

**STATE OF ALASKA  
DEPARTMENT OF COMMERCE, COMMUNITY  
AND ECONOMIC DEVELOPMENT  
DIVISION OF CORPORATIONS, BUSINESS, AND PROFESSIONAL LICENSING  
BOARD OF PROFESSIONAL COUNSELORS  
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 February 16 and 17, 2006, in Juneau, at the State Office Building, 9<sup>th</sup> Floor, Conference Room C

**February 16, 2006**

**10:33 a.m. Call to Order/Roll Call**

Members present and constituting a quorum of the Board were:

Anne Henry, Chairperson, Professional Counselor – Anchorage  
Kerry Turnbow, Professional Counselor – Fairbanks  
Shawnie Olson, Professional Counselor - Homer  
Randy Morton, Public Member – Nome (by teleconference)

In attendance from the Division of Corporations, Business and Professional Licensing, Department of Commerce, Community and Economic Development, were:

Cori Hondolero, Licensing Supervisor – Juneau  
Alice Albrecht, Licensing Examiner - Juneau

**Roster changes**

The Board reviewed the roster and Ms. Olson changed her work phone number 235-8886.

**Agenda Item 1 – Review Agenda**

The following changes were made to the agenda to accommodate Mr. Morton: Move the application review to 1:00. Item 2 and 3 were scratched and moved to the CEUs review. The annual meeting summary will be moved to 3:00.

Ms. Henry explained that the letter to the Homer Psychologist has been resolved. It involved Supervision outside the agency. Ms. Hondolero mentioned that the Social Workers require an agency release for supervision outside the agency. Ms. Henry asked her if she could provide the Board with a copy and asked the Board to consider it for a future Regulations project.

**Upon a motion by Olson seconded by Turnbow, and approved unanimously, it was**

**RESOLVED to approve the agenda with the noted additions.**

**Agenda Item 2 – Review Minutes**

September 19-20, 2005 - There was no change to the minutes.

**Upon a motion by Morton seconded by Olson, and approved unanimously, it was**

**RESOLVED to approve the September 19-20, 2005, minutes as presented.**

Ms. Henry would like institutional knowledge passed down to new Board members and would like to encourage all new Board members to read through all of the minutes from the past eight years to see what has been done by the Board in the past. What actions may have set precedence, etc? The Board instructed Ms. Albrecht to make copies of the minutes and distribute them to all active Board members.

The Board also agreed that the public should have the ability to view minutes of the past few years so they can see what the Board has been doing. Ms. Henry also advised that when considering future Regulation projects, to write down clearly what it is the Board would like to achieve.

**Upon a motion by Turnbow seconded by Olson, and approved unanimously, it was**

**RESOLVED to place the past three years' minutes on the Division web site for the public and keep the past three years minutes active from now on.**

**Agenda Item 3 - General Correspondence**

**General Correspondence**

- The Board discussed a letter from a University of Alaska (UAA) graduate. UAA does not have a 60 credits masters program for counselors and graduates are not notified of the 60-credit requirement for licensing. Ms. Henry called UAA to volunteer to talk to graduate students on what they will need to get licensed, but has received no responses. (She already provides a similar service to Alaska Pacific University.) The Board would like to encourage UAA and UAF to increase their masters program to 60 credits to fit with the national standards provided under CACREP (Council for Accreditation of Counseling and Related Educational Programs). Ms. Albrecht will draft a letter to both UAA and UAF based upon the Boards discussion for the Chair's signature and add 60 credits to the LPC application.

