

STATE OF ALASKA

**BOARD OF
PROFESSIONAL COUNSELORS**

Board Meeting

550 W. 7th Ave, Suite 1236
Anchorage, AK

March 19-20, 2020

Office of Governor
MIKE DUNLEAVY

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Roster

Board of Professional Counselors

NAME	APPOINTED	REAPPOINTED	EXPIRES
Baum, Alice (Anchorage) Licensed Professional Counselor	03/01/2018		03/01/2022
Hamilton, Debra (Soldotna) Licensed Professional Counselor — Chair	03/01/2013	03/01/2017	03/01/2021
Patin, Laura (Eagle River) Licensed Professional Counselor	11/14/2019		03/01/2021
Richard, Jenece (Anchorage) Licensed Professional Counselor	03/01/2018		03/01/2022
Vinson, Eleanor (Juneau) Public	10/26/2016	03/01/2020	03/01/2024

[Board Fact Sheet](#)

2020 STATE CALENDAR

JANUARY

S	M	T	W	R	F	S
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FEBRUARY

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MARCH

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MAY

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JUNE

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JULY

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SEPTEMBER

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OCTOBER

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NOVEMBER

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DECEMBER

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State Holidays

Date	Holiday
01/01	New Year's Day
01/20	MLK Jr.'s Birthday
02/17	Presidents' Day
03/30	Seward's Day
05/25	Memorial Day
07/04	Independence Day (observed 7/3)



State calendar maintained by the Division of Finance, Department of Administration
<http://doa.alaska.gov/calendars.html>

Biweekly employees please refer to appropriate collective bargaining unit agreement for more information regarding holidays.

State Holidays

Date	Holiday
09/07	Labor Day
10/18	Alaska Day
11/11	Veterans' Day
11/26	Thanksgiving Day
12/25	Christmas Day

STATE OF ALASKA
BOARD OF PROFESSIONAL COUNSELORS

550 W. 7TH AVE, Suite 1236; ANCHORAGE, AK,

Zoom meeting link: <https://zoom.us/j/236996370>

Dial: 1-669-900-6833

Meeting ID: 236-996-370

Thursday, March 19, 2020

<u>TIME</u>	<u>TOPIC</u>	<u>LEAD PERSON</u>
1. 9:00 a.m. - Call to Order & Roll Call		Chair
2. 9:02 a.m. - Review & Approve Agenda		Chair
3. 9:06 a.m. - Ethics Report		Chair
4. 9:10 a.m. - Review & Approve Minutes (September 2019)		Chair
5. 9:15 a.m. - Public Comment		Chair
6. 9:15 a.m. - New Board Member Introduction		Chair
7. 9:30 a.m. - Correspondence		Chair
A. Parenting Coordination		
8. 10:00 a.m. - Division Update		M. Dumas
9. 10:30 a.m. - Investigative Report		B. Homestead
A. Disciplinary Matrix		
10. 12:00 p.m. - Lunch		
11. 1:00 p.m. - Legislative Update		Chair
A. SB 134		
12. 2:00 p.m. - Annual Report for FY 2021		Chair
13. 3:00 p.m. - New Business		Chair
A. Professional Licensing Reform		
14. 4:00 p.m. - Recess Until 3/20/2020		

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Dial: 1-669-900-6833

Meeting ID: 236-996-370

Friday, March 20, 2020

<i><u>TIME</u></i>	<i><u>TOPIC</u></i>	<i><u>LEAD PERSON</u></i>
15. 9:00 a.m. - Roll Call/Call to order		Chair
16. 9:05 a.m. – Old Business		Chair
	A. Review Regulation Project 12 AAC 62.130 License by Credentials	
	B. Signing Authority	
17. 10:30 a.m. – Right Touch Regulation		Chair
18. 12:00 p.m. - Lunch		
19. 1:00 p.m. – Application Review		Chair
20. 2:00 p.m. – Board Admin Business		Chair
	A. Schedule Upcoming Meetings	
	B. Task List	
	C. Supervisor Application Task Force Update	
21. 2:30 p.m. – Adjourn (later if necessary)		

State of Alaska
DEPARTMENT OF LAW

ETHICS ACT PROCEDURES FOR BOARDS & COMMISSIONS

All board and commission members and staff should be familiar with the Executive Branch Ethics Act procedures outlined below.

Who Is My Designated Ethics Supervisor (DES)?

Every board or commission subject to the Ethics Act¹ has several ethics supervisors designated by statute.

- The chair serves as DES for board or commission members.
- The chair serves as DES for the executive director.
- The executive director serves as DES for the staff.
- The governor is the DES for a chair.²

What Do I Have To Disclose?

The Ethics Act requires members of boards and commissions to disclose:

- Any matter that is a potential conflict of interest with actions that the member may take when serving on the board or commission.
- Any circumstance that may result in a violation of the Ethics Act.
- Any personal or financial interest (or that of an immediate family member) in a state grant, contract, lease or loan that is awarded or administered by the member's board or commission.
- The receipt of certain gifts.

The executive director of the board or commission and its staff, as state employees, must also disclose:

- Compensated outside employment or services.
- Volunteer service, if any compensation, including travel and meals, is paid or there is a potential conflict with state duties.

- For more information regarding the types of matters that may result in violations of the Ethics Act, board or commission members should refer to the guide, *“Ethics Information for Members of Boards and Commissions.”* The executive director and staff should refer to the guide, *Ethics Information for Public Employees.* Both guides and disclosure forms may be found on the [Department of Law’s ethics website](#).

How Do I Avoid Violations of the Ethics Act?

- Make timely disclosures!
- Follow required procedures!
- Provide all information necessary to a correct evaluation of the matter!³
- When in doubt, disclose and seek advice!
- Follow the advice of your DES!

