

STATE OF ALASKA
DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT
DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING

BOARD OF PROFESSIONAL COUNSELORS
June 18-19, 2015
MINUTES OF MEETING

By authority of AS 08.01.070(2) and AS 08.95.020, and in compliance with the provisions of AS 44.62, Article 6; a scheduled meeting of the Board of Professional Counselors was held in Anchorage, Alaska, at 550 W. 7th Avenue.

Thursday June 18, 2015

Call to Order/Roll Call 9:33 A.M.

Board members present, forming a quorum of the Board, were:

Anne Brainerd, Licensed Professional Counselor, Chair
Stephanie Johnson, Licensed Professional Counselor
Lyn Tashea, Licensed Professional Counselor
Debra Hamilton, Licensed Professional Counselor
Lillian Mitchell, Public Member

Present from the Division of Corporations, Business, and Professional Licensing at various times were:

Michele Wall-Rood, Investigator
Sonia Lipker, Probations Monitor
Renee Hoffard, Licensing Examiner

Ethics Reports

There were no ethics violations to report.

Agenda Item 1 Review Agenda

The Board reviewed the agenda:

**On a motion duly made by Debra Hamilton, seconded by Lyn Tashea, and passed
unanimously, it was**

RESOLVED to accept the agenda as amended below:

Agenda item # 7 OLD BUSINESS; Addition "G" DOD requirements.

Agenda Item 2 Conference Report(s)

- A. Lyn Tashea gave the AkCA liaison report. AkCA did not have a quorum at their last teleconference as there were only two members present. AkCA had concerns about the proposed Code of Ethics change in the regulations changes. Lyn explained that the changes to regulations were initiated

before she was appointed to the Board; she encouraged AkCA members to contact Jun Maiquis with the Division. She explained the process for contacting Jun and Renee; she also recommended that the Association call in to the upcoming Board of Professional Counselors meeting. Renee Hoffard stated that AkCA had not contacted either herself or Jun Maiquis.

On a motion by Lyn Tashea, seconded by Debra Hamilton, and approved unanimously it was

RESOLVED to go into executive session in accordance with AS 44.62.310(c) (2) and (3) for the purpose of discussing matters which, by law, municipal charger, or ordinance are required to be confidential. Board staff Renée Hoffard to remain in room during executive session.

Off record at 9:40 a.m.
On record at 10:25 a.m.

After discussion it was agreed that the Board will write a letter to the Alaska Counseling Association inviting them to attend the next board meeting either telephonically or in person. The letter will emphasize that the Board would like to work collaboratively with the Association; that the Board would like the Association to clarify their objectives and how the Board might be of assistance in achieving the same; and ask if Association members have any questions for the Board.

Chair Brainerd thanked Lyn for the work she is doing as liaison for the Board.

Agenda Item 3 Investigator Report

A. General Report

Investigator Wall-Rood met with the Board. She introduced the new Medical Probation Monitor, Sonia Lipker.

Investigator Wall-Rood gave the Investigations Report. As of March 23, 2015 through May 26, 2015 there were 7 matters opened and 13 closed. A total of 3 matters remain ongoing and under review; 2 of the matters are undergoing legal review for possible litigation; 1 is a preliminary investigation. The Board has 2 probationers at this time; both individuals are in compliance. Chair Brainerd thanked Investigator Wall-Rood for moving investigations through quickly and efficiently.

Investigator Wall-Rood and Probation Monitor Lipker exited the meeting.

Agenda Item 5 Differences-Applications vs. Statutes

The Board reviewed the current licensure and renewal applications for changes that need to be made to ensure that the applications reflect what is required in Statutes and Regulations.

The renewal CEU credit sheet needs to be updated from “Face to face” to “Synchronous;” the Board has defined Synchronous in an upcoming regulations project but until that regulation has passed the renewal application should list the following “No more than one-half of the total number of continuing education contact hours required for renewal of a license may be earned by completion of a correspondence, videotape, audiocassette, or other individual study program.”

On page 2 of 5 of the application instructions, number 4, should be edited to include the NCMHCE, National Clinical Mental Health Counseling Examination per 12 AAC 62.110.

