

**STATE OF ALASKA
DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT
BOARD OF PROFESSIONAL COUNSELORS**

**January 26-27, 2012
Minutes of Meeting**

By authority of AS 08.01.070(2) and in compliance with the provisions of AS 08.95.020, Article 1, a scheduled meeting of the Board of Professional Counselors was held January 26 – 27, 2012, in Anchorage, Alaska.

Thursday, January 26, 2012

Call to Order/Roll Call

Board Members Present and constituting a quorum of the Board were:

Shawnie Olson, Chairperson, Licensed Professional Counselor – Homer
Jennifer Burkholder, Licensed Professional Counselor – Anchorage
Lillian Mitchell, Public Member – Anchorage
Ray DePalatis, Licensed Professional Counselor – Anchorage

Board Member Absent:

Emily Zimbrich, Licensed Professional Counselor – Haines

Attending at various times from the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing was:

Eleanor Vinson, Licensing Examiner

Members of the Public attending:

Abbie Blackshire
Donn Bennice
Faith Allard, APCA
Debra Russ, UAA
Keith Cates, UAA
Delisa Culpepper, AMHTA
Teri Davis
Casey Odell-Ferrell

Agenda Item 1 – Review Agenda

The agenda was reviewed and discussed.

Upon a motion by Jennifer Burkholder and seconded by Lillian Mitchell, and approved unanimously, it was

RESOLVED to change application review to an earlier hour (11:00 am) and lunch to 12:00 pm – 12:45 pm.

Upon a motion by Ray DePalatis and seconded by Lillian Mitchell, and approved unanimously, it was

RESOLVED to accept the agenda as amended.

Upon a motion by Ray DePalatis and seconded by Jennifer Burkholder and approved unanimously, it was

RESOLVED to change “Old Business” on the agenda to after public guests arrive.

Agenda Item 2 – Board Report

This is a report to the Board from the Licensing Examiner regarding licenses:

Professional Counselors licensed as of 1/17/12:	479
Professional Counselors whose license lapsed 10/31/11:	59
Number of licenses to be audited this renewal:	48

Agenda Item 3– Review Minutes

The minutes from the October 7, 2011 teleconference meeting were reviewed.

Upon a motion by Jennifer Burkholder and seconded by Lillian Mitchell, and approved unanimously, it was

RESOLVED to accept the October 7, 2011 teleconference minutes.

The minutes from the September 15-16, 2011 meeting were discussed.

Upon a motion by Lillian Mitchell, and seconded by Ray DePalatis and approved unanimously, it was RESOLVED to accept the September 15-16, 2011 minutes, as amended.

Agenda Item 4. Steve Horn, Alaska Behavioral Health Association

Mr. Horn, with the Alaska Behavioral Health Association, along with LPC Abby Blackshire and Dr. Donn Bennice, addressed the Board regarding how to solve what they perceived as a workforce problem for rural behavioral health providers.

Mr. Horn reported that many providers have found qualified candidates willing to relocate to their community, only to find that the potential employees feel they must have their supervision hours, which they have already completed in another state (not under an Alaska board approved supervisor) approved by the Board. He stated that providers are facing a severe shortage of qualified counselors and with the potential expansion of Medicaid, all the qualified counselors are needed to provide services in Alaska. He stated they understand the need to ensure that counselors are receiving the appropriate training and supervision before being licensed and they offered possible options to the current process.

He stated his goal at the meeting was to inform the board of the shortage of counselors in rural Alaska and to engage the Board in a dialogue on how to work together to solve this, as they see it, problem.

One of the main complaints was that supervision hours already gotten before they come to Alaska cannot be used in Alaska unless it was received under an Alaska approved supervisor. Ms. Blackshire feels that this keeps

experienced persons accepting jobs. She would like to see the law changed so non-Alaska-approved supervision could be accepted for licensure hours.

Dr. Bennice spoke in agreement with Ms. Blackshire.

The Board questioned how a mechanism would be set up to certify outside counselors. It was mentioned that the agencies have the ability to offer the applicants incentives to come to Alaska. They enquired as to what the issue is, for those working in an agency, to take the time to get the approved hours. This seems to be a pay question. They also questioned why the new hires did not get a license from the other state where they already had supervised hours, via distance supervision.