What Are The Disclosure Procedures for Board and Commission Members?

The procedural requirements for disclosures by members are set out in AS 39.52.220 and 9 AAC 52.120. One goal of these provisions is to help members avoid violations of the Ethics Act. The procedures provide the opportunity for members to seek review of matters in advance of taking action to ensure that actions taken will be consistent with the Act.

Procedure for declaring actual or potential conflicts.

Members must declare potential conflicts and other matters that may violate the Ethics Act **on the public record and in writing to the chair**.

Disclosure on the public record. Members must identify actual and potential conflicts orally at the board or commission’s public meeting **in advance** of participating in deliberations or taking any official action on the matter.

- A member must always declare a conflict and may choose to refrain from voting, deliberations or other participation regarding a matter.⁴
- If a member is uncertain whether participation would result in a violation of the Act, the member should disclose the circumstances and seek a determination from the chair.

Disclosure in writing at a public meeting. In addition to an oral disclosure at a board or commission meeting, members’ disclosures must be made in writing.

- If the meeting is recorded, a tape or transcript of the meeting is preserved **and** there is a method for identifying the declaration in the record, an oral disclosure may serve as the written disclosure.
- Alternatively, the member must note the disclosure on the Notice of Potential Violation disclosure form and the chair must record the determination.

Confidential disclosure in advance of public meeting. Potential conflicts may be partially addressed in advance of a board or commission's public meeting based on the published meeting agenda or other board or commission activity.

- A member identifying a conflict or potential conflict submits a Notice of Potential Violation to the chair, as DES, in advance of the public meeting.
- This written disclosure is considered confidential.
- The chair may seek advice from the Attorney General.
- The chair makes a written determination, also confidential, whether the disclosed matter represents a conflict that will result in a violation of the Ethics Act if the member participates in official action addressing the matter.⁵
- If so, the chair directs the member to refrain from participating in the matter that is the subject of the disclosure.
- An oral report of the notice of potential violation and the determination that the member must refrain from participating is put on the record at a public meeting.⁶

Determinations at the public meeting. When a potential conflict is declared by a member for the public record, the following procedure must be followed:

- The chair states his or her determination regarding whether the member may participate.
- Any member may then object to the chair's determination.
- If an objection is made, the members present, excluding the member who made the disclosure, vote on the matter.
- *Exception:* A chair's determination that is made consistent with advice provided by the Attorney General may not be overruled.
- If the chair, or the members by majority vote, determines that a violation will exist if the disclosing member continues to participate, the member must refrain from voting, deliberating or participating in the matter.⁷

If the chair identifies a potential conflict, the same procedures are followed. If possible, the chair should forward a confidential written notice of potential violation to the Office of the Governor for a determination in advance of the board or commission meeting. If the declaration is first

made at the public meeting during which the matter will be addressed, the members present, except for the chair, vote on the matter. If a majority determines that a violation of the Ethics Act will occur if the chair continues to participate, the chair shall refrain from voting, deliberating or participating in the matter. A written disclosure or copy of the public record regarding the oral disclosure should be forwarded to the Office of the Governor for review by the chair's DES.

Procedures for Other Member Disclosures

A member's interest in a state grant, contract, lease or loan and receipt of gifts are disclosed by filling out the appropriate disclosure form and submitting the form to the chair for approval. The disclosure forms are found on the [Department of Law's ethics website](#).

What Are The Disclosure Procedures for Executive Directors and Staff?

Ethics disclosures of the executive director or staff are made in writing to the appropriate DES (chair for the executive director and the executive director for staff).

- Disclosure forms are found on the ethics website, noted above.

Notices of Potential Violations. Following receipt of a written notice of potential violation, the DES investigates, if necessary, and makes a written determination whether a violation of the Ethics Act could exist or will occur. A DES may seek advice from the Attorney General. If feasible, the DES shall reassign duties to cure a potential violation or direct divestiture or removal by the employee of the personal or financial interests giving rise to the potential violation.

- These disclosures are not required to be made part of the public record.
- A copy of a determination is provided to the employee.
- Both the notice and determination are confidential.

Other Disclosures. The DES also reviews other ethics disclosures and either approves them or determines what action must be taken to avoid a violation of the Act. In addition to the disclosures of certain gifts and interests in the listed state matters, state employees must disclose all outside employment or services for compensation.

- The DES must provide a copy of an approved disclosure or other determination the employee.

How Are Third Party Reports of Potential Violations or Complaints Handled?

Any person may report a potential violation of the Ethics Act by a board or commission member or its staff to the appropriate DES or file a complaint alleging actual violations with the Attorney General.

- Notices of potential violations and complaints must be submitted in **writing** and **under oath**.
- Notices of potential violations are investigated by the appropriate DES who makes a written determination whether a violation may exist.⁸
- Complaints are addressed by the Attorney General under separate procedures outlined in the Ethics Act.
- **These matters are confidential**, unless the subject waives confidentiality or the matter results in a public accusation.

What Are The Procedures for Quarterly Reports?

Designated ethics supervisors must submit copies of notices of potential violations received and the corresponding determinations to the Attorney General for review by the state ethics attorney as part of the quarterly report required by the Ethics Act.

- Reports are due in April, July, October and January for the preceding quarter.
- A sample report may be found on the Department of Law's ethics website.
- An executive director may file a quarterly report on behalf of the chair and combine it with his or her own report.
- If a board or commission does not meet during a quarter and there is no other reportable activity, the DES advises the Department of Law Ethics Attorney by e-mail at ethicsreporting@alaska.gov and no other report is required.