Education check sheet will need to be updated after the Regulation project has been approved to reflect that all applicants must fill out the educational coursework check sheet.

On the application instructions, under the General Information section, page 3 of 5, the Board recommended the following change:

The board may also review complete applications between board meeting dates. The division will forward complete applications to board members using the board's secure webpage and mail ballot voting process. For more information about the secure webpage and mail ballot voting process, please contact the division at license@alaska.gov

The Board decided to move ahead to Agenda Item 7, Old Business, G-DOD Requirements:

American Counseling Association lobbied for more inclusive language in the National Defense Authorization Act that would allow all LPC's with five years' experience to be independent TRICARE providers. This change would lift the CACREP restrictions until 2027. HR1735 passed the House 1 month ago with a "True Grandfathering Clause" Section 712C, Special Rule. It reads "During the period preceding January 1, 2027, an individual who meets the following criteria is deemed to be a qualified mental health care professional.

1. The individual holds a masters degree or doctoral degree in counseling from a program that is accredited by a covered institution.
2. The individual has been licensed by a state as a mental health counselor for a period of not less than five years."

The Bill has currently been passed by the House and is being considered by the Senate. There have been numerous amendments but thus far the Special Rule quoted has remained intact.

Off the record for a break at 11:05

Back from break at 11:36

Agenda Item 7 Old Business

A: Review of meeting minutes:

On a motion duly made by Lillian Mitchell, seconded by Stephanie Johnson, and passed unanimously, it was

RESOLVED that the Board accept the October 2014, January 2015, and April 2015 meeting minutes as amended.

Renee to provide corrected minutes for signature Friday, June 19.

B: Approved Supervisor List:

After reviewing a list of the approved supervisors broken down by profession the Board determined it would not be beneficial to limit board approved supervisors to licensed professional counselors. There are a limited number of supervisors for rural areas.

C: Update on Mental Health Board Summit:

Renee informed the Board that the LPC Board was the only board to respond to the PSY Board's request as of June 17. The PSY Board is scheduled to meet in July and they will discuss the summit at that meeting. Renee will immediately forward any correspondence received from the PSY Board to the Board members.

D: Update on CEU Provider and Supervision Renewal Fees:

Jun has received the copies of the proposed regulations changes and will start that process as soon as possible.

E: Discussion of podcast from Michelle Wade with ACA:

Chair Brainerd had forwarded the podcast concerning social media to all Board members prior to the meeting. Michelle Wade has offered to meet with the Board via teleconference or video conferencing. Ms. Wade suggested that Roy Huggins, a counselor from Oregon who specializes in distance counseling also be invited to meet with the Board. Chair Brainerd informed Ms. Wade that one of the concerns the Board has regards counselors from outside of Alaska applying for licensure and approval as Counselor Supervisors so that they can provide distance counseling. One suggestion the Board previously had thought of to curtail that process is to have a requirement on the application form that all applicants should be eligible for the Alaska PFD. That would ensure the applicants are present in Alaska.

F: Schedule Michelle Wade and Roy Huggins to present at September meeting:

Chair Brainerd will email Michelle Wade inviting her and Roy Huggins to attend the September meeting; she will copy Renee on the email.

Off the record for a break at 12:46 p.m.

Back from break at 1:01 p.m.

