

STATE OF ALASKA
DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT
BOARD OF PROFESSIONAL COUNSELORS
September 16 – 17, 2010

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 September 16-17, 2010, in Anchorage, Alaska.

Thursday, September 16, 2010

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
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
David Newman, Investigator

Agenda Item 1 – Review Agenda

The Board Chair added the following to the agenda:

- 11.C. Not grandfathering in MFTs and CSW in license by credential
- 6.C. When it is ok to fire a client

Upon a motion by Emily Zimbrich and seconded by Ray DePalatis, and approved unanimously, it was RESOLVED to accept the agenda as amended.

Agenda Item 2 – Review Minutes

The minutes from the June 17-18, 2010 meeting were discussed.

Upon a motion by Ray DePalatis and seconded by Jennifer Burkholder, and approved unanimously, it was RESOLVED to accept the June 17-18, 2010 minutes as amended.

Agenda Item 3 – AKCA Liaison Report

Jennifer Burkholder is the Board Liaison with the Alaska Counseling Association and will update them on the website additions and any new business from this meeting.

Agenda Item 4 – Investigator’s Report

A. Board Report

Investigator Newman gave his report to the Board. There are three open investigations, of which two have gone to the Attorney General’s Office, and one open complaint.

One complaint regarding violating professional ethics was opened and closed since last meeting.

B. Probation Report

No probation information reported.

C. Application-release of records form

The Medical Board and Board of Chiropractic Examiners both have authorization for release of records forms that are part of their applications. It has been requested that this Board also use the form in their application.

There was some discussion regarding where the authority is in the regulations. The Board will re-visit this at another time.

D. Investigative Process

Investigator Newman explained the investigation process. He provided handouts and samples of general complaint forms.

E. On-line complaint web application

This was an “FYI” to update the Board that there is now a link on the website if people wish to file a complaint or bring a matter pertaining to the actions of a license, or unlicensed, professional to the attention of the investigative staff.

Agenda Item 5 – Public Comment

There was no public comment.

Agenda Item 6 – New Business

A. Deceased applicants/CEU hardship

There was discussion regarding the possibility of extraordinary hardships in obtaining continuing education contact hours for license reinstatement.

At this time, the regulation pertaining to reinstatement of a professional counselor license reads:

12 AAC 62.340. LICENSE REINSTATEMENT. The board will reinstate a license that has been lapsed less than five years if the applicant submits proof of completion of all continuing education contact hours that would have been required to keep the applicant’s license current, and the applicant meets all other requirements under AS 08.29 and this chapter for license renewal.

The Board has determined that they would like to add a regulation, using the Board of Marital and Family Therapy regulation (12 AAC 19.340) as an example, that addresses possible hardships in obtaining continuing education contact hours for license renewal/ reinstatement.

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

RESOLVED add a regulation (12 AAC 62.341) to read as follows:

12 AAC 62.341. FAILURE TO MEET CONTINUING EDUCATION REQUIREMENTS AND LICENSE

REINSTATEMENT. A licensee who is unable to obtain the continuing education contact hours required for license renewal due to reasonable cause or excusable neglect may submit a written request to the board for an exemption. The request for an exemption must include an explanation of the reasonable cause or excusable neglect that resulted in the licensee's failure to meet the continuing education requirements. If the board grants the exemption, the board will, in its discretion, prescribe an alternative method of compliance with the continuing education requirements as the board considers appropriate to the individual situation.

(a) In this section, "reasonable cause or excusable neglect" may include

- (1) chronic illness;
- (2) military service; or
- (3) other hardships recognized by the board.

B. AASCB dues

The Board discussed the benefits of remaining a member of the American Association of State Counseling Boards.

Upon a motion by Emily Zimbrich and seconded by Ray DePalatis, and approved unanimously, it was RESOLVED pay the 2010-2011 AASCB dues.

C. When it is ok to fire a client

This discussion was brought forward by Chair Olson. The discussion began with the ACA's threshold of when a client becomes a client.

They discussed how one would cease being a patient's clinician. Member DePalatis referred to ACA section A. 11. B & C:

A.11. Termination and Referral

A.11.b. Inability to Assist Clients

If counselors determine an inability to be of professional assistance to clients, they avoid entering or continuing counseling relationships. Counselors are knowledgeable about culturally and clinically appropriate referral resources and suggest these alternatives. If clients decline the suggested referrals, counselors should discontinue the relationship.

A.11.c. Appropriate Termination

Counselors terminate a counseling relationship when it becomes reasonably apparent that the client no longer needs assistance, is not likely to benefit, or is being harmed by continued counseling. Counselors may terminate counseling when in jeopardy of harm by the client, or another person with whom the client has a relationship, or when clients do not pay fees as agreed upon. Counselors provide pretermination counseling and recommend other service providers when necessary.