The Board felt that the ABHA did not understand the following statute/regulation that allows distance supervision:

12 AAC 62.220. SUPERVISED EXPERIENCE.

(e) Before the supervision begins, an applicant who practices in a remote location may submit a written request to the board to allow supervision by telephonic or electronic means in lieu of the face-to-face supervision required under AS 08.29.110(a)(6). The board may approve telephonic or electronic supervision in lieu of face-to-face supervision of an applicant who practices in a remote location if the board determines that

- (1) approved counselor supervisors are not practicing at, or within a reasonable distance of, that location; or
- (2) the approved counselor supervisors practicing at that location cannot provide appropriate supervision because of the supervisor's relationship to the applicant, a possible conflict of interest, or other good cause shown.

The Board will re-visit this next meeting.

Agenda Item 5. Old Business

5. A. ACA Ethics Review

The Board of Professional Counselors has regulations that have adopted the ACA Code of Ethics to be used as their code of ethics for professional counselors in Alaska. There was discussion regarding changing to another code written by this Board. A subcommittee of Ray DePalatis and Emily Zimbrich were to research the language used in other states. This subcommittee is on-going.

Some of the Board feels that the way the Code of Ethics is being utilized by the Investigators means that it now has the force of law. There is potential that the Code could be used to take action on licenses for relatively minor offenses, for example, rules regarding treatment plans. Some Board members interpret it to mean that, even though not all counselors keep treatment records/plans, one could be sanctioned, according to the ACA Code of Ethics. The Board does not want all of the code to be something one can be sanctioned for. Board Member DePalatis pointed out that Codes of Ethics are not meant to be law.

There are different views about this among the Board Members. The Chair pointed out that there is a "checks and balance" in place because the Investigators must go to a Board Member for review and all sanctions must be approved by the Board. Others spoke about there being guidelines for given situations, but when the potential is there for non-critical things to be deemed something that you can be sanctioned for, if the proper climate is there, things could ultimately be detrimental to the public.

12 AAC 62.900. CODE OF ETHICS. (a) The "ACA Code of Ethics", American Counseling Association (ACA), 2005 edition, is adopted by reference as the code of ethics for professional counselors in the state. A professional counselor licensed in the state must adhere to the code of ethics.

5. B. Legal Opinion / 08.20.110

The Board previously requested a legal opinion as to whether or not the statute 08.29.120. Licensure by Credential, is referring to an actual license. Some of the Board wanted to know if there was a reason to not interpret “who is licensed in another jurisdiction to practice professional counseling” as meaning an actual professional counselor license, not a social worker, psychologist, or marital and family therapy license.

It was brought back for clarification, but the Board has determined that, because 08.29.120 states the Board may issue a license, it no longer requires a legal opinion. Because this (the word “may”) in the statute gives them discretion to make the determination if they wish, they have determined that a legal opinion is not necessary:

Sec. 08.29.120. Licensure by credential. (a) Except as provided in (b) of this section, the board may issue a license under this chapter to a person who is licensed in another jurisdiction to practice professional counseling if the board finds that the other jurisdiction has substantially the same or higher licensure requirements as this state.

5. C. Board Chair Discussion with Director

The Board Chair met with Director Habeger via telephone and had a discussion. The Director has the ultimate decision on money where Boards are concerned. He would like to see all Boards fiscally responsible for their own travel. Chair Olson states the Board will no longer rubber stamp “related fields” when reviewing license by credential applications based on the statute 08.29.120. The Director stated that the Board has this leverage because of the word “may” in the statute.

Agenda Item 6 – Statutes

6. A. License by examination/degrees/08.20.110 (related to changing 12 AAC 62.990)

There was previous discussion regarding the wish to strike “or a related professional field” from 08.29.110.(5)(A) and (B). The Board now needs to fill out the “Recommendation for Proposed Legislation” form required for the end of the year report.

Agenda Item 7 – Public Comment

7. A. Debra Russ & Keith Cates, UAA

Debra Russ, PhD, Associate Professor from UAA and Dr. Keith Cates, UAA Faculty, addressed the Board regarding a graduate certificate program that UAA has created. The University of Alaska, Anchorage has created a graduate certificate program that will address the sixty graduate credits needed for licensure as a Licensed Professional Counselor.