- Mr. Turnbow discussed the equivalency experience discussed in previous Board meetings, where one year's experience could equal one year of college. This item will be added to the task list for future consideration. In reference to Ms. Lindley's letter where she asked the Board to consider CEUs for the missing graduate credits, Ms. Albrecht was also instructed to draft a letter to the respondent about the situation and provide her with a copy of the UAA and UAF letters.
- The Board discussed whether teaching ethics should get you the same credit as taking ethics. Currently 10 credits can be used for the first time preparation of a class. Board members felt that 10 CEUs should be allowed with three in Ethics. Mr. Turnbow asked though if three CEUs should be allowed for teaching the class subsequent times. The Board felt that it was okay. A regulation change would have to be made to allow teaching ethics to count as an ethics requirement and the Board noted it as a possible regulation project.
- The Board called Catherine Koverola of the UAF Training Academy . She stated that the majority of attendees would be masters level graduates. Though they would receive CEUs, the classes are not part of a curriculum, but would be specific to rural providers and using best practices in teaching. Faculty is from UAF who are involved in other programs. As UAF offers a 48-credit masters program and the Board requires 60 credits for licensing, the Board encouraged The Training Academy to offer credits in the future. (Though licensees can submit credits for 15 CEUs, it does not work the other way.) Ms. Koverola stated that The Training Academy has considered the CRN approval process, but by offering CEUs at this time they have experienced fewer obstacles in getting the program started. The grant was established last year, and UAF hopes that seed funding will continue.

Lunch break at 12:00 p.m.; back on the record at 1:05 p.m.

### **Agenda Item 7 – Application Review**

The Board reviewed CEU applications, License application and two requests to become a CEU approved provider.

#### **Professional Counselor by Examination**

- Gabe Duran
- Anne Jager
- Sharon Smith

#### **Professional Counselor by Credentials**

- Ruth Spinner

#### **Professional Counselor Supervisor**

- Susan Bomalaska

#### **Special Requests**

- Michael Strother - Review Yes answer
- Kim Lindley - Request for Substitution of 10 credits for Masters

### **Agenda Item 5 - Regulations**

2:00 p.m. Jun Maiquis joined the meeting.

The Board had before them the following Regulation Changes presented by Mr. Maiquis:

12 AAC 62.120(d)	12 AAC 62.200(a)(4)
12 AAC 62.300	12 AAC 62.310(b)
12 AAC 62.320(b)(2)(H)	12 AAC 62.320(b)(2)
12 AAC 62.900	

Mr. Maquis presented Board members with the public comments he had received on the proposed Regulations.

**Upon a motion by Olson seconded by Turnbow, and approved unanimously, it was**

**RESOLVED to go into an Executive Session to discuss the Regulations public comments package.**

Back on Record at 2:18 p.m.

Ms. Henry stated that she felt the Board should add the Rural Behavioral Health Training Academy to the Regulations under 12 AAC 62.320 new Section (O). Ms. Henry was concerned that there would be sustained funding for the project if we were going to put it into Regulation. But it has seed money and the Alaska Mental Health Trust is providing support.

**Upon a motion by Olson seconded by Turnbow, and approved unanimously, it was**

**RESOLVED to add the Alaska Rural Behavioral Health Training Academy to the Regulations under 12 AAC 62.320(b)(2) as a new Section (O).**

The Board chair was assigned the responsibility of drafting a letter notifying The Rural Behavioral Health Academy that they have been approved under the Regulations and will eventually be added to the approved providers list in the regulations.

Mr. Maiquis reviewed 12 AAC 62.120 (d) – The Board felt the revision was fine.

Mr. Maiquis reviewed 12 AAC 62.200 - The Board had expressed the desire to switch the **existing paragraphs 4 and 5**, because once it is adopted you won't need the 6.0 CEUs until July 1, 2007. (new paragraph 5) - Ms. Albrecht suggested the date be changed to correspond with the new renewal period. Board members had considered it, but chose to stay with the July 1, 2007, date.

Ms. Henry read the proposed amendment to 12 AAC 62.300 license renewal. The Board discussed what if an applicant got all questions wrong? Mr. Maiquis stated that it could be returned to the applicant. Mr. Maiquis stated that when he questioned Division staff they stated applicants could miss 19 out of 20. Ms. Olson noted there was nothing in the proposed Regulation that stated they had to successfully pass the questionnaire. Mr. Maiquis stated the Board can word it the way they want and come back to him with the changes later. The Board agreed that applicants should be able to pass with 80% and should be given an unlimited number of times to take the questionnaire including multiple times in a day. Ms. Henry noted that of 261 renewal questionnaires 78% of the applicants got all the answers right and except for eight the rest were acceptable. The Board would have the licensing examiner screen the renewals and grade the questionnaire. Individuals should be given an unlimited opportunity to retake the questionnaire. The Board would determine the number of questions, possibly five or ten.