Agenda Item 6 UAF CACREP Liaisons

Dr. Valerie Gifford and Dr. Sue Renes called to give an update on UAF's CACREP accreditation. The counseling program at UAF has been actively involved in pursuing CACREP accreditation for the last year. They spent the past academic year reviewing the curriculum and looking at what it would take to do a self-study. They received a grant to assist with start-up funding for this effort. They have put together a tentative timeline for how they see the process progressing. They have looked at pursuing the Clinical Mental Health track as well as the Community Mental Health track. They have reviewed the current 2009 standards and the Draft 2016 standards in an effort to stay ahead of requirements. The current program was designed to meet the current CACREP requirements and will need to be updated to meet the new requirements. In regards to the timeline, they spent the past year outlining the self-study. This year they plan to work towards bringing in consultants sometime during fall 2016. UAF is planning to have a consultant assist them with the site visit portion of the process. As UAF has looked at the changes proposed for CACREP they have felt the changes that need to be made will "make sense" as far as clinical and school practices. The group they are working with is very on target and very supportive of a program in Alaska becoming CACREP accredited. Upon reviewing regions where potential licensees are living and working, the program is being designed to be accessible to people in rural Alaska. All courses are available through distance courses either through audio or video conferencing, sometimes a combination of both. All classes are combinations of face-to-face and distance students; the distance students add depth to the classes. Situations might play out one way in Fairbanks or Anchorage and very differently in rural Alaska. There are only 2 courses that require face-to-face attendance; distance students are given priority for summer sessions of those courses so that they may live in the dorms. As UAF works on the self-study, this is one particular area they wish to remain the same, i.e., UAF wants to be accessible to students across the state. CACREP has set standards to meet but are not dictating how programs must meet those requirements. If a program is well thought out and meets the standards, there is a great deal of flexibility given to design the programs. A leader of CACREP worked as a counselor in rural Alaska and has an understanding of how things work differently in Alaska due to distance.

UAF invited the Board to act as consultants or advisors with them to ensure that their program will meet the requirements for licensure. Renee Hoffard was tasked with inquiring of the Division if there would be any ethics violation if the Board did act as consultants. Chair Brainerd asked Dr. Gifford and Dr. Renes if they would be interested in presenting an update at future Board meetings; they stated that they would indeed be interested and would like to work collaboratively with the Board during the CACREP accreditation process.

UAF is working towards the CACREP requirement for students to earn 60 credit hours. The program does already meet the core curriculum requirements for licensure, offering courses that cover the 10 subject areas listed in regulations for approved degrees. During the self-study UAF will show they are actively trying to meet faculty/student ratios set by CACREP. UAF asked if the Board was considering making graduation from a

CACREP accredited program a requirement for licensure; Chair Brainerd responded “We are not. We want to be as inclusive as we can.” UAF has faced interesting questions concerning working with military. Chair Brainerd stated HR1735 passed the House 1 month ago with a “True Grandfather Clause” Section 712C, Special Rule. UAF was familiar with the bill but didn’t know the status. The grandfathering clause would last until January 1, 2027. The Board thanked UAF for their willingness to attend the meeting and give the CACREP update.

Agenda Item 8 Public Comments

There was no public comment.

Agenda Item 9 Application Review

On a motion by Lyn Tashea, seconded by Lillian Mitchell, and approved unanimously it was

RESOLVED to go into executive session in accordance with AS 44.62.310(c) (2) and (3) for the purpose of discussing matters which by law, municipal charter, ordinance are required to be confidential. Board staff Renee Hoffard to remain in room during executive session.

Off the record at 3:28 p.m.

Back on record at 3:37 a.m.

The Board reviewed 6 applications for licensure, 4 applications to be a Board Approved Supervisor, 10 continuing education provider’s approval requests, 4 requests for Alternate Supervision Plans, and 1 reinstatement. Review completed on Thursday, motion made on Friday.

On a motion by Lyn Tashea, seconded by Lillian Mitchell, and approved unanimously it was

RESOLVED to approve the following list of applications with the stipulation that the information in the applicants’ files will take precedence over the information in the minutes:

PROFESSIONAL COUNSELOR – EXAM

- **Sindey-Ando, Aurora I.**

PROFESSIONAL COUNSELOR – CRED

- **Johnson, Kerrie**
- **Long, Tamela K.**
- **Root, Lisa J.**
- **Schoder-Ehri, William**
- **Wyne, Angela P.**

PROFESSIONAL COUNSELOR SUPERVISOR

- **Gronmeier, Laurey**
- **McMichael, Christopher J.**
- **McMorrow, Samantha G.**
- **Pawelko, Elizabeth**