They have developed courses that reflect the student needs. For example, they will begin a course on counseling military families. There is also a counseling supervision course and ethics course.

The Board’s role is not to approve individual courses, but is pleased to see these changes and appreciated being made aware of UAA’s Master in Counseling Program.

B. Delisa Culpepper, Faith Allard, Alaska Health Workforce Coalition

The Alaska Health Workforce Coalition provided an overview of the AHCW Plan which was adopted in May 2010 by the Department of Labor and Workforce Development's Alaska Workforce Investment Board and the more recent Alaska Health Workforce Action Agenda 2012-2015. The Alaska Health Workforce Coalition was launched to develop a coordinated approach to addressing the critical needs for health workers in Alaska and a statewide plan to orchestrate the many efforts that were taking place in health workforce development. They are trying to get a better picture of what is needed and where.

The Coalition has identified 12 priority health occupation areas work to identify strategies that advance opportunities for all Alaskans, from high school students to physicians and other medical professionals. They state they strive to generate tangible results, relieving pressures of providing access to seniors, reducing the demand for outside or temporary workers and provide career ladders for the next generation of Alaskans.

They reported that they spoke with individuals who complained about getting supervision for counselors. The Board pointed out that it is not a difficult certification to receive and they seem to have been given incorrect information.

The AHCW discussed the requirement to have LPCs at patient centered medical homes and how important the LPC will be at those facilities.

Agenda Item 8 – New Business

8. A. Temporary License

At this time it does not seem that the Board of Professional Counselors has statutory authority for issuing temporary licenses, as some Boards, such as the Board of Marital and Family Therapy and the Board of Social Work Examiners have.

The Division is reviewing Centralized Licensing Statutes to see if there is authority for the temporary licenses there.

Agenda Item 9 – Application Review

The Board reviewed 29 applications.

Upon a motion by Ray DePalatis and seconded by Lillian Mitchell, and approved unanimously, it was RESOLVED to approve the following applications:

PC BY EXAMINATION

DITTMER, DANIELLE
DOMME, HEIDI
MILLER, MARTHA
STAHL, JODY

PC BY CREDENTIALS

CARNETT, DANIEL
HAMACHEK, LYNDISAY
SMITH, MICHAEL
STEINER, MARKUS

PC SUPERVISOR

ANGSTMAN, SARAH
BLACKSHIRE, ABIGAIL
CHUA-HACKETT, BRIGID
KING, CATHY
KOPECK, DANIELA
MORTENSON, KRISTIN
NEUMANN, JAMES
OLIVER, NATHANIEL
PICTOU, DANA
RICHARD, JANESE
RICHARDS, MARIKA

REINSTATE LICENSE

HAGLEY, STEPHEN

The meeting adjourned at 3:30 pm until January 27, 2012, at 9:00 am.

Friday, January 27, 2012

Call to Order/Roll Call

Board Members Present and constituting a quorum of the Board were:

Shawnie Olson, Chairperson, Licensed Professional Counselor – Homer
Jennifer Burkholder, Licensed Professional Counselor – Anchorage
Ray DePalatis, Licensed Professional Counselor – Anchorage
Lillian Mitchell, Public Member – Anchorage

Board Member Absent:

Emily Zimbrich, Licensed Professional Counselor – Haines

Attending at various times from the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing was:

Eleanor Vinson, Licensing Examiner
Gary Kaiser, Investigator
Misty Frawley, Administrative Officer

Members of the Public attending:

Doug Lindsay

Agenda Item 1 – Review Agenda

The agenda was reviewed and discussed. An agenda number 10.C was added. The Chair wished to discuss 62.120(B) and standardize our license and make all counselors meet the same standards.

Upon a motion by Jennifer Burkholder and seconded by Lillian Mitchell, and approved unanimously, it was

RESOLVED to accept the agenda as amended.

Agenda Item 10 – Regulations

10. A. 12 AAC 62.120 (B) and 130

Chair Olson spoke of making changes to 12 AAC 62.120(b), Approved Degrees. The issue is when the Board receives an application with a graduate degree that is not in counseling, does the Board require the degree to contain eight of the ten course work subject area? There was discussion regarding this. The Board wants anyone with a degree in a related field (not in counseling) to fill out the education course work sheet.

