

STATE OF ALASKA
DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT
BOARD OF PROFESSIONAL COUNSELORS
February 22–23, 2007
Juneau, Alaska

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 22 and 23, 2007, in Juneau, at the State Office Building, 9th Floor, Conference Room C

Thursday, February 22, 2007

Call to Order/Roll Call

Board Members Present:

Shawnie Olson, Chairperson, Professional Counselor - Homer
Kerry Turnbow, Vice Chairperson, Professional Counselor – Fairbanks
Jennifer Burkholder, Professional Counselor – Anchorage (joined at 10:45 due to travel)
Emily Zimbrich, Professional Counselor – Haines
Randy Morton, Public Member

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

Eleanor Vinson, Licensing Examiner
Jun Maiquis, Regulations Specialist
Susan Winton, Investigator (by telephone)
Rhonda Leatham, Accounting Technician

Discussion on agenda: moving item 11 C. and 11 D. from Friday at 10:30 to Thursday at 11:30 am.

Agenda Item 1–Review Minutes

The minutes were discussed and changes made to August 24-25 minutes.

Upon a motion by Emily Zimbrich and seconded by Randy Morton, and approved unanimously, it was

RESOLVED to accept the August 24-25, 2006 and October 6, 2006, minutes as amended

Agenda Item 2–Meet with Licensee Abernathy

Mr. Abernathy did not appear as he was scheduled to, in accordance with his MOA probation conditions.

moved to:

Agenda Item 4.A.– Statutes–Modification of 08.29.490

This involves psychological testing/MMPI

There is a push for LPCs to do psychological testing.

Kerry Turnbow noted that the primary distinction between LPCs and Licensed Clinical Psychologists. He has concerns. One was that he was trained and if you are given supervision and can interpret those tests effectively

The recognition may create turmoil within boards. The bill would be hard to pass.

The Board discussed putting information on the website.

return to:

Agenda Item 2–Meet with Licensee Abernathy

Mr. Abernathy arrived late at 10:45 a.m. There was discussion with him regarding his MOA, the violation and CEUs he has not yet taken.

Abernathy reported that the process had taught him to use good sense and maintain boundaries. When asked by Emily Zimbrich what he would do differently, he stated that he would be extremely cautious.

Board Chair Olson emphasized that the CEUs he takes must be pre-approved.
Mr. Abernathy left.

Upon a motion by Emily Zimbrich and seconded by Jennifer Burkholder, and approved unanimously, it was

RESOLVED to go into executive session to discuss MOA

Into executive session at 11:05 am
Back on record at 11:16 am

Break 16:00 am – 11:21 am

returned to:

Agenda Item 4. Statutes

Item 4.A. Modification of 08.29.490

There was a discussion on how many people would be interested in projective testing and how the statute deals with projective and objective testing. It was suggested the Board send out a questionnaire regarding the interest of licensees to pursue projective testing, etc. This was Tabled and will be put under “Old Business” at the next meeting.

Agenda Item 11. Regulations / Regulations Specialist

Joined by Jun Maiquis, Regulations Specialist.

11.D. Unexcused absences from meetings by Board members.

The Board requested the regulations specialist add in language regarding “each term”.

Upon a motion by Randy Morton and seconded by Jennifer Burkholder, and approved unanimously, it was

RESOLVED to approve the unexcused Board absences amendment to be public noticed.

C. CEUs for Attending Board meetings

There was discussion on whether giving CEUs for attending Board meetings meets the following:

12 AAC 62.320. APPROVED CONTINUING EDUCATION. (a) To be accepted by the board, continuing education must contribute directly to the professional competency of a professional counselor and must be directly related to the skills and knowledge required to implement professional counseling principles and methods.

There was discussion on how to justify the CEUs; verify what licensees attended; content; agenda; and how it would be perceived by the public. It was acknowledged that it would take up a lot of staff time.

The Board had hoped that giving CEUs would encourage people to attend the Board meetings, but the decision was made to table the question of receiving CEUs for attending board meetings.

The Board discussed the different term expiration of the various members.