ALTERNATE SUPERVISION PLANS

- **Dunville, Amy**
- **Korta, Tanya**
- **Shorey, Jason**
- **Wiley, Alex**

CONTINUING EDUCATION PROVIDER APPROVAL

- **The Couple's Center of Alaska, Inc. - Mercy Dennis, LMFT**
- **Alaska Center for Children & Adults - KimAdelia Leff**
- **Rural Alaska Community Action Program, Inc. - Bridget McCleskey**
- **Alaska Child & Family (Non-Suicidal Self Injury) - Addy Peters**
- **Alaska Child & Family (Culturally Proficient Care) - Addy Peters**
- **Alaska Child & Family (Trauma Informed Care) - Addy Peters**
- **Juneau Youth Services - Meredith Wallis & Kathleen Rhea**
- **Trauma Recovery EMDR Humanitarian Assistance Program - Elaine Howard**
- **Juneau Suicide Prevention Coalition - Carrie Warren**

REINSTATEMENTS

- **Williams, Gary Allen**

Agenda Item 14 Request

Applicant C. Strobe submitted a formal request for a two year extension to the time period for using her NCE exam score. The Board reviewed the request and voted to approve the two year extension; Ms. Strobe's exam score extension will be acceptable until April 20, 2018.

The Board discussed agenda items for Friday, June 19 and determined that the meeting would reconvene at 9:30 a.m., June 19.

On a motion by Lillian Mitchell, seconded by Debra Hamilton, and approved unanimously it was

RESOLVED to adjourn until 9:30 a.m. Friday, June 19, 2015.

Meeting adjourned until 9:30 a.m. Friday, June 19, 2015.

Meeting adjourned at 4:00 p.m.

Friday June 19, 2015

Call to Order/Roll Call 9:03 A.M.

Board members present, forming a quorum of the Board, were:

Anne Brainerd, Licensed Professional Counselor, Chair
Stephanie Johnson, Licensed Professional Counselor
Lyn Tashea, Licensed Professional Counselor
Debra Hamilton, Licensed Professional Counselor
Lillian Mitchell, Public Member

Present from the Division of Corporations, Business, and Professional Licensing:

Renee Hoffard, Licensing Examiner

The Board continued with the agenda as written.

Agenda Item 10 Correspondence

The Board reviewed a letter from 20/20 concerning the scope of practice for licensed professional counselors and the chosen title for licensees. Alaska already uses the title “Licensed Professional Counselor.” A statute change would be in order to adopt the recommended scope of practice

On a motion by Debra Hamilton, seconded by Stephanie Johnson, and approved unanimously it was

RESOLVED to accept the scope of practice definition proposed by the 20/20 taskforce.

Licensure Scope of Practice:

The independent practice of counseling encompasses the provision of professional counseling services to individuals, groups, families, couples, and organizations through the application of accepted and established mental health counseling principles, methods, procedures, and ethics. Counseling promotes mental health wellness, which includes the achievement of social, career, and emotional development across the life span, as well as prevents and treats mental disorders and provides crisis intervention.

Counseling includes, but is not limited to, psychotherapy, diagnosis, and evaluation; administration of assessments, tests, and appraisals; referral; and the establishment of counseling plans for the treatment of individuals, couples, groups, and families with emotional, mental, addiction, and physical disorders.

Counseling encompasses consultation and program evaluation; program administration within and to schools and organizations; and training and supervision of interns, trainees, and prelicensed professional counselors through accepted and established principles, methods, procedures, and ethics of counselor supervision.

The practice of counseling does not include functions or practices that are not within the professional’s training or education.

The Board will seek guidance from Operations Manager Sara Chambers on contacting legislators in regards to Statute changes.

Agenda Item 11 Fee Analysis Discussion

Director Janey Hovenden and Operations Manager Sara Chambers telephoned in to the meeting to discuss the fee analysis for licensure fee setting purposes. Sara discussed the features of the fee analysis spreadsheet with the Board. Sara went over the breakdown of general fees that are charged to all boards, those fees that are for general administrative costs that each board incurs, such as printing wall certificates. The investigative offset is the fines received as a result of disciplinary actions; that money is used to offset the cost of investigations. The division recently received the authority to receipt those fines to the boards.