There was discussion regarding when a client is lying; end of resources or patience and feeling trapped. If a clinician is tired and upset with a client, they may not be benefitting the patient; and when a clinician loses objectivity, it is not good for the client.

Agenda Item 7 – Application Review/CEU Audit

The Board reviewed 31 application/audits.

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

RESOLVED to approve the following applications/audits:

PCO BY EXAMINATION

CALHOUN, MARIA
LAMB, KRISTI
LEAVITT, SARAH
O'KELLY, BOBBI
PORTER, VICTORIA
WITT, MICHELLE

PCO BY CREDENTIALS

JOLLOTTA, PATRICIA
MICHAUD, KATHLEEN
SWYERS, JOHN

PROFESSIONAL COUNSELOR APPROVED SUPERVISOR

BENSINGER, JOHN
HESS, SONIA
KELLY, TERRY
SCHAFF, KARIN
SWYERS, JOHN

CONTINUING EDUCATION PROVIDERS' APPROVAL

AKMFT
The Seven Principles for Making Marriage Work: How they might look in your office. 7.0 CEUs

SOUTH PENINSULA BEHAVIORAL HEALTH SERVICES
An Integrated Approach to Childhood Exposure to Violence and Brain Development 3.0 CEUs

ALASKA OCCUPATIONAL THERAPY ASSOCIATION
The Developmental Individual Difference, Relationship-based / DIR/Floortime 18.0 CEUs

CEU AUDITS

CROSS, SHARRON
GOODFRIEND, RANDALL
HAMILTON, DEBRA
REEVE, TAMMY
WATTS, PAMELA
WELTON, SARAH

Agenda Item 8. Adjourn

The meeting adjourned at 4:00 pm until September 17, 2010 at 9:00 am.

Friday, September 17, 2010

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
Emily Zimbrich, Licensed Professional Counselor – Haines
Ray DePalatis, Licensed Professional Counselor – Anchorage
Lillian Mitchell, Public Member – Anchorage

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
Katherine Mason, Administrative Officer (by telephone)

Agenda Item 9 – Budget Report

Administrative Officer Cathy Mason reported to the Board on their budget. The goal of the department is to bring down the roll-forward amounts. The Board remains concerned about reducing the license fees in the next renewal period, only to raise them in the future.

There was discussion regarding the possibility of higher costs during the upcoming year. The decision will not be made until mid-2011, so there should be an indication then if there are any high costs such as legal fees pending.

Agenda Item 10 – Regulations

- A. 12 AAC 62.200(b)
- B. 12 AAC 62.110

The Board had previously requested changes in the regulations. The regulation changes have been written, approved by the Board, and have now been public noticed.

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

RESOLVED to adopt the regulation changes to 12 AAC 62.110 and 12 AAC 62.200 as public noticed.

Agenda Item 11 – Old Business

- A. Distance counseling-internet notice

This was an “FYI” to show the Board what the on-line distance counseling notice would look like

B. Proposed legislation

This was an “FYI” to show the Board what form will need to be filled out if there are any proposed statute changes this fiscal year.

C. Not grandfathering in MFTs and CSW in license by credential

The Board currently allows licensed Marital and Family Therapists and licensed Clinical Social Workers to obtain a license by credential. The Board is considering restricting who may obtain a Professional Counselor license by credentials and using “License to practice professional counseling” more narrowly. They expressed concern that they may not hold a license that is equivalent to a professional counselor license.

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.

12 AAC 62.130. LICENSE BY CREDENTIALS. The board will issue a professional counselor license by credentials to an applicant who meets the requirements of AS 08.29.120, and of this section. An applicant for a license under this section must

(3) submit verification that the applicant holds a license to practice professional counseling in another jurisdiction, current as of the date of application;

(4) submit documentation of the licensure requirements of the jurisdiction where the applicant holds a license to practice professional counseling;

C. Ethics

The Board discussed that they are concerned that applicants are not getting training in ethics before they begin practicing.

They wish to add that an applicant must have a minimum of three graduate level credits in ethics before they may become licensed. They are changing the regulation to reflect the requirement of ethics credits. They are adding a new “(c)” and re-lettering what is now “(c)” and “(d)” to now become “(d)” and “(e)”

The regulation they wish to change now reads:

12 AAC 62.120. APPROVED DEGREES. (a) Except as provided in (b) and (c) of this section, to meet the requirements of AS 08.29.110(a)(5), an applicant’s degree must be from an institution of higher education that was accredited, at the time of the applicant’s graduation, by the

- (1) Middle States Association of Colleges and Schools;
- (2) New England Association of Schools and Colleges;
- (3) North Central Association of Colleges and Schools;
- (4) Northwest Association of Schools and Colleges;
- (5) Southern Association of Colleges and Schools;
- (6) Western Association of Schools and Colleges; or
- (7) Council for Accreditation of Counseling and Related Educational Programs.