12:00 pm Lunch break
1:15 pm Resume meeting

4. Statutes (continued)

4.B. Supervisor–Five years experience 08.29.210

There was discussion by the Board regarding five years of counseling experience vs. five years post-master counseling experience. There was a question of how many people would be affected. The statute under discussion is:

Sec. 08.29.210. Supervisor certification. (a) The board shall approve and certify a person as an approved counselor supervisor for the purposes of this chapter if the person
(1) is licensed as a professional counselor or is a licensed physician, licensed advanced nurse practitioner who is certified to provide psychiatric or mental health services, licensed clinical social worker, licensed marital and family therapist, licensed psychologist, or licensed psychological associate;
(3) has five years of counseling experience;

The Board would like to add the words “after licensing” following “(3) has five years of counseling experience”. It will be put into old business for the next meeting and also addressed in the yearly report.

4.C. Discrimination Bill

This is a bill that will be introduced to the Legislative House on Friday. It is going through the Senate now. This will encourage insurance companies to reimburse Licensed Professional Counselors for their work. The goal is to get the public to go to licensed counselors. There were no objections to this, and the Board indicated that they were in favor of this. The bill will amend AS.08.29.100.

6. Old Business

6.A. Must supervisors be licensed?

The Board considered this a moot point, per Sec. 08.29.210. (a)(1), the supervisor must be licensed.

6.B. Insurance/liability issued

The Board's position is that, if you are a supervisor, it is up to your insurance company to make the determination regarding your liability.

6.C. Jurisprudence questionnaire

The Board discussed whether they wanted a jurisprudence exam for the next renewal. They feel they need a new one, but it is not a test; it is a questionnaire. It is to make sure that the licensees are familiar with their statutes and regulations. Each member will submit one question to the Board to be used for the questionnaire.

It will be sent back to the licensee if they do not answer 5 out of 6 correctly. It will be open book/true-false.

6.D. Disclosure statement update

The Board read and discussed the current disclosure statements that are given to the new licensees as an example.

Upon a motion by Randy Morton and seconded by Emily Zimbrich, and approved unanimously, it was

RESOLVED to have the sample disclosure statement put on the website.

Board would like a note on the renewal that this disclosure statement is available on the website.

6.E. Consumer brochure – review before posting on website

Some wording was changed, to read “Licensed Professional Counselor” instead of “professional” or “licensed professional”.

6.F. Report on fingerprinting/background checks

Board member Emily Zimbrich reported on the information she had found. She was advocating background checks, not fingerprint checks. She reported that she received help and information from those she called. The Nursing Board requires it and Behavioral Health has a licensee submit a criminal background check with their renewals. The nurses have a statute that covers this area. Chairperson Olson noted that she had to be fingerprinted for her school license.

There was discussion about who would have to submit a background check and the extra cost that is involved.

In discussion, the Board felt that background checks may be covered under our statute Sec. 08.29.400. Legal has to be asked if they will fit there or under other existing Professional Counselor statutes; ask if the Board has the authority under a statute to allow background checks.

Upon a motion by Emily Zimbrich and seconded by Randy Morton, and approved unanimously, it was

RESOLVED to go ask Legal if background checks fit into the professional counselor statutes.

6.G. Professional fitness question on application

The Board had asked that the professional fitness questions 5, 6, and 7 on the application be changed to read “within the past five years” to “have your ever”. This request was refused by the Division because of previous information received from the Attorney General’s office.

6.H. Returning to ACA Code of Ethics–2005

Upon a motion by Emily Zimbrich and seconded by Randy Morton, and approved unanimously, it was

RESOLVED to go into executive session to discuss the code of ethics

Into executive session at 2:48 pm

Out of executive session at 2:57 pm

Director Urion is going to see if the newer ACA Code of Ethics may be used now, with a new administration. The Board was later informed that the Director determined that the answer will be the same as before.

In the current regulations, the 1993 ACA Code of Ethics is referenced and the Board would like to see the 2005 ACA Code of Ethics used. The Board will write a letter regarding their objection to adopting the older ACA Code of Ethics for their regulations.