If the state ethics attorney disagrees with a reported determination, the attorney will advise the DES of that finding. If the ethics attorney finds that there was a violation, the member who committed the violation is not liable if he or she fully disclosed all relevant facts reasonably necessary to the ethics supervisor's or commission's determination and acted consistent with the determination.

How Does A DES or Board or Commission Get Ethics Advice?

A DES or board or commission may make a **written request** to the Attorney General for an opinion regarding the application of the Ethics Act. In practice, the Attorney General, through the state ethics attorney, also provides **advice by phone or e-mail** to designated ethics supervisors, especially when time constraints prevent the preparation of timely written opinions.

- A request for advice and the advisory opinion are confidential.
- The ethics attorney endeavors to provide prompt assistance, although that may not always be possible.
- The DES must make his or her determination addressing the potential violation based on the opinion provided.

It is the obligation of each board or commission member, as well as the staff, to ensure that the public's business is conducted in a manner that is consistent with the standards set out in the Ethics Act. We hope this summary assists you in ensuring that your obligations are met.

¹ The Act covers a board, commission, authority, or board of directors of a public or quasi-public corporation, established by statute in the executive branch of state government.

² The governor has delegated the DES responsibility to Guy Bell, Administrative Director of the Office of the Governor.

³ You may supplement the disclosure form with other written explanation as necessary. Your signature on a disclosure certifies that, to the best of your knowledge, the statements made are true, correct and complete. False statements are punishable.

⁴ In most, but not all, situations, refraining from participation ensures that a violation of the Ethics Act does not occur. Abstention does not cure a conflict with respect to a significant direct personal or financial interest in a state grant, contract, lease or loan because the Ethics Act prohibition applies whether or not the public officer actually takes official action.

⁵ The chair must give a copy of the written determination to the disclosing member. There is a determination form available on the Department of Law's ethics web page. The ethics supervisor may also write a separate memorandum.

⁶ In this manner, a member's detailed personal and financial information may be protected from public disclosure.

⁷ When a matter of particular sensitivity is raised and the ramifications of continuing without an advisory opinion from the Attorney General may affect the validity of the board or commission's action, the members should consider tabling the matter so that an opinion may be obtained.

⁸ The DES provides a copy of the notice to the employee who is the subject of the notice and may seek input from the employee, his or her supervisor and others. The DES may seek advice from the Attorney General. A copy of the DES' written determination is provided to the subject employee and the complaining party. The DES submits a copy of both the notice and the determination to the Attorney General for review as part of the DES' quarterly report. If feasible,

the DES shall reassign duties to cure a potential violation or direct divestiture or removal by the employee of the personal or financial interests giving rise to the potential violation.

6/14

The Attorney General and Department of Law staff may not provide legal advice to private citizens or organizations. Please contact an attorney if you need legal advice. The [Alaska Lawyer Referral Service](#) or your local bar association may be able to assist you in locating a lawyer.

Alaska Department of Law

1031 West 4th Avenue, Suite 200

Anchorage, AK 99501

attorney.general@alaska.gov

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Ethics Disclosure Form

<p style="text-align: center;">CONFIDENTIAL REQUEST FOR ETHICS DETERMINATION</p>
--

TO: _____, Designated Ethics Supervisor

(Identify Your Department, Agency, Public Corporation, Board, Commission)

I request advice regarding the application of the Executive Branch Ethics Act (AS 39.52.010 - .960) to my situation. The situation involves the following:

I have provided additional information in the attached document(s).

I believe the following provisions of the Ethics Act may apply to my situation:

- AS 39.52.120, Misuse of Official Position
- AS 39.52.130, Improper Gifts
- AS 39.52.140, Improper Use or Disclosure of Information
- AS 39.52.150, Improper Influence in State Grants, Contracts, Leases or Loans
- AS 39.52.160, Improper Representation
- AS 39.52.170, Outside Employment Restricted
- AS 39.52.180, Restrictions on Employment after Leaving State Service
- AS 39.52.190, Aiding a Violation Prohibited

I understand that I should refrain from taking any official action relating to this matter until I receive your advice. If the circumstances I described above may result in a violation of AS 39.52.110 - .190, I intend that this request serve as my disclosure of the matter in accordance with AS 39.52.210 or AS 39.52.220.

I certify to the best of my knowledge that my statement is true, correct, and complete. In addition to any other penalty or punishment that may apply, the submission of a false statement is punishable under AS 11.56.200 - AS 11.56.240.

(Signature)

(Date)

(Printed Name)

(Division, Board, Commission)

(Position Title)

(Location)

Designated Ethics Supervisor: Provide a copy of your written determination to the employee advising whether action is necessary under AS 39.52.210 or AS 39.52.220, and send a copy of the determination and disclosure to the attorney general with your quarterly report.

Ethics Disclosure Form

Receipt of Gift

TO: _____, Designated Ethics Supervisor, _____
(Agency, Public Corporation, Board, Commission or Council)

This disclosure reports receipt of a gift with value in excess of \$150.00 by me or my immediate family member, as required by AS 39.52.130(b) or (f).

- 1. Is the gift connected to my position as a state officer, employee or member of a state board or commission?
 Yes No
- 2. Can I take or withhold official action that may affect the person or entity that gave me the gift?
 Yes No

(If you answer "No" to both questions, you do not need to report this gift. If the answer to either question is "Yes," or if you are not sure, you must complete this form and provide it to your designated ethics supervisor.)

The gift is _____

Identify gift giver by full name, title, and organization or relationship, if any:

Describe event or occasion when gift was received or other circumstance explaining the reason for the gift:

My estimate of its value is \$ _____ The date of receipt was _____

The gift was received by a member of my family. Who? _____

If you checked "Yes" to question 2 above, explain the official action you may take that affects the giver (attach additional page, if necessary):

I certify to the best of my knowledge that my statement is true, correct, and complete. In addition to any other penalty or punishment that may apply, the submission of a false statement is punishable under AS 11.56.200 - AS 11.56.240.