Mr. Maiquis advised the board to draft their language and submit it to the Dept. of Law to see if they would agree. The Board asked Mr. Maquis to change the language of 12 AAC 62.300(3) to state: ...***shall submit and pass a jurisprudence questionnaire...***

Mr. Marquis reviewed 12 AAC 62.310(b). The Board felt the revision was fine.

12 AAC 62.900 – Code of Ethics - The Board felt the revision denoting the 2005 ACA Code of Ethics was fine.

12 AAC 62.320(b)(2) new section **(N) Co-Occurring Disorders Institute (CODI)** - The Board felt the revision was fine. And **(O) Alaska Behavioral Health Training Academy.**

**Upon a motion by Turnbow and seconded by Olson and approved unanimously, it was**

**RESOLVED to adopt the professional Regulations along with their amendments. on the record, in considering public comment, the Board of Professional Counselors paid special attention to the cost to public and private persons for the regulatory action to process these changes**

### **Agenda Item 6 - Budget Report**

Kathy Mason reported on the budget. She stated that she could see the fees being lowered again as the Board has a reserve of \$278,700. Ms. Henry inquired about the average cost of legal fees, for instance, should they have to take away someone's license. She was also concerned about the cost for a change in Statute and debates or legal opinion that could get very expensive.

2:50 p.m. –Mr. Morton rejoined the meeting again by teleconference.

Ms. Henry repeated her concerns that if the Board lowered their license fees and something expensive came along, their reserves could be wiped out. Board members stated they would rather keep their fees at this level, than suffer like the Marital & Family Therapists Board (MFT) with a couple of \$100k cases and the Psychologists who experienced a million-dollar battle.

Kathy Mason reported that Director Rick Urion had suggested an insurance pool, which is still being discussing with other boards. With an insurance pool, a portion of your license fee would go into the fund and if your Board was hit with a problem the state would pay and the Board could then pay back the state without necessarily raising fees.

Ms. Mason continued her review of the budget. Indirect fees cover the Division's expenses for rent, joint staff accounting, receptionist, a portion of equipment and supplies.

Break at 3:15; back on Record at 3:27 p.m.

#### **Agenda Item 4. Annual Meeting Summary**

- Ms. Henry wants to encourage Board members to participate in these meetings and to consider sending the licensing staff person to them. Ms. Henry attended a meeting of administrative staff who participated year after year and dealt with like items from different states. She stated that Board members retire and there is no continuity. In this session staff shared information about how they did things, contacts, resources, and helping each other manage. She met with states that manage thousands of licenses.
- There were lots of classes and representatives from the national associations American Counseling Association (ACA), National Board for Certified Counselors, (NBCC), etc. The CACREP accreditation university was also there to talk to leaders and regulators of counseling across the nation. Mr. Turnbow is going to the ACA meeting in Toronto in March, which targets counselors vs. regulators.
- Some items that came up, Ms. Henry wrote down and presented to the Board as a Possible Board Task List.
  - Portability issue: This would establish one set of national standards to allow licensees to go from state to state. There were two levels, of which Alaska would probably accept the second level with a slight Statute change. This system would also create a storehouse of records to safeguard against loss, such as the loss of records that the Katrina victims experienced.
  - CEUs for attending Board meetings - Ms. Henry suggested this item as a possible regulation project.