Upon a motion by Ray DePalatis and seconded by Lillian Mitchell, and approved unanimously, it was

RESOLVED to amend the License by Credential application to require all those applying from related fields to fill out the education coursework check sheet.

10. B. 12 AAC 62.120 Approved Degrees/Ethics/public notice

It was noted that this regulation is now in effect. There is now a requirement in the regulation that an applicant must have a minimum of three graduate level credits in ethics before they may become licensed.

10. C. 12 AAC 62.341 Hardships/public notice

The Board of Professional Counselors had addressed the possibility of extraordinary hardships in obtaining continuing education contact hours for license renewal. The revised regulations are still being reviewed by the Law Department due to changes they are requiring.

Agenda Item 11 – Anne Henry-Statutory Changes

Ms. Henry, former Board Chair, spoke to the Board with the request that the board consider two statutory changes that will clean up some verbiage in the current statutes that are seen as oversights. She wished to discuss proposed language on sections of the current LPC statutes that she feels have proven to be problematic to potential, otherwise qualified, LPC license applicants. She wished to get input from the Board before continuing to pursue statute change.

1.

Her first request deals with the following statute section:

Sec. 08.29.110. Qualifications for licensure. (a) The board shall issue a professional counselor license to a person who applies for the license, submits the required fee, submits two letters of recommendation from professional counselors who are familiar with the applicant's practice of professional counseling, and presents evidence satisfactory to the board that the person

Ms. Henry wishes to delete “professional counselors” and replace it with “licensed mental health professionals”. This was not seen to be a problem until changes to 08.29.100 made it a violation to use the title “professional counselor” unless one was indeed licensed as a professional counselor.

The Board noted that they remain flexible regarding who may submit those letters.

The Board later discussed this. It was pointed out that, although the Board likes the idea of having “professional counselor” replaced by “licensed mental health professionals”, many in outlying areas are not working with licensed professionals. There was discussion on who should be able to sign professional references and how limiting it would be to allow only licensed individuals.

Upon a motion by Jennifer Burkholder, seconded by Lillian Mitchell, and approved unanimously it was

RESOLVED begin the process of statutory change in 08.29.110 by replacing “professional counselors” with “mental health professionals or physicians”.

2.

The second change being requested deals with 08.29.120(a):

Sec. 08.29.120. Licensure by credential. (a) Except as provided in (b) of this section, the board may issue a license under this chapter to a person who is licensed in another jurisdiction to practice

professional counseling if the board finds that the other jurisdiction has substantially the same or higher licensure requirements as this state.

Ms. Henry stated that it was intended to be an umbrella license. It was to stay open and inclusive so people could get licensed and the public could receive services. She wishes to make it possible for persons licensed (in other areas) in this state to be able to become licensed as a professional counselor by credential. She wishes to have the wording changed as follows (in bold):

Sec.08.29.120. Licensure by credential. (a) Except as provided in (b) of this section, the board may issue a license under this chapter to a person who is licensed in **this or** another jurisdiction to practice professional counseling if the board finds that **licensing requirements in this or** the other jurisdiction has substantially the same or higher licensure requirements as this state.

This second recommendation to change the licensure by credential (Section 08.29.120) is actually opposite of what the Board had put into their fiscal year 2011 year-end report (though the same as what was requested in 2009). They had requested legislation changes to 08.29.120 that would change the wording “who is licensed in another jurisdiction to practice professional counseling” to “something that would change the requirements and restrict it to only licensed professional counselors, not other counseling professions”.

The Board, after discussion, decided they were in agreement with what Ms. Henry suggested, but are “going to stick to the requirements regarding degrees”, etc. Other language still allows the Board to determine what licenses will be accepted according to what requirements are similar to Alaska’s. It is not their intent to make it easier for unqualified persons to obtain a license simply because they are already licensed in social work or marital and family therapy.

Ms. Henry also wanted to change “professional counseling to “mental health counseling”, but the Board disagreed with this change.

Upon a motion by Ray DePalatis, seconded by Jennifer Burkholder, and approved unanimously it was

RESOLVED regarding 08.29.120, we pursue statutory change to include the words “this or” on the line prior to the wording “another jurisdiction” and “licensing requirements in this or” prior to “the other jurisdiction” on line four.