(Signature)

(Date)

(Printed Name)

(Division)

(Position Title)

(Location)

Ethics Supervisor Determination: Approve Disapproved

Designated Ethics Supervisor*

(Date)

**Designated Ethics Supervisor: Provide a copy of the approval or disapproval to the employee. If action is necessary under AS 39.52.210 or AS 39.52.220, attach a determination stating the reasons and send a copy of the determination and disclosure to the attorney general with your quarterly report.*

1 State of Alaska
2 Department of Commerce, Community and Economic Development
3 Division of Corporations, Business and Professional Licensing
4

5 Alaska Board of Professional Counselors
6 September 19-20, 2019 Meeting Minutes
7

8 The staff of the Division of Corporations, Business and Professional Licensing
9 prepared these draft minutes. They have not been reviewed or approved by the
10 Board.
11

12 By authority of AS 08.01.070(2), and in compliance with the provisions of AS
13 44.62, Article 6, a scheduled meeting of the Board of Professional Counselors
14 was held at 550 West 7th Ave, Suite 1560 in Anchorage, Alaska, on September
15 19-20, 2019.
16

17 Agenda Item 1 Call to Order/Roll Call Time: 9:18 a.m.
18

19 The **September 19, 2019** meeting day was called to order by Chair, Debra Hamilton at 9:23
20 a.m.
21

22 Board members present, constituting a quorum:
23

24 Debra Hamilton, Licensed Professional Counselor – *Chair*
25 Steven Kyle Cardwell, Licensed Professional Counselors – *Vice Chair*
26 Alice Baum, Licensed Professional Counselor
27 Janece Richard, Licensed Professional Counselor (only for Day 1)
28 Eleanor Vinson, Public Member
29

30 Division staff present:
31

32 Andy Khmelev, Occupational Licensing Examiner
33 Billy Homestead, Investigator
34 Greg Francois, Chief Investigator
35 Jun Maiquis, Regulations Specialist
36 Susan Pollard, Attorney VI from Department of Law
37

38 Board members absent:
39

40 Janece Richard, Licensed Professional Counselor (Excused) – Only absent on Day 2
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Agenda Item 2 Review/Approve Agenda

On a motion duly made by Janece Richard, seconded by Alice Baum, and approved unanimously, it was

RESOLVED to approve the agenda for the September 19-20, 2019 meeting as amended with the addition of “application readiness” added to new business.

	APPROVE	DENY	ABSTAIN	ABSENT
Debra Hamilton	x			
Alice Baum	x			
Kyle Cardwell	x			
Eleanor Vinson	x			
Janece Richard	x			

The motion passed with no further discussion.

Agenda Item 3 Ethics Report

The board then moved on to addressing ethics, however, there were no ethics disclosures to report.

Agenda Item 4 Review & Approve Minutes (May 2019)

On a motion duly made by Kyle Cardwell, seconded by Janece Richard, and approved unanimously, it was

RESOLVED to approve the minutes from the May 9, 2019 meeting/videoconference.

	APPROVE	DENY	ABSTAIN	ABSENT
Debra Hamilton	x			
Alice Baum	x			
Kyle Cardwell	x			
Eleanor Vinson	x			
Janece Richard	x			

The motion passed with no further discussion.

86 **Agenda Item 5** **Public Comment**

87
88 The public comment was on the agenda starting at 9:15 am. The meeting started at 9:18 am,
89 and was live with the zoom line open with no calls in. Chair Hamilton then stated that they
90 will keep the line open for public comment until 9:45 am. Board member Kyle Cardwell
91 expressed concern that an associate of his wished to call in for public comment at the last
92 meeting, however was unable to do so due to the line not allowing a connection. Kyle then
93 stepped out of the room and called the zoom line in order to test it to make sure that it
94 works, and upon testing it was determined that the line is open and working. There were no
95 calls for public comment.

96
97 **Agenda Item 6** **Correspondence**

98
99 The correspondence that was received was from Rachel McCrickard who is the CEO of
100 Motivo, and she has a system for secure live video to do distance supervision. She asked to
101 be added to the agenda in order for the board to discuss distance supervision. She stated in
102 her email that 45 states are allowing clinical supervision through secure video. The board
103 looked at the email and discussed what Miss McCrickard is offering, and determined that the
104 email was mostly a sales pitch. The board also agreed that in order to change the supervision
105 policies, there would have to be a regulation change. There already is a regulation for
106 distance supervision per 12 AAC 62.220 (e), and there is a form for it available as well.

107
108 *Off the record for break at 9:47 a.m.*

109 *Back on the record at 9:50 a.m.*

110
111 **Agenda Item 7** **Investigative Report**

112
113 Chief Investigator Greg Francois introduced Investigator Billy Homestead as the new
114 investigator for the PCO program in the interim, as the normal investigator Erika Prieksat is
115 on maternity leave. They then proceeded to discuss the investigative report. The report
116 covers 4/24/19-9/2/2019. The division opened nine matters, and closed thirteen matters.
117 The remaining ten matters are ongoing and are still under active investigation.

118
119 **On a motion duly made by Kyle Cardwell and seconded by Eleanor Vinson in**
120 **accordance with AS 44.62.310(c)(2), the board unanimously moved to enter executive**
121 **session for subjects that tend to prejudice the reputation and character of any person,**
122 **provided the person may request a public discussion.**

123
124 Staff members Andy Khmelev, Greg Francois, and Billy Homestead were authorized to
125 remain in the room.