- Develop regulation regarding unexcused Board meeting absences. In the past, some Board members never came to meetings and there is nothing in the Licensed Professional Counselor (LPC) Regulations right now to allow us to expel a member for not attending meetings. Ms. Hondolero will provide the Board with some language the Division has in order to draft this. The reason this is a problem for the LPC Board is, if one member drops off the Board, the number is reduced and if another doesn't come it is hard to establish a quorum. Though three is a quorum, if all members do not agree, it is impossible to act.
- Change regulations to include a clinical exam. After having completed two years of supervision, NBCC recommends individuals take a clinical exam. Ms. Henry provided the Board with sample clinical exams to look at overnight. She also provided information on Supervision standards and what they expect of supervisors. (Ms. Hondolero provided the Board with a copy of the Social Work supervision expectations 12AAC 18.115 including the written release information requested by the Board earlier in the meeting.)
- Background checks on applicants
- Late fees for renewals and lapsed license fees
- Ethics
- Release of supervisor when not employed at the agency
- Counseling Today – articles on the new ethics codes – in our regulations we've adopted them. Here's the new booklet.
- Customer satisfaction survey for licensees at renewal
- Juris prudence test – Texas has theirs online and can get immediate response
- Newsletter from board to licensees annually if not at renewal – to let them know what's up
- Send Ms. Albrecht to AASCB with Board Member
- Ask for Attorney General opinion on interstate counseling. Legal? Illegal? Will they go after people? Whose responsibility is it to educate the public, because they aren't working with licensed people?

### **Agenda Item 8 - Combining Boards and SB 177 updated.**

The wording of Bill language now has the three terms. Added the Social Workers in there, then Senator Dyson wanted to add language mandating the MFT and LPC Boards, which has since been removed. At this point Ms. Henry anticipates no opposition to the bill.

### **Agenda Item 9 - LPC Supervisory Exam and NBCC Clinical Exam**

Everyone was provided with a copy of the exam, then reviewed the procedures.

### **Agenda Item 10 - Board Business**

The Board tentatively scheduled their next meeting for around August 24<sup>th</sup> and 25<sup>th</sup> in Anchorage. Mr. Morton will be gone for a good portion of the summer and will notify Ms. Albrecht so she does not send mail ballots.

### **Agenda Item 7 - Review of CEUs**

Ruralcap, Rural Providers Conference. Mr. Turnbow felt the conference was beneficial for working in Alaska and the Native population. The Board would like them to get the CEUs approved in advance. The Board approved the tract for 11.5 CEUs but worried about audit conflict that might arise because the Social Work Examiners Board approved the training for 20 CEUs.

**Reactive Attachment Disorder I, II, III and IV trainings** - After discussion, the Board asked Ms. Albrecht to draft a letter for the Chair's signature stating the following: *"After reviewing and researching your request, the Board of Professional Counselors feels we cannot ethically approve any of the Reactive Attachment Disorder trainings you propose. Under the American Counseling Association Code of Ethics, the Board feels that these trainings may infringe on the rights of individuals receiving this type of counseling."* The Board quoted sections of the Ethics code to include: A.1.a Primary Responsibility: *The primary responsibility of counselors is to respect the dignity and to promote the welfare of clients.* A.4.a. Avoiding Harm and Imposing Values: *Counselors act to avoid harming their clients, trainees and research participants and to minimize or to remedy unavoidable or unanticipated harm.* A.4.b. Personal Values: *Counselors are aware of their own values, attitudes, beliefs and behaviors and avoid imposing values that are inconsistent with counseling goals. Counselors respect the diversity of clients, trainees and research participants.* *The Board of Professional Counselors had concerns in the past about approving the courses for CEUs, and has since researched the treatment approach and is not comfortable approving them."*

4:30 p.m. Ms. Hondolero left the meeting.

4:40 The Board went into an Executive Session to discuss the application for Johnny Michael Strother.

4:50 p.m back on record.