7. Investigator

Investigator Susan Winton joined the meeting by telephone. She presented the Investigative report and discussed the procedures used for applications with “yes” answers in the professional fitness questions on an application.

Upon a motion by Emily Zimbrich and seconded by Randy Morton, and approved unanimously, it was

RESOLVED to go into executive session to discuss confidential investigations.

3:02 pm into executive session

3:28 pm out of executive session

Upon a motion by Kerry Turnbow and seconded by Randy Morton, and approved unanimously, it was

RESOLVED to go approve the individual in case C3750-06-001 for licensure as a licensed professional counselor.

Investigator Winton explained the process regarding what is done with an application that has a “yes” answer on any of the professional fitness questions and what a Board Investigator does in regards to checking for criminal history or a national data bank. They also discussed with the investigator what the process is for a Board member who is a liaison with the Investigator for a case and when the Board member is brought into an investigation.

Break 3:50 pm

Return from break 4:00 pm

8. Application Review

Upon a motion by Kerry Turnbow and seconded by Emily Zimbrich, and approved unanimously, it was

RESOLVED to go approve the following applicants for Professional Counselor by Credential:

FISHER, HUGH
GOODFRIEND, RANDALL
NOWELL, JOSEPH

Upon a motion by Kerry Turnbow and seconded by Emily Zimbrich, and approved unanimously, it was

RESOLVED to go approve the following applicants for Professional Counselor by Examination:

BICISTE, JIRI
BRUNS, LAURA
GILL, CAROLINE
HENRY, CAROL
PALKO, MARY
YEP-MARTIN, MICHELLE

Upon a motion by Kerry Turnbow and seconded by Emily Zimbrich, and approved unanimously, it was

RESOLVED to go approve the following applicants for Professional Counselor Supervisors:

BLAIR, ALLEN
FITZPATRICK, EDWARD
FUGETT, JOHN
GASTINEAU, ROBERTA
GLENN, HODGES
SMITH, DOUGLAS
STEELE, JAMES
STOCKMAN, ANN

Upon a motion by Kerry Turnbow and seconded by Emily Zimbrich, and approved unanimously, it was

RESOLVED to go approve pending receipt of requested information the following as Continuing Education Providers:

SARALYN TABACHNICK – PRINCIPLES OF HEALING-COURSE 1 32 HOURS

Upon a motion by Kerry Turnbow and seconded by Emily Zimbrich, and approved unanimously, it was

RESOLVED to go approve pending the passing of the NCE exam the following applicants for Professional Counselor by Examination:

LINDSAY, DOUGLAS

Upon a motion by Emily Zimbrich and seconded by Kerry Turnbow, and approved unanimously, it was

RESOLVED to adjourn until 8:30 a.m., Friday, February 23, 2007.

Meeting adjourned at 5:10 p.m.

Friday, February 23, 2007

Call to Order/Roll Call

Board Members Present:

Shawnie Olson, Chairperson, Professional Counselor - Homer
Kerry Turnbow, Vice Chairperson, Professional Counselor – Fairbanks
Jennifer Burkholder, Professional Counselor – Anchorage (joined at 10:45)
Emily Zimbrich, Professional Counselor – Haines
Randy Morton, Public Member

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

Eleanor Vinson, Licensing Examiner

8. Application Review (continued)

Education Question from Donadio:

Applicant Donadio had submitted questions to the Board her second masters and requested the board look at transcripts. The Board had previously determined that her first degree could not be accepted. The Board determined, after speaking with the Assistant Attorney General, that they could not answer the majority of her questions until the Superior Court's response has been received.

The Board discussed whether or not they could extend her deadline to use the national exam scores she has and how many extensions the Board was allowed to grant.

Upon a motion by Emily Zimbrich and seconded by Randy Morton, and approved unanimously, it was

RESOLVED to go into executive session with Assistant Attorney General David Brower to discuss the Donadio case and extensions of exams.

Into executive session at 9:20 a.m.
Out of executive session at 9:35.a.m.

Upon a motion by Emily Zimbrich and seconded by Kerry Turnbow, and approved unanimously, it was

RESOLVED to extend the NCE examination time frame for four years, for applicant Donadio, a double extension.