126
127 *Off the record for executive session at 9:54 a.m.*

128 *Back on the record at 11:14 a.m.*

129

130 On a motion duly made by Kyle Cardwell, seconded by Janece Richard, and
131 approved via roll call vote, it was

132
133 **RESOLVED** to accept the consent agreement of 2019-000187.

	APPROVE	DENY	ABSTAIN	ABSENT
136 Debra Hamilton			x	
137 Alice Baum			x	
138 Kyle Cardwell	x			
139 Eleanor Vinson	x			
140 Janece Richard	x			

141
142 The motion passed with no further discussion.

143
144 On a motion duly made by Eleanor Vinson, seconded by Janece Richard, and
145 approved via roll call, it was

146
147 **RESOLVED** to adopt the civil fine for 2019-000202.

	APPROVE	DENY	ABSTAIN	ABSENT
149 Debra Hamilton	x			
151 Alice Baum	x			
152 Kyle Cardwell			x	
153 Eleanor Vinson	x			
154 Janece Richard	x			

155
156 The motion passed with no further discussion.

157
158 Chair Hamilton then signed both consent agreements on the record.

159
160 *Off the record at 11:18 a.m. for break*

161 *Back on the record at 11:37 a.m.*

162
163 **Agenda Item 8 Division Update – Right Touch Regulation**

164
165 There was no financial report to give since there has been no new report since the last board
166 meeting.

167
168 Due to the absence of Division Director Sara Chambers and Deputy Director Sharon Walsh,
169 the Right Touch Regulation presentation did not happen as intended. The board members
170 instead opted to read the power point slides that were provided in the board book, and the

171 memorandum written by Director Chambers. The board then discussed their findings from
172 the power point presentation.

173
174 **On a motion duly made by Alice Baum, seconded by Eleanor Vinson, and approved**
175 **unanimously, it was**

176
177 **RESOLVED to go into recess for the lunch hour.**

	APPROVE	DENY	ABSTAIN	ABSENT
180 Debra Hamilton	x			
181 Alice Baum	x			
182 Kyle Cardwell	x			
183 Eleanor Vinson	x			
184 Janece Richard	x			

185
186 *Off the record for lunch at 11:55 a.m.*
187 *Back on the record at 1:14 p.m.*

188
189 **Agenda Item 10 Old Business**

190
191 After a roll call, all members were present with the exception of Janece Richard, who joined
192 two minutes later at 1:16 pm. Jun Maiquis, the CBPL regulations specialist, and Susan
193 Pollard, the Chief Regulations Attorney from the Department of Law joined into the
194 meeting via zoom call. The board wanted to discuss the edits that the Department of Law
195 made to the telehealth regulations 12 AAC 62.400-420, which will need to be readopted.

196
197 Board member Kyle Cardwell mainly wanted to know why there were a significant amount
198 of changes, and why were they not put in the first time. Susan Pollard from Dept. of Law
199 explained that in this instance the dept of law is required by law to make sure regulations are
200 legal and abide by the constitution. She explained that when the final review came to her, she
201 wanted to make the full intent of the regulations completely clear, and that way there will be
202 less confusion when these regulations are applied. She also expressed her wish for the board
203 to look at regulation 410 specifically to make sure that the confidentiality regulations were
204 written out clearly and correctly, as she used other boards confidentiality regulations to fully
205 understand how the regulations needed to be written.

206
207 Board member Cardwell was still unsure about the confidentiality regulations if HIPAA is
208 placed into the regulations, however if someone is diagnosed with substance abuse, then its
209 42 CFR regulations for confidentiality, which overrules HIPAA. There are differences
210 between the two, as HIPAA allows you to disclose certain things that 42 CFR does not. Kyle
211 Cardwell suggest maybe adding 42 CFR added as well as HIPAA which is already in the
212 edits. Jun Maiquis cleared that up by indicating that even though 42 CFR isn't in these

213 regulations, they are federal and would overrule any state regulations as it is. There is no
214 point or purpose of adding them in, as they are in effect regardless.

215
216 The board reviewed and considered the Department of Law's edits and recommendations
217 regarding the telehealth regulations.

218
219 **On a motion duly made by Alice Baum, seconded by Eleanor Vinson, and approved,**
220 **it was**

221
222 **RESOLVED to readopt the telehealth regulations distance professional**
223 **services 12 AAC62.400-420 as amended.**
224

	APPROVE	DENY	ABSTAIN	ABSENT
225				
226	Debra Hamilton	x		
227	Alice Baum	x		
228	Kyle Cardwell		x	
229	Eleanor Vinson	x		
230	Janece Richard	x		

231
232 The certification order was signed by the Chair.

233
234 Motion passes with no further discussion.

235
236 The board moved onto reviewing 24 month supervision policy. Board member Eleanor
237 Vinson was concerned that applicants were not sufficiently meeting the 24 month
238 supervision requirement by combining days to make a full month. After a discussion, the
239 board determined that the policy is sufficient the way it is.

240
241 The board moved onto reviewing the continued education policy of applications applied by
242 credentials. As of now, per the regulations, credential applications only need 40 hours of
243 CEUs with 3 of them in ethics, and no face to face requirements, whereas the continued
244 education for a renewal, certain CEUs have to be in person or via synchronous real time
245 presentations. The board members were thinking of consolidating the regulations for the
246 licensure renewal and the applications via credentials, thereby making the credential
247 applicants also be required to do a certain amount of CEUs in person. Board member Janece
248 Richard expressed her dissatisfaction with the current continued education requirements for
249 credential applicants, and she wants for them to have the same requirements as renewals.