The Board had previously suggested raising fees \$100.00 which would bring the fee to \$500.00. Sara discussed projected revenues and expenditures using actual numbers for fiscal years 12/13 and projected numbers for fiscal years 14/15. Based on current revenues and expenses, the Board carries a deficit of \$124,626 at the end

of the third quarter of FY15. Sara stated that it is important to note that most revenue is brought in with biannual renewal fees, which means there needs to be enough revenue to cover the costs of the licensing program for the two-year licensing cycle as well as to cover the cost of the deficit. Based on adopting the higher fees previously recommended by the Board at the April 2015 meeting and assuming that all expenditures remain the same over the course of time, the Board will continue to be in deficit through FY21. Sara and the Board discussed raising fees further to cover all expenditures and to bring the Board's budget back to a solvent status before the scheduled legislative audit in 2018. If the Board and division raised licensure and renewal fees to \$600.00 and all application fees to \$200.00, the Board could potentially have a surplus of approximately \$7,000.00 by the end of FY17, barring any large, unforeseen expenses such as large investigative or legal fees. An additional help is that based on past years, the division anticipates continued growth of the pool of licensed professional counselors.

Chair Brainerd took the opportunity to explain to Director Hovendon that the deficit was incurred during the 2012 fiscal audit and that prior to that audit the previous Board members had worked under the assumption that they had a \$100,000+ budget surplus. She stated that the current Board has worked diligently over the past couple of years to reduce costs and increase revenue in an effort to pay off the deficit. Sara ensured the Board that all of that history is present to Director Hovendon as well as to the legislators.

Sara recommended that the Board discuss current recommendations for fee changes and whether they wish to be aggressive with reducing the deficit or if the Board wishes to set fees lower and see what happens. The Division will review the Board's recommendations and consider the potential results of changes; the division will make their recommendations in proposed regulation changes.

Chair Brainerd discussed the Board's wish to increase revenues and brought up potential regulations changes that the Board has voted on in previous meetings concerning Supervision renewal and fees for continuing education approval. Sara stated that she believed the regulations changes for fees for continuing education approval could potentially be added to the regulations project for the fee setting for this renewal cycle. Renee stated that the Board had voted on draft verbiage for the regulations change during their April board meeting. Sara stated she would work with Jun Maiquis to determine what steps need to be taken next in moving forward with that regulations change. Sara and Director Hovenden ended the call with the understanding that Renee would provide information concerning the continuing education course approvals when she returns to the office.

The Board continued to discuss raising the fees and felt it would be wiser to act aggressively to pay off the deficit with the understanding that once the deficit is eliminated the licensure fees could be lowered to an amount that would still cover the expenditures of the program while reducing the financial burden to licensees and applicants. The Board feels that moving forward with a Statute change to include renewals for the Approved Supervisors would be result in an additional revenue source that could further reduce the cost to licensees. The Board is highly concerned with the effects the higher fees will have on rural Alaskans.

On a motion by Debra Hamilton, seconded by Lillian Mitchell, and approved unanimously it was

RESOLVED to recommend to the Division that fees for the Professional Counselors program be raised as follows:

Licensure fee \$400.00 to \$600.00

Renewal fee \$400.00 to \$600.00

Board Approved Supervisor Application fee \$125.00 to \$200.00

Initial Application fee \$125.00 to \$200.00

The Board asked Renee to speak with Director Hovenden and Operations Manager Chambers about the Division including a statement from the Division regarding the fee increase and reiterating how the current

budget deficit was incurred. Former Director Don Habeger previously had written a letter to all licensees, which was included in the last renewal that explained how the 2012 fiscal audit had resulted in the Division and Board being made aware of the deficit.

The Board discussed the changes in travel they recommended changing during the coming fiscal year. In previous years the Board had proposed attending 8 out-of-state conferences; for FY16 the Board has proposed attending only the three most critical out-of-state conferences.

Off the record for a break at 11:31 a.m.

Return from break 11:53 a.m.