There was some discussion and it was decided that the extension needed to be clarified:
7/05 was the original 3 year time period
The Board granted 2 years extension to bring us to 7/2007
The Board granted another 2 year extension, which be through 7/09.

9. New Business

9.A. Distance counseling

You can take courses, including a course through NBCC on distance counseling. You can do distance counseling if you have this credential. Remember that this is good only in the state where you hold a license. You cannot council across state lines unless you hold a license in the state where your client resides.

10. Budget Report

Rhonda Leatham, Accounting Technician reported to the Board and went through the written budget report with the Board. She stated there were no concerns. The fiscal year 2006 was closed out and we are in fiscal year 2007 now, although not all of 2006 expenditures have been entered.

9. New Business (continued)

9.B. Procedures for applications with “yes” answer

This was covered previously, with the Investigator’s report.

9.C. CEU credit for teaching course – advance approval

This involved the question regarding the following regulation:

12 AAC 62.320. APPROVED CONTINUING EDUCATION. (a) To be accepted by the board, continuing education must contribute directly to the professional competency of a professional counselor and must be directly related to the skills and knowledge required to implement professional counseling principles and methods.

(b) The following continuing education will be accepted by the board if related to professional counseling as provided in (a) of this section:

(4) first-time preparation and presentation of a professional counseling course, seminar, or workshop; the board will accept up to a maximum of 10 contact hours allocated among all professional counselors involved in the preparation and presentation;

The question and discussion center regarding the question of, “How many times can a licensee receive the 10 CEUs for this?” (Question regarding not for the same workshop, but for different workshops a licensee prepares and presents.) You must teach the class, not just prepare the workshop meeting/area. The Board did not feel there was a problem with this currently and did not prefer to change the regulation to limit the number of times you may receive CEUs for the first time presentation.

Break 10:15 am

Return 10:20 am

14. Board Business

14.C. Schedule future meetings

The next meeting will be in Fairbanks, September 20 – 21. The first day will begin at 10:00 am and end at 5:00. The second day will go from 8:30 am – 12:00 noon.

There was discussion regarding where the meeting will be held. Springhill Suites will be checked as well as any state office space.

11. Regulations

11.A. Approved Counselor Supervisors: Fix 12 AAC 62.200

The new regulations dropped the requirement of six contact hours of continuing education related to supervision of mental health professionals within the two years preceding the date of application.

The statute in question is:

12 AAC 62.200. APPROVED COUNSELOR SUPERVISOR CERTIFICATION. (a) The board will certify as an approved counselor supervisor an applicant who meets the requirements of AS 08.29.210, and of this section. An applicant for certification under this section must

- (1) submit a complete application, on a form provided by the department;
- (2) submit the board-approved supervisor fee established in 12 AAC 02.325;
- (3) certify that the applicant adheres, and will continue to adhere, to the ethical guidelines adopted in (b) of this section;
- (4) if the applicant is applying to be certified as an approved counselor supervisor from another jurisdiction, submit a copy of the applicant's license in that jurisdiction; and
- (5) beginning July 1, 2007, submit documentation of having completed at least six contact hours of continuing education related to supervision of mental health professionals within the two years preceding the date of application.

(b) The "Ethical Guidelines for Counseling Supervisors" of the Association for Counselor Education and Supervision (ACES), American Counseling Association (ACA), 1993 edition, incorporated by reference in this section, is adopted by reference as the code of ethics for an approved counselor certified under this section.

Authority: AS 08.29.020 AS 08.29.110 AS 08.29.210

Editor's note: A copy of the "Ethical Guidelines for Counseling Supervisors" of the Association for Counselor Education and Supervision, American Counseling Association, 1993 edition, is available for inspection at the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806, or may be obtained from the American Counseling Association, 5999 Stevenson Avenue, Alexandria, VA 22304-3304; phone: (703) 823-9800; Internet: <http://www.counseling.org>.

It was determined that it would be best if numbers 4 and 5 were switched and the word "and" removed.