250
251
252 **On a motion duly made by Eleanor Vinson, seconded by Alice Baum, and approved**
253 **unanimously, it was**

254

255 **RESOLVED** to change 12 AAC 62.130(5) to read “submit verification of
 256 completion of 40 continuing education credits, including three of the
 257 continuing education credits in ethics within the previous two years
 258 immediately preceding application for licensure by credentials; the continuing
 259 education must comply with 12 AAC 62.310(d) and 12 AAC 62.320.
 260

	APPROVE	DENY	ABSTAIN	ABSENT
261 Debra Hamilton	x			
262 Alice Baum	x			
263 Kyle Cardwell	x			
264 Eleanor Vinson	x			
265 Janece Richard	x			

267
 268 Motion passes with no further discussion.
 269

270 Board then moved on to discuss the supervision requirements and supervision philosophy.
 271 Board member Kyle Cardwell suggested looking at what other states have in their
 272 supervision requirements and maybe go off of that. In order to get a delineated supervision
 273 philosophy, maybe change the form or provide them with questions to answer on the form,
 274 however this may involve a regulation change. Kyle also suggested maybe contacting a
 275 legislator and doing a statute change which would be cheaper and possibly faster.
 276

277 Due to this being mostly in statute, Debbie Hamilton suggested that her and Janece Richard,
 278 as the two board members most concerned with the supervisors, will write up and make a
 279 presentation for the next meeting.
 280

281 *Off the record for break at 2:49 p.m.*

282 *Back on the record at 3:00 p.m.*
 283

284 **Agenda Item 11 Conference Follow Up**
 285

286 Board Chair Debbie Hamilton, and Examiner Andy Khmelev attended the AASCB/NBCC
 287 joint summit in Washington DC on August 7-9, 2019. Both then presented their findings
 288 from the conference. Examiner Andy Khmelev uploaded all the power point presentations
 289 that were at the conference onto an onboard resource folder online, so that the rest of the
 290 board members would be able to access it.
 291

292 Examiner Andy Khmelev, who attended his first conference ever, gave a presentation how
 293 on a state and national level there is massive de-regulation happening, and how a lot of states
 294 find themselves in a fight to show that they are relevant. Andy also attended a staff training,
 295 and was able to even input how best to guide the general public and potential licensees
 296 through the “government red tape” and how to make bureaucracy easier to navigate.
 297

298 Chair Debbie Hamilton commented from one of the presentations of the conference that
299 one way to battle the de-regulation is to get more involved. Contacting lawmakers, legislators
300 and governors and remind them of what the licensing board does, which their primary
301 purpose is to protect the public. One of the reasons some of the libertarian organizations are
302 targeting certain laws or boards is because they don't really know what it is that the licensing
303 board does, and one way to combat is to network, collaborate, and educate them on why the
304 licensing boards need to exist.

305
306 Chair Hamilton also led a discussion on how Alaska can make it easier to have access to
307 counseling during a time of crisis or national emergency. Where would people go to seek
308 counseling during a national disaster or crisis, and how well the state is prepared to provide
309 those services should there be a disaster. The board did confirm that there are agencies and
310 organizations that do provide those services, however adding temporary licenses or certain
311 endorsements to licenses for counselors would be too big of a task to take on right now, as it
312 would create a lot more work on top of everything going on already.

313
314 The board then discussed which future conferences to attend. The third priority on the
315 annual report was AMHCA, which at this point happened in June, so the board missed it for
316 FY19. Board members asked examiner Andy Khmelev when the 2020 AMHCA conference
317 is, and if it falls under FY2020. If its in June or before, it falls under the current annual
318 report, and if it is in July or after, then the board will need to think ahead for the next annual
319 report. Alice Baum and Janece Richard have been designated to attend the FARB conference
320 in Colorado Springs January 23-26, 2020.

321
322 The board then discussed going into recess until the next day, and discussed starting the next
323 day at 10:00am instead of 9:00 am.

324
325 **On a motion duly made by Janece Richard, seconded by Alice Baum, and approved**
326 **unanimously, it was**

327
328 **RESOLVED to amend the agenda to start at 10:00 am on Friday 9/20/19.**

329
330

	APPROVE	DENY	ABSTAIN	ABSENT
331 Debra Hamilton	x			
332 Alice Baum	x			
333 Kyle Cardwell	x			
334 Eleanor Vinson	x			
335 Janece Richard	x			

336

337 The motion passed with no further discussion.

338
339
340

341 On a motion duly made by Janece Richard, seconded by Alice Baum, and approved
342 unanimately, it was

343
344 **RESOLVED** to recess until 10:00 am on 9/20/19.
345

	APPROVE	DENY	ABSTAIN	ABSENT
346 Debra Hamilton	x			
347 Alice Baum	x			
348 Kyle Cardwell	x			
349 Eleanor Vinson	x			
350 Janece Richard	x			
351				

352
353 The motion passed with no further discussion.

354
355 *Off the record until 9/20/19 on 3:57 p.m.*

356
357 **Agenda Item 13 Roll Call/Call to Order**

358
359 The **September 20, 2019** meeting day was called to order by Chair, Debra Hamilton at 10:18
360 a.m.

361
362 Board members present, constituting a quorum:

- 363
364 Debra Hamilton, Licensed Professional Counselor – *Chair*
365 Steven Kyle Cardwell, Licensed Professional Counselors – *Vice Chair*
366 Alice Baum, Licensed Professional Counselor
367 Eleanor Vinson, Public Member

368
369 Division staff present:

370
371 Andy Khmelev, Occupational Licensing Examiner

372
373 Board members absent:

374
375 Janece Richard, Licensed Professional Counselor

376
377
378 On a motion duly made by Eleanor Vinson, seconded by Kyle Cardwell, and
379 approved unanimately, it was

380
381 **RESOLVED** to add agenda item “investigation discussion to understand
382 process”.