**Upon a motion by Olson seconded by Turnbow, and approved unanimously, it was**

**RESOLVED to approve Mr. Strother's renewal application, based on his yes answer and explanation provided for question number 4.**

**Upon a motion by Olson seconded by Turnbow, and approved unanimously, it was**

**RESOLVED to change the biennial renewal form, question number 4. to state, "*within the past two years have you experienced a physical disability which may impair or interfere with your ability to practice as a Professional Counselor?*"**

**Agenda Item 7. Review of Applications (Continues)**

**Professional Counselor by Examination**

Gabe Duran,  
Anne Jager  
Sharon Smith

**Professional Counselor by Credentials**

Ruth Spinner

**Upon a motion by Olson seconded by Turnbow, and approved unanimously, it was**

**RESOLVED to approve Gabe Duran, Anne Jager and Sharon Smith for licensing as Professional Counselors by examination and Ruth Spinner as a Professional Counselor by Credentials.**

**Agenda Item 7 - CEUs Approval (Continues)**

Changing Tides 2<sup>nd</sup> Review – Child of Water, Child of Stone

So. Peninsula Behavioral Health - Dialectic Behavioral Therapy

Co-Occurring Disorders Institute (CoDI)

- 56 Workshops
- Self Care and Burn Out Prevention – 2<sup>nd</sup> Review
- Psychopharmacology for Lay People – 2<sup>nd</sup> review
- Vision – 2<sup>nd</sup> Review

**Request to become a pre-approved CEU Provider**

Co-Occurring Disorders Institute  
UAF School of Psychology

**Upon a motion by Turnbow seconded by Olson, and approved unanimously, it was**

**RESOLVED to approve Co-Occurring Disorders Institute and the UAF Training Academy as pre-approved providers under the Regulations.**

**Request for substitution of 10 credits for Masters Degree**

**Upon a motion by Turnbow seconded by Olson, and agreed unanimously, it was**

**RESOLVED to deny Kimberly Lindley's request to substitute CEUs for the 10 credits needed to meet the licensing requirement.**

### **Professional Counselor Approved Supervisor**

Susan Bomalaska would like the Board to waive the 6.0 CEU required Supervision training, because she was a supervisor in Texas and had taken more advanced supervision training more than two years ago.

**Upon a motion by Olson seconded by Turnbow, and agreed unanimously, it was**

**RESOLVED to approve pending Ms. Bomalaska's application to become a Board approved Counselor Supervisor based on, if the regulations pass as they stand, she will not have to meet this standard.**

### **Board Business**

The Board agreed to change Friday morning's agenda to work on CEU audits at 9:00 as Morton will not be available from 8:00 - 9:00.

Off the record at 4:59 p.m.

### **February 17, 2006**

#### **8:00 a.m. Call to Order/Roll Call**

Members present and constituting a quorum of the Board were:

Anne Henry, Chairperson, Professional Counselor – Anchorage  
Kerry Turnbow, Professional Counselor – Fairbanks  
Shawnie Olson, Professional Counselor - Homer

In attendance from the Division of Corporations, Business and Professional Licensing, Department of Commerce, Community and Economic Development, were:

Cori Hondolero, Licensing Supervisor – Juneau  
Alice Albrecht, Licensing Examiner - Juneau

#### **Agenda Item 15 - CEU Audits**

The Board reviewed the CEU audits for the following individuals:  
Caroline Atkinson, James McLaughlin, Larry Severson, Joan Soutar, Kenneth Thompson, Harold Henderson, Don Cline, Rocio Baquerizo, Carol Elliott, Nancy Ann Rowe, Stephen Potter, Carol Flaten, Michael Bricker, Thomas Lytle, Laurel Searcy, Michael Lontz, Kathleen McGinley-West, Ruth Bayley, Lisa Terwillinger Jennifer Danhauser, Mardell Dickinson, Elizabeth Kraska, and Christie Brown and Anne Henry.

The CEU audits for Jon George Lillevik, Rachel Barry-Thomason, Christie Brown and Anne Henry were tabled for later discussion.

### **Agenda Item 5. (Continued)**

8:30 a.m. Jun Marquis joined the meeting to discuss adding two additional CEU providers.