(b) If the applicant’s degree is from an institution of higher education in the United States that is accredited by a regional or national accrediting agency not listed in (a) of this section, to meet the requirements of AS 08.29.110(a)(5) the degree must have included course work in at least eight of the following subject areas:

- (1) the helping relationship, including counseling theory and practice;
- (2) human growth and development;
- (3) lifestyle and career development;
- (4) group dynamics, processes, counseling, and consulting;
- (5) assessment, appraisal, and testing of individuals;
- (6) social and cultural foundation, including multicultural issues;
- (7) principles of etiology, diagnosis, treatment planning, and prevention of mental and emotional disorders and dysfunctional behavior;
- (8) marriage and family counseling and therapy;
- (9) research and evaluation; and
- (10) professional counseling orientation and ethics.

(c) To meet the requirements of AS 08.29.130, an applicant's degree must be from a foreign college or university approved by the board that meets the standards of a regionally or nationally accredited education institution in the United States. To be approved, a degree from a foreign college or university must have included course work in at least eight of the subject areas listed in (b)(1) – (10) of this section.

(d) An applicant who has not obtained enough graduate semester hours in the applicant's earned master's degree in counseling or a related professional field to meet the 60 graduate semester hours required under AS 08.29.110(a)(5)(B) may obtain the additional graduate semester hours needed to meet that requirement from an accredited program in (a) of this section either online or at an institution.

Upon a motion by Emily Zimbrich and seconded by Lillian Mitchell, and approved unanimously, it was RESOLVED to change 12 AAC 62.120 to read as follows:

12 AAC 62.120. APPROVED DEGREES. (a) Except as provided in (b) and (c) of this section, to meet the requirements of AS 08.29.110(a)(5), an applicant's degree must be from an institution of higher education that was accredited, at the time of the applicant's graduation, by the

- (1) Middle States Association of Colleges and Schools;
- (2) New England Association of Schools and Colleges;
- (3) North Central Association of Colleges and Schools;
- (4) Northwest Association of Schools and Colleges;
- (5) Southern Association of Colleges and Schools;
- (6) Western Association of Schools and Colleges; or
- (7) Council for Accreditation of Counseling and Related Educational Programs.

(b) If the applicant's degree is from an institution of higher education in the United States that is accredited by a regional or national accrediting agency not listed in (a) of this section, to meet the requirements of AS 08.29.110(a)(5) the degree must have included course work in at least eight of the following subject areas:

- (1) the helping relationship, including counseling theory and practice;
- (2) human growth and development;
- (3) lifestyle and career development;
- (4) group dynamics, processes, counseling, and consulting;
- (5) assessment, appraisal, and testing of individuals;
- (6) social and cultural foundation, including multicultural issues;
- (7) principles of etiology, diagnosis, treatment planning, and prevention of mental and emotional disorders and dysfunctional behavior;
- (8) marriage and family counseling and therapy;
- (9) research and evaluation; and
- (10) professional counseling orientation and ethics.

(c) As of 10-01-2011, an applicant must have a minimum of three graduate level credits in ethics.

(d) To meet the requirements of AS 08.29.130, an applicant's degree must be from a foreign college or university approved by the board that meets the standards of a regionally or nationally accredited education institution in the United States. To be approved, a degree from a foreign college or university must have included course work in at least eight of the subject areas listed in (b)(1) – (10) of this section.

(e) An applicant who has not obtained enough graduate semester hours in the applicant's earned master's degree in counseling or a related professional field to meet the 60 graduate semester hours required under AS 08.29.110(a)(5)(B) may obtain the additional graduate semester hours needed to meet that requirement from an accredited program in (a) of this section either online or at an institution.

Agenda Item 12 – Correspondence

A. Wendy Sprague

There was a question from Ms. Sprague as to whether or not employment in the position of a Children's Services Specialist would qualify for the hours required in the following licensing statutes:

Sec. 08.29.110. Qualifications for licensure. (a)

(6) has, after earning the degree required under either (5)(A) or (B) of this subsection, had at least 3,000 hours of supervised experience in the practice of professional counseling performed over a period of at least two years under the supervision of a supervisor approved under AS 08.29.210, with at least 1,000 hours of direct counseling with individuals, couples, families, or groups and at least 100 hours of face-to-face supervision by a supervisor

approved under AS 08.29.210 unless, under regulations of the board, the board allows the supervision to be by telephonic or electronic means because of the remote location of the counselor.