383

384

	APPROVE	DENY	ABSTAIN	ABSENT
385	Debra Hamilton	x		
386	Alice Baum	x		
387	Kyle Cardwell	x		
388	Eleanor Vinson	x		
389	Janece Richard			x

390
391 The motion passed with no further discussion.

392
393 **On a motion duly made by Kyle Cardwell, seconded by Eleanor Vinson, and**
394 **approved unanimously, it was**

395
396 **RESOLVED to add agenda item “Discuss the Alaska Counseling Association**
397 **Update”.**

398

	APPROVE	DENY	ABSTAIN	ABSENT
399	Debra Hamilton	x		
400	Alice Baum	x		
401	Kyle Cardwell	x		
402	Eleanor Vinson	x		
403	Janece Richard			x

404
405
406 The motion passed with no further discussion.

407
408 Chair Debbie Hamilton requested that the investigation process and Alaska Counseling
409 Association agenda items be added to old business.

410
411 Board then agrees to move onto application review, with a return to old business and new
412 business later in the day.

413
414 **On a motion duly made by Kyle Cardwell, seconded by Alice Baum, and approved**
415 **unanimously, it was**

416
417 **RESOLVED to accept the agenda as amended.**

418

	APPROVE	DENY	ABSTAIN	ABSENT
419	Debra Hamilton	x		
420	Alice Baum	x		
421	Kyle Cardwell	x		
422	Eleanor Vinson	x		
423	Janece Richard			x

424

425 Motion passes with no further discussion.

426

427 **Agenda Item 15 Application Review**

428

429 For applicant with the initials PC, the board instructed Examiner Andy Khmelev to send out
430 a written notice communicating to the applicant that the board reviewed the application, and
431 that her conditional license does not meet or exceed the Alaska state license per 08.29.120 b.
432 and 08.29.110 (6). She would need to prove she is qualified or to withdraw the application by
433 12/31/19. If the neither action is met by 12/31/19, the license would then be denied.

434

435 **On a motion duly made by Eleanor Vinson and seconded by Kyle Cardwell in**
436 **accordance with AS 44.62.310(c)(2), the board unanimously moved to enter executive**
437 **session for subjects that tend to prejudice the reputation and character of any person,**
438 **provided the person may request a public discussion.**

439

440 Staff member Andy Khmelev was authorized to remain in the room.

441

442 *Off the record for executive session at 11:11 a.m.*

443 *Back on the record at 12:15 p.m.*

444

445 Board member Kyle Cardwell was absent for a few moments while speaking with
446 Investigator Billy Homestead.

447

448 **On a motion duly made by Alice Baum, seconded by Eleanor Vinson, and approved**
449 **via roll call vote, it was**

450

451 **RESOLVED to accept the distance supervision for Katie Kostelyk as**
452 **requested retroactively.**

453

	APPROVE	DENY	ABSTAIN	ABSENT
454 Debra Hamilton	x			
455 Alice Baum	x			
456 Kyle Cardwell				x
457 Eleanor Vinson	x			
458 Janece Richard				x

460

461 Motion passed with no further discussion.

462

463 After Kyle Cardwell's return with a discussion with the investigator, Examiner Andy
464 Khmelev will ask his supervisor why the counselor program doesn't do a search of the
465 practitioner databank to ensure that licensees are not in violation when they first apply.

466

467

468 On a motion duly made by Eleanor Vinson, seconded by Alice Baum, and approved
469 unanimately, it was

470
471 **RESOLVED** to accept the application for Kerry Potts with additional letters of
472 recommendation.

	APPROVE	DENY	ABSTAIN	ABSENT
474 Debra Hamilton	x			
475 Alice Baum	x			
476 Kyle Cardwell	x			
477 Eleanor Vinson	x			
478 Janece Richard				x

480
481 Motion passed with no further discussion.

482
483 **Agenda Item 10 Old Business**

484
485 The board moved onto to discuss the added items to the agenda.

486
487 Board member Kyle Cardwell tried to reach out to the counseling association and got no
488 response. It appears that the association is either inactive or defunct. Chair Debbie Hamilton
489 encourages to have professional counselors revive their association, and the board stated on
490 record that they welcome working with them collaboratively.

491
492 The board requested Examiner Andy Khmelev to check in with regulations specialist Jun
493 Maiquis to get an updated on the regulation revisions that were submitted back in September
494 2018.

495
496 The board moved onto to discuss the investigations process. Board member Eleanor Vinson
497 wishes to have some progress with the investigative matrix, which had been discussed at
498 prior meetings. Examiner Andy Khmelev will need to reach out to the investigative staff to
499 see if there is a copy of the old matrix for PCO that delineated offences and corresponding
500 monetary sanctions, and gather information from similar boards like CSW and MFT to see if
501 they have matrixes they use and see if we can use them as examples.

502
503 The board was wondering if it's possible to have a designated reviewing board member
504 specifically for the purpose of investigations, and that the recommendations by the reviewing
505 board member or members comes before the full board before voting, before the offer is
506 sent to the respondent. At this time, the consent agreements go to the licensee first, then to
507 the board for adoption, and the board is wondering if it's possible to do it the other way
508 around. Having the board vote on it first, and then send it to the licensee. Essentially, this
509 would give the board more of a voice for consent agreements, and give more suggestion. If
510 this isn't a possibility, the board would like an explanation as to why.