**Upon a motion by Olson seconded by Turnbow, and approved unanimously, it was**

**RESOLVED to approve including NAADAC (National Association of Alcohol and Drug Abuse Counselors) and RADAC (Regional Alcohol and Drug Abuse Corporation) as pre-approved providers under 12 AAC 62.320(b)(2).**

**Upon a motion by Olson seconded by Turnbow, and approved unanimously, it was**

**RESOLVED to approve update 12 AAC 6.320(H) to change Alaska Commission for Chemical Dependency Professional Certification to Alaska Commission for Behavioral Health Certification.**

Mr. Marquis left the meeting at 8:44 a.m.

### **Agenda Item 7. Application Review (Continues)**

The Board continued to review CEU audits.

**Upon a motion by Olson seconded by Turnbow, and approved unanimously, it was**

**RESOLVED to approve the audits of Caroline Atkinson, James McLaughlin, Larry Severson, Joan Soutar, Kenneth Thompson, Harold Henderson, Don Cline, Rocio Baquerizo, Carol Elliott, Nancy Ann Rowe, Stephen Potter, Carol Flaten, Michael Bricker, Thomas Lytle, Laurel Searcy, Michael Lontz, Kathleen McGinley-West, Ruth Bayley, Lisa Terwillinger Jennifer Danhauser, Mardell Dickinson, Elizabeth Kraska and Christie Brown.**

Mr. Winker joined the meeting to discuss an applicant that took all of their CEUs through distance education. The Board would like to give this person the opportunity to take the required 50% face-to-face CEUs outside the required timeframe. They agreed that they did not want to penalize this person for being honest. Mr. Winker agreed he would follow their recommendation to allow the applicant a specific amount of time to make up the CEUs. Mr. Winker will document the Boards recommendation in an MOA, along with why the Board is making the exception.

9:52 a.m. Mr. Winker left the meeting

**Upon a motion by Olson seconded by Turnbow, and approved unanimously, it was**

**RESOLVED to deny Rachael Barry-Thomason's audit for noncompliance with 12 AAC 62.310(d). The Board finds that 50% of her CEUs were not face-to face and therefore not in compliance with the regulation. But, the Board is willing to enter into an agreement to accept 20 additional face-to-face hours. If Ms. Barry-Thomason complies with the MOA there will be no disciplinary action taken. The Board will allow her three-months in order to complete the required face-to-face hours. If she refuses to enter into an agreement, then the Board would recommend disciplinary action.**

The Board reviewed the audit of John Lillivik and felt that a two-credit University class on Dreamweaver Web Site did not fulfill the regulatory requirements for CEUs.

**Upon a motion by Olson seconded by Turnbow, and approved unanimously, it was**

**RESOLVED to rescind the denial and instead table the application of Rachel Barry-Thomason and to table the audit of John Lillivik to allow him additional time to respond to a request for additional CEUs.**

The Board reviewed the audit of Christie Brown who renewed late and after she had completed her CEU requirements.

**Upon a motion by Olson seconded by Turnbow, and approved unanimously, it was**

**RESOLVED to approve Christie Brown's audit. The letter to Christie will note that the three courses taken during the current licensure period cannot be counted again.. *"I hate it when it happens"*, *"It's all your fault"* and *'Can't we Meet at Starbucks'* for 13 CEUs.**

Off the record at 9:55 a.m.; back on the record at 10:05 a.m.

10:16 a.m. Mr. Morton and Ms. McQuaid joined the meeting via teleconference.

Ms. McQuaid reported that investigative case number 3700-05-004 has since been closed. No violation, no action and it was reviewed by the Board chair. On case number 3700-05-002 Ms. McQuaid sent an MOA to the respondent who stated he wouldn't be signing it. *The information on this case is confidential at this time.* Ms. McQuaid notes when a licensee rejects an MOA outright, she writes a letter to the Attorney General.

