by Rachel Buddin-Young and seconded by Sammie O’Neal it was resolved with unanimous consent to approve the application for licensure by examination for Shawnalea Fox.</i>
	<i>In a motion duly made by Rachel Buddin-Young and seconded by Sammie O’Neal it was resolved with unanimous consent to approve the application for licensure by credentials for Crystal Liddycoat.</i>

	<i>In a motion duly made by Eleanor Vinson and seconded by Rachel Buddin-Young it was resolved with unanimous consent to approve the application for board approved supervisor certification for LeeAnn Mitchell.</i>
	<i>In a motion duly made by Rachel Buddin-Young and seconded by Sammie O’Neal it was resolved with unanimous consent to approve the application for board approved supervisor for Jessica Moreland.</i>
	<i>In a motion duly made by Rachel Buddin-Young and seconded by Teresa Cotton it was resolved with unanimous consent to approve the application for board approved supervisor for Sammie O’Neal. Sammie O’Neal abstained from the vote.</i>
	<i>In a motion duly made by Rachel Buddin-Young and seconded by Eleanor Vinson it was resolved with unanimous consent to approve the application for board approved supervisor for Beverly Ray.</i>
The board took a brief at ease.	
Off Record: 3:36 PM	On Record: 3:40 PM
Motions:	<i>In a motion duly made by Rachel Buddin-Young and seconded by Sammie O’Neal it was resolved with unanimous consent to approve the application for licensure by credentials for Heidi Seals.</i>
	<i>In a motion duly made by Rachel Buddin-Young and seconded by Teresa Cotton it was resolved with unanimous consent to approve the application for board approved supervisor for Ivy Villani.</i>
	<i>In a motion duly made by Rachel Buddin-Young and seconded by Eleanor Vinson it was resolved with unanimous consent to accept the mandatory continuing education audit for Cathy Weeg for case number 2020-000054.</i>
	<i>In a motion duly made by Rachel Buddin-Young and seconded by Teresa Cotton it was resolved with unanimous consent to approve the application for licensure by credentials for James Welch.</i>
Adjourn	
Motion:	<i>In a motion duly made by Rachel Buddin-Young and seconded by Sammie O’Neal it was resolved with unanimous consent to adjourn the meeting.</i>
Off Record: 3:59 PM	

Dori Hagen, Board Chair

Date

Logan Bugayong, Occupational License Examiner

Date