Upon a motion by Randy Morton and seconded by Jennifer Burkholder, and approved unanimously, it was

RESOLVED to modify 12 AAC 62.200 (4) and (5) and striking the words

"and" so it would read:

12 AAC 62.200. APPROVED COUNSELOR SUPERVISOR CERTIFICATION. (a) The board will certify as an approved counselor supervisor an applicant who meets the requirements of AS 08.29.210, and of this section. An applicant for certification under this section must

- (1) submit a complete application, on a form provided by the department;
- (2) submit the board-approved supervisor fee established in 12 AAC 02.325;
- (3) certify that the applicant adheres, and will continue to adhere, to the ethical guidelines adopted in (b) of this section; and
- (4) beginning July 1, 2007, submit documentation of having completed at least six contact hours of continuing education related to supervision of mental health professionals within the two years preceding the date of application.
- (5) if the applicant is applying to be certified as an approved counselor supervisor from another jurisdiction, submit a copy of the applicant's license in that jurisdiction; and

And In section (b) change the 1993 date to the 1997 date.

6. Old Business (continued)

6.A. Must supervisors be licensed?

The question has come up regarding whether or not there should be a separate supervisor's license and renewal requirement. Kerry Turnbow had the task of finding out if there were any regulations for supervisor licensing and renewal in other states. He did not find any in Texas, Oklahoma, Minnesota, North Carolina, or Tennessee. Chairperson Olson stated that the conference she attended said there were some states that do. The question is whether or not Alaska wants some sort of supervision renewal. It will be put on the next meeting agenda.

6.H. Returning to ACA Code of Ethics - 2005

At the next meeting the Board requested that the code of ethics be put on the agenda under "old business". Chairperson Olson will do research regarding the 2005 ACA Code of Ethics and will write the Director a letter. Emily Zimbrich suggested that whatever code of ethics is adopted it needs to be sent out to licensees. The Board decided it would be good to put the ACA Code of Ethics website information on the renewal form.

6.C. Jurisprudence questionnaire

Upon a motion by Kerry Turnbow and seconded by Emily Zimbrich, and approved unanimously, it was

RESOLVED to go into executive session in order to discuss the jurisprudence questions.

Into Executive Session 10:50 am

Out of executive session 11:07 am

The Board members each had a question to be put on the jurisprudence questionnaire which will be part of the renewal form. It is not a test. The intent is to familiarize LPCs with the statutes and regulations of Professional Counselors in the state of Alaska.

Upon a motion by Randy Morton and seconded by Emily Zimbrich, and approved unanimously, it was

RESOLVED to put the jurisprudence questionnaire in the renewal and add a statement that it is part of their permanent record file.

12. AASCB Conference

Shawnie Olson reported on the AASCB Conference. As far as opportunity for CEUs or to participate in what we do as LPCs, it was disappointing. Meeting place was not of good quality and there were lots of business meetings. The value of the meeting was that she learned that Alaska's requirements are among the "best of the best". Many other states do not require the 60 graduate credits, but most are trying to get their laws changed to require it. The ACA code of ethics is being used by the majority of the states. Anne Henry deserves many thanks for doing so

well with our statutes and regulations. She will get more information on portability. Ms. Olson is on the committee for distance learning.

13. Statutes Assignments & Discussion

The Board will pursue with the Regulations Specialist regarding supervisors

Pursue the ACA Code and discuss at next meeting

Pursue 08 29 210 regarding 5 years counseling experience after licensure.

Find out if we can do background checks-does the Board have a statute that will let them require background checks. The Board is hoping to do it as a regulation, but does not know where it will fit.

14. Board Business

14.A. Task List

Emily – will look on-line for information on Wyoming

14.B. sign Wall Certificates

Wall certificates were signed.

14.E. Sign Meeting Minutes

Minutes from previous meeting were signed.

14.F. Travel Authorizations

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

14.G. Ethics reports

No ethics reports this meeting

Upon a motion by Kerry Turnbow and seconded by Emily Zimbrich, and approved unanimously, it was

RESOLVED to adjourn.

Meeting adjourned at 11:55 am