Ms. McQuaid explained the process. First one Board member reviews the file. If the applicant had signed the MOA it will go back to the Board for review. If it goes to the hearing officer then the Board can accept or reject the hearing officer's finding. An MOA would include a fine, reprimand and/or remedial action, such as additional CEU hours. If it escalates to an accusation, they will generally impose the terms of the MOA, plus additional consequences. If the MOA calls for a \$2,000 fine, half could be held in abeyance, and if you conform you won't have to pay the other half. If it escalates to an accusation they would have to pay the whole \$2,000 fine. *Progressive discipline.*

Holding Therapy – Ms. McQuaid reported that she received a complaint about this problem in the past year and she is alarmed that Alaska does not have stronger sanctions against it.

10:40 a.m. Ms. McQuaid leaves the meeting

### **Agenda Item 15 - CEU Audits (continues)**

The Board reviewed Anne Henry's Audit. Ms. Henry abstained from discussion and submitted an ethics form. Mr. Morton also reviewed a faxed copy of her audit.

**Upon a motion by Turnbow seconded by Olson, and approved unanimously, it was**

**RESOLVED to approve the audit of Anne Henry.**

### **Agenda Item 16 - Investigative Report**

Ms. Henry reported that old minutes of the Board would reflect that when the Board was created the examiner used to search the federal database. It is also a requirement that sanctions are reported to this database.

**Upon a motion by Turnbow seconded by Olson, and approved unanimously, it was**

**RESOLVED to have the licensing examiner conduct a search of new applicants using the federal database.**

### **Agenda Item 13 - Legality of Internet Counseling**

Ms. Henry reported that Internet counseling is becoming a national issue and she would like the Board to request an Attorney General's opinion on the matter as currently we can't protect people from disreputable Internet or telephone counseling.

Recipients may be told they are using a licensed professional counselor, when they are not licensed in Alaska. If there is an unethical problem, financial problem, treatment or practice then they complain to the Board who is powerless to do anything about it. (Alaska has laws title restrictions, but not practice restriction.)

- Get an Attorney General's opinion on legality of E-therapy and Internet with Alaska citizens.
  - If not licensed in Alaska (if licensed in Alaska, but outside the state that's okay.)
- Will Attorney General prosecute someone who is not legally practicing in the State?
- Is this also a violation of ACA code of ethics, Section A?
- Outline a possible educational campaign, or should it come from the National Counsel.

**Upon a motion by Turnbow seconded by Olson, and approved unanimously, it was**

**RESOLVED to have Ms. Albrecht draft a letter to the Attorney General to request an opinion on intrastate counseling.**

### **Item 9. Clinical Exam**

This item will be addressed at the next meeting.

### **Item 14. Letter about AKAIMS Confidentiality**

Ms. Henry gave a background on her involvement in the Division of Behavioral Health Project:

*The new data collection system requires all mental health and substance abuse agencies that receive state grants to use the system. It collects all kinds of personal information on clients including private health information. All of that information is stored and encrypted with the highest level of technology available. The database is regulated under 42 CFR (federal requirements regarding substance abuse) and is HIPAA compliant. The process of developing this system was approved by legal federal processes. Then the Attorney General's office reviewed it and approved it on the state level through the Alaska State Statutes. Several years ago The Division of Mental Health & Developmental Disabilities passed statutory laws, that stated if you are receiving services through a State funded mental health or substance abuse grant, the State has the right to ask for any information on your client. However the state does not want all of that information. The system establishes a unique identifier that is not traceable back to the client. The client's information is then stored in aggregate form in the databank. This enables the system to run federal and state required reports.*

*Ms. Fahrenkamp's letter states how the State is getting all of this confidential information and Ms. Henry feels the State needs to respond to her concerns by explaining to her how AKAIMS works.*

Since MS. Fahrenkamp's letter addresses all of the Boards, Mr. Morton would like this Board to share their response with the other Boards. *Ms. Henry advised that a letter should state that the Board has no control over this database and any concerns need to be addressed by the Division of Behavioral Health. Ms. Henry believes that Ms. Fahrenkamp views it as unethical for individual professional counselors to hand over confidential information to an outside source. According to the federal government; providing this information to the state granting source is legal. Though all of the client's information is stored in the system, it is stored by a unique i.d. which maintains the confidentiality of the client.*

In response to the section in Ms. Fahrenkamps letter that DBH is not providing clients with disclosures, the provider should be providing disclosures to the clients.