Agenda Item 12 Approve Regulations

The Board received two written comments during the Public Comment period for the proposed regulations changes. Comment 1, from Richard Clampitt, LPC, stated that he felt the change to “synchronous” was unnecessarily restrictive. The Board clarified on the record that usage of the term “synchronous” is simply to clarify the definition of face-to-face. The Board, in fact, is broadening the scope for obtaining CEUs so that licensees no longer have to be physically present in a room with instructors in order to receive credit for “face-to-face” CEU’s. Replacing “face-to-face” with “synchronous” allows participation in classes via webinar, teleconference, etc. so long as the participant is able to interact with the speaker in real-time, such as telephonically or through instant-messaging. It is providing more options for licensees to meet CEU requirements rather than less.

Comment 2, from Anne Henry, stated that she feels 3 years to complete the 40 CEU’s required for license by credential weakens the status of the LPC, does not strengthen it. Chair Brainerd stated that she did not remember why the recommendation was for 3 years instead of 2. Debra Hamilton stated she thought it was meant as a grace period to allow licensees from other states an extended opportunity to meet Alaska standards. Ms. Henry also noted that “and” was missing from 12 AAC 62.220(2) “supervision began {and} throughout...” After discussion, the Board agreed to amend the Regulation to read that those applying for license by credential must have completed 40 CEUs in the two (2) years prior to application.

Chair Brainerd stated for the record that the Board had reviewed all of the Public Comments received on the regulations changes and had addressed the concerns of the public. The Board also considered the cost to private persons for the regulatory actions during the regulations process to reach the point of approving regulation changes.

On a motion by Debra Hamilton, seconded by Lyn Tashea, and approved unanimously it was

RESOLVED to approve the following regulations as amended

- 12 AAC 62.120 – Approved Degrees as written**
- 12 AAC 62.130 – Credential as amended**
- 12 AAC 62.220 – Supervisor pre-approval as amended**
- 12 AAC 62.310 – CEU Synchronous Language as written**
- 12 AAC 900 – Code of Ethics as written**

Agenda Item 13 New Business

The Board had no new business at the time of the meeting.

Agenda Item 15 Board Business

A. Task List

1. Debra - contact "Noah" concerning the MFT and NCE exams and MFT supervision.
2. Renee - email handouts from Chair Brainerd on distance counseling to rest of board before next meeting
3. Renee - include a Regulations/Statute project update table in future board packets
4. Renee - inquire if the Board may act as consultants or collaborate with UAF concerning CACREP
5. Renee - speak with Division about a letter explaining the current deficit of the Board's budget to be sent with renewals.
6. Anne - forward CCE printout to Renee
7. Anne - write letter to 20/20 with board's acceptance of scope of practice
8. Lyn - forward remarks from AkCA to the Board and to continue communication with the association
9. Renee - add Statute Change for "Interns" to agenda for next meeting
10. Renee - add UAF/CACREP Liaison to agenda as a standing item.
11. Anne - write letter to Alaska Counseling Association inviting them to attend next meeting.

B. Sign Wall Certificates-Wall certificates were signed

C. Schedule future meetings-

Changed October 15-16, 2015 meeting to September 24-25, 2015

D. Sign Meeting Minutes -

Chair Brainerd signed Final Minutes for October 2014, January 2015 and April 2015.

F. Training/conferences -

Lyn Tashea and Lillian Mitchell are scheduled to attend the CLEAR conference in September 2015 in Boston, MA; Renee will submit a travel request for each of them to the Division for review and approval.

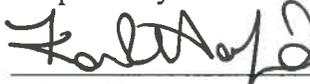
The Board formed a subcommittee to research working with legislators concerning recommendations for Statute changes regarding Board Approved Supervisors and Scope of Practice. Subcommittee members are Debra Hamilton, Lyn Tashea, and Chair Brainerd. Renee Hoffard will notify them of correct procedures for contacting legislators after inquiring of the Division what steps the Board should take.

Upon a motion made by Lillian Mitchell, and seconded by Lyn Tashea, and approved unanimously, it was

RESOLVED to adjourn.

Meeting adjourned at 12:44 p.m.

Respectfully submitted:



Licensing Examiner

Approved:



Anne Brainerd, Chair
Board of Professional Counselors

Date:

9/25/2015