3.

Ms. Henry encouraged the acceptance of hours for licensure for individuals moving to Alaska who have already obtained some supervised hours, though not under an approved supervisor as is required under Alaska’s laws. (Mr. Horn previously spoke to the Board regarding this-see section 4.) She now supports the idea of no longer having to have only Alaska approved supervisors because of the impact on people coming from out of state with prior supervised hours that they cannot use for Alaska licensure. Ms. Henry would recommend removing the certification requirement of supervisors.

The Board later discussed supervised hours being accepted under supervisors who have not been previously approved by the Alaska Board. The Board discussed the extensive time it would take to review out of state supervisors/out of state supervised hours. The Board stated they cannot “rubber-stamp” these hours.

Chair Olson will forward the information concerning state motions to Ms. Henry. The Board feels it is appropriate and acceptable for Anne Henry to pursue the statute changes as she volunteered to do this.

Agenda Item 12 – Division Reports

12. A. Investigations' Report

Investigator Gary Keiser gave the investigation report. The report showed three complaint/investigations closed since the last meeting and four open complaints. The Investigator added two new complaints to the list. One was for unlicensed activity and one for unethical conduct. One complaint was closed since the last meeting.

12. B. Budget Report

Misty Frawley, Administrative Officer, gave the Board their budget report. She explained that certain times of the year, certain yearly charges may appear on the report. The ending amount as of the second quarter (through December) is a surplus of \$120, 924.00.

Agenda Item 13 – AKCA Liaison Report

Jennifer Burkholder gave the report from the Alaska Counseling Association. There was a list on what they accomplished since July 2011, including trainings and providing access to meetings via distance technologies.

Their plan for 2012 includes more training, representation at ACA Annual Conference and regional meetings. They plan on having a second annual Alaska Counselor Connection in May and an annual conference in conjunction with the Alaska Play Therapy Association and perhaps the Alaska MFT Association. They are also working on training and making monthly meetings accessible to members across the state.

Agenda Item 14 – Correspondence

14. A. Erich Walter

Mr. Walter wrote regarding pursuing a Professional Counselor License even though he has a felony charge on his record. The Board stated that he could submit an application before the supervision hours have begun in order to determine if his background would keep him from licensure. It was noted that much would depend upon the Investigation process.

14. B. Chris Reynolds

Mr. Reynolds wrote asking for the regulations regarding requirements for length of record keeping for an Alaska LPC.

There is no such regulation, but the Board directed him to check with the Alaska Legal Resource Center.

14. C. Doug Richardson

Mr. Richards wrote asking what he signs for credential when he signs clinician forms? He has a degree in Master of Science degree in Professional Counseling.

The Board suggested he sign with "M.S." after his name, referring to his degree.

Agenda Item 15. Board Business

A. Task List

Chair Olson will contact Anne Henry with the Board's position on requested statute changes.

Ray DePalatis & Emily Zimbrich will continue an Ethics subcommittee.

Ray DePalatis will be liaison with the Investigator on a current case.

B. Sign Wall Certificates

Wall certificates were signed.

C. Future Meetings

May 3-4, 2012 – Homer (later changed to May 10-11, 2012 – Anchorage)

September 27-28, 2012 – Anchorage

Meetings will begin at 9:30 am on the first day and at 9:00 am on the second day.

D. Sign Meeting Minutes

The minutes from the previous meeting were signed.

E. Travel Authorizations

Travel authorizations were signed by Board members and paperwork turned in.

F. Ethics reports

There were no ethics reports this meeting.

G. Conferences/training

The Board has approved the following conferences/attendees:

ACA – March 21-25, 2012 – Olson

American Mental Health Counselors Association (AMHCA) July 19-21, 2012 – DePalatis

NBCC – August 9-10, 2012 – Vinson and Zimbrich

CLEAR – September 6-8, 2012 – Mitchell and Vinson

Upon a motion by Ray DePalatis, seconded by Jennifer Burkholder, and approved unanimously it was

RESOLVED to adjourn the meeting.

Meeting adjourned at 11:50 am.

Respectfully Submitted:

Eleanor Vinson, Licensing Examiner

Approved:

Tashawna Olson, Chair
Board of Professional Counselors

Date: _____