The Board directed Ms. Albrecht to draft a letter to Ms. Fahrenkamp outlining the points discussed and the Board Chair will finalize the letter.

#### **Item 17. Election of Officers**

The Board instructed Ms. Albrecht to send Stephanie Friese an email or letter stating the following: *"The Board would like to know if you are in interested in continuing to serve on the Board or if we should notify the Office of the Governor to begin recruitment? The Board and the Division are concerned about your attendance. When your attendance records were checked, it was found that you missed approximately 50% of the Board meetings. On such a small Board, this is a critical matter. Additionally, neither the staff nor the Board was alerted about your impending absence until the last minute. We are concerned that you might not be able to make the time commitment this kind of membership requires. The Division and the Board would like to know if you are in interested in continuing to serve on the Board or if we should notify the Office of the Governor to begin recruitment?"*

Once Ms. Albrecht determines if Stephanie intends to stay or not, the Board instructed Ms. Albrecht to advertise the one or two vacant positions.

Ms. Henry stated she did not want to continue to serve as Chair. Shawnie Olson was nominated as Chair and Kerry Turnbow as Vice-chair.

**Upon a motion by Henry seconded by Morton, and approved unanimously, it was**

**RESOLVED to approve Shawnie Olson as Board Chair and Randy Morton as Vice-Chair.**

**Upon a motion by Henry seconded by Turnbow, and approved unanimously, it was**

**RESOLVED to send someone to the AASCB meeting in January to represent Alaska.**

## **Agenda Item 10. Board Business**

### **New agenda items**

#### **Equivalencies**

- CEUs for attending Board meetings
- Outside equivalencies
- Super exams – from Allan Morotti
- Clinical exams for 10/07

### **Review Task list**

#### **Possible Statute Project**

- Portability—AASCB—statute change to allow for level II counselors.

#### **Possible Regulation Projects**

- CEUs for attending Board meetings—including for Board members?
- Develop Regulation regarding unexcused Board meeting absences
- Change regs to include clinical exam—NCE after graduation or anytime, and the clinical exam after supervised experience hours are complete.
- Write Regs regarding supervisor standards and ethics code
- In Massachusetts licensees can earn up to 7 hours per year of CEUs if they have a contract in place to earn CEUs from a more experienced licensed clinician.
- Background checks on applicants, fingerprints every 10 years?
- Late fee for renewals and lapsed license fees

#### **Possible Miscellaneous Projects**

Counseling Today has articles about the new ethics code

- Customer satisfaction survey for licensees at renewal
- Online “Juris Prudence” Questionnaire—statutes and regs—Board needs to write new questions for October of 2007
- Online renewals in the future
- Newsletter from Board to licensees, annually if not at renewal
- Send administrative staff (Ms. Albrecht) to AASCB with Board member

#### **Paralegal Issues**

- Removing Board member – need Mr. Marquis on hand
- Rewrite questions for jurisprudence questionnaire
- 60 credits
- 50% distance CEUs
- Ethics
- Board member and application
- Newsletter in next two months
- Determine if Ms. Friese is going to continue to serve

**Wall Certificates**

The Board signed the following wall certificates: Tammy Reeve, Jaymes Gonzales, Anne Henry and Lottie Olson-Davidson

Note: Mr. Morton will not be available June 8 – through August for mail votes or other Board business.

**Upon a motion by Turnbow seconded by Olson, and approved unanimously, it was**

**RESOLVED to adjourn the Board meeting of February 16 and 17, 2006.**

There being no further business, the meeting adjourned at 2:15 p.m.

Respectfully Submitted:

\_\_\_\_\_  
Alice Albrecht, Licensing Examiner

Approved:

\_\_\_\_\_  
Shawnie Olson, Chair  
Board of Professional Counselors

Date: \_\_\_\_\_