Sec. 08.29.490. Definitions. In this chapter,

(1) "practice of professional counseling" means, subject to (C) of this paragraph, the application of principles, methods, or procedures of the counseling profession to diagnose or treat, other than through the use of projective testing or individually administered intelligence tests, mental and emotional disorders that are referenced in the standard diagnostic nomenclature for individual, group, and organizational therapy, whether cognitive, affective, or behavioral, within the context of human relationships and systems; if otherwise within the scope of this paragraph, "practice of professional counseling" includes

(A) the professional application of evaluation techniques, treatments, and therapeutic services to individuals and groups for the purpose of treating the emotional and mental disorders;

(B) an applied understanding of the dynamics of the individual and of group interactions, along with the application of therapeutic and counseling techniques for the purpose of resolving intrapersonal and interpersonal conflict and changing perceptions, attitudes, and behaviors in the area of human relationships; and

(C) consistent with regulations adopted by the board under AS 08.29.020(a)(4), administration and use of appropriate assessment instruments that measure or diagnose problems or dysfunctions within the course of human growth and development as part of a counseling process or in the development of a treatment plan

The Board thanked her for her interest in pursuing a Professional Counselor License. Upon reviewing the job description, the Board consensus was as follows:

Although the Board of Professional Counselors feels that many of the responsibilities of a Children's Services Specialist do not involve professional counseling, it is up to your approved supervisor to make the determination. The Board would accept the hours that your approved supervisor deems to be counseling.

B. Susan McDiarmid

Ms. McDiarmid requested that the Board explain what, in her employment, constitutes indirect hours. Among them were discussing a client with a supervisor; filling out paperwork or doing notes.

Direct counseling is defined:

12 AAC 62.990. DEFINITIONS. (a) In AS 08.29,

(1) "direct counseling" means professional counseling provided face-to-face with individuals, couples, families, or groups

The Board consensus was that indirect counseling hours would include any professional counselor activities that do not involve face to face contact. All of the activities listed would be indirect hours

C. Thomas Woodward

Mr. Woodward requested that the board review his transcripts and the Educational Course Work Check Sheet that he had filled out in order to determine if his education would be approved under the following regulation:

12 AAC 62.120. APPROVED DEGREES. (a) Except as provided in (b) and (c) of this section, to meet the requirements of AS 08.29.110(a)(5), an applicant's degree must be from an institution of higher education that was accredited, at the time of the applicant's graduation, by the

(1) Middle States Association of Colleges and Schools;

(2) New England Association of Schools and Colleges;

(3) North Central Association of Colleges and Schools;

(4) Northwest Association of Schools and Colleges;

(5) Southern Association of Colleges and Schools;

(6) Western Association of Schools and Colleges; or

(7) Council for Accreditation of Counseling and Related Educational Programs.

(b) If the applicant's degree is from an institution of higher education in the United States that is accredited by a regional or national accrediting agency not listed in (a) of this section, to meet the requirements of AS 08.29.110(a)(5) the degree must have included course work in at least eight of the following subject areas:

- (1) the helping relationship, including counseling theory and practice;
- (2) human growth and development;
- (3) lifestyle and career development;
- (4) group dynamics, processes, counseling, and consulting;
- (5) assessment, appraisal, and testing of individuals;
- (6) social and cultural foundation, including multicultural issues;
- (7) principles of etiology, diagnosis, treatment planning, and prevention of mental and emotional disorders and dysfunctional behavior;
- (8) marriage and family counseling and therapy;
- (9) research and evaluation; and
- (10) professional counseling orientation and ethics.

The Board determined that it would be an acceptable degree and do not see any areas that need additional graduate credits.

Agenda Item 13 – AMHCA Conference Report

Jennifer Burkholder had attended the American Mental Health Counselors Association's annual conference. She reported that with the different breakout groups it was a good experience. It expanded her knowledge of counseling and techniques that is needed in reviewing applications and continuing education applications. It allowed for networking with different counselors from other states.

Agenda Item 14. Board Business

A. Task List:

B. Sign Wall Certificates

Wall certificates were signed.

C. Future Meetings

January 27 & 28, 2011 - Anchorage

June 2-3, 2011 - Anchorage

October 6-7, 2011 – Anchorage (maybe)

Meetings begin at 10:00 am on the first day and at 9:00 am on the second day

D. Sign Meeting Minutes

Minutes from previous meeting were signed.

E. Travel Authorizations

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

F. Ethics reports

No ethics reports this meeting

G. Conferences/training

American Association of State Counseling Boards (AASCB) January 6-10, 2011 – Olson and Vinson

American Counseling Association (ACA) March 23-27, 2011 – DePalatis and Olson

American Mental Health Counselors Association (AMHCA) – Zimbrich and Burkholder

CLEAR – Mitchell and Vinson

Respectfully Submitted:

Eleanor Vinson, Licensing Examiner

Approved:

Tashawna Olson, Chair
Board of Professional Counselors

Date: _____