511 **Agenda Item 14** **New Business**

512
513 The only new business to discuss at this meeting was application readiness, which was added
514 the prior day per a motion. In the prior voting round, two applications went onto onboard in
515 error, and were pulled due to being incomplete. Board member Eleanor Vinson expressed
516 concern that incomplete applications were making onto voting, and was wondering if it was
517 going to be like it was in the past when people were only licensed at meetings every few
518 months compared to now, when they are posted monthly. Examiner Andy Khmelev
519 explained that those applications were indeed posted in error, and both the examiner and the
520 board members agreed that with the new onboard system that is now used monthly by the
521 board members, there is no reason to put them up unless they are fully complete, as they can
522 be reposted the next month.

523

524 **Agenda Item 16** **Board Admin Business**

525

526 The board agrees to keep the December 6, 2019 date for a one day video conference via
527 zoom. The board also agreed for a tentative meeting date for March 19-20, 2020, and the
528 board will attempt to put in a travel request for the meeting to be held in person in
529 Anchorage.

530

531 Board member Kyle Cardwell announced that he is resigning from the board after this
532 meeting, as he is relocating to Washington state and will no longer be able to serve on the
533 board.

534

535 Task List:

536

- 537 • Board Chair Debbie Hamilton and Janece Richard will be doing a task force to
538 explore other supervision application requirements.
- 539 • Examiner Andy Khmelev will need to communicate with applicant PC about her
540 license not meeting the standards. He will be sending a status letter.
- 541 • Examiner Andy Khmelev will check with Regulation Specialist Jun Maiquis on the
542 status of the 2018 regulation changes that were submitted.
- 543 • Examiner Andy Khmelev will need to reach out to investigative staff to see if there is
544 a copy of the old matrix for PCO that delineated offences and corresponding
545 monetary sanctions, and gather information from similar boards like CSW and MFT
546 to see if they have matrixes they use and see if we can use them as examples.
- 547 • Examiner Andy Khmelev will put on December agenda to nominate and vote for the
548 vice chair.
- 549 • Janece Richard and Alice Baum have been asked to attend the FARB training in
550 January 2020 if approved, and the board highly advocates and requests this approval
551 due to the value of networking with other state boards, as well as further training to
552 serve this board.

553

554 The board also stated they want clarification and request that in the process of investigation,
555 the board have a reviewing member that makes a recommendation be brought to the board
556 for a vote before it is presented to the respondent, and an explanation as to why if this is not
557 a possibility.

558
559 Chair Debbie Hamilton also wanted to put on the record that these in person meetings are
560 highly valued and the members are much more efficient. Board members will continue to
561 advocate that these meetings are better in person. Kyle goes on record as a departing
562 member is that these meetings being less in person makes it less desirable to be on the
563 board. The board members also reiterate that there is funding for this, and its gathered from
564 the constituents and it's not really saving the debt much by not doing it. Debbie Hamilton
565 requests that the March meeting be in person in Anchorage.

566
567 **On a motion duly made by Kyle Cardwell, seconded by Alice Baum, and approved**
568 **unanimously, it was**

569
570 **RESOLVED to adjourn the meeting at 1:31 p.m. on 9/20/19.**

571

	APPROVE	DENY	ABSTAIN	ABSENT
572 Debra Hamilton	x			
573 Alice Baum	x			
574 Kyle Cardwell	x			
575 Eleanor Vinson	x			
576 Janece Richard				x

577
578
579

580 *Off the record at 1:31 p.m.*

581

582

583

584 _____
Andy Khmelev, Occupational Licensing Examiner Date

585

586

587

588 _____
Debra Hamilton, Board of Professional Counselors Chair Date

589

590

591

From: Office of Whitney M. Whitman LPC, LLC
To: [REDACTED]
Subject: Re: Request to Present - Parenting Coordination
Date: Thursday, January 9, 2020 3:55:28 PM

Hi Andy,

Following up on this email sent in late November. Would you please confirm you have received this?

Ebony and I would appreciate knowing when the Board meetings are scheduled for 2020, and if the Board is willing to add us to an agenda?

Thank you so much,
Whitney M. Whitman, LPC

On Wed, Nov 27, 2019 at 10:52 AM Office of Whitney M. Whitman LPC, LLC

<[REDACTED]> wrote:

Hello Andy,

We spoke briefly on the phone a couple of weeks ago.

Myself and Dr. Ebony McClain are the only Licensed Professional Counselors in Alaska who are also court-appointed Parenting Coordinators.

The Alaska Courts request that we hold professional licenses, however the work that we do as Parenting Coordinators does not actually fall under the scope of counseling services.

Ebony and I are hoping to present some information to the LPC Board about the profession of Parenting Coordination so that the Board is aware of this role in our state. Given that we work with very high-conflict, often personality disordered, clients it will be helpful to us (and the court system) for the Board to have a context for the work LPCs do as Parenting Coordinators.

Below is a link to the Alaska Court System web site explanation of Parenting Coordination for your review.

<http://www.courts.alaska.gov/shc/family/parenting-coordination.htm>

Would the Board be willing to add us to the next agenda for a brief, educational presentation? We would be very grateful for your time.

If in Anchorage, Dr. McClain and I could attend in person.
Thank you so much for considering,
Whitney M. Whitman, LPC

--

Whitney M. Whitman LPC LLC
1130 West 6th Ave
Suite 101

Anchorage, AK 99501
(907) 440-7426
www.whitneywhitman.com

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THE STATE
of **ALASKA**

**Department of Commerce, Community,
and Economic Development**

DIVISION OF CORPORATIONS, BUSINESS AND
PROFESSIONAL LICENSING

550 West Seventh Avenue, Suite 1500
Anchorage, AK 99501-3567
Main: 907.269.8160
Fax: 907.269.8156

MEMORANDUM

DATE: March 05, 2020
TO: Board of Professional Counselors
THRU: Greg Francois, Chief Investigator *GF*
FROM: William "Billy" Homestead, Investigator *BH*
RE: Investigative Report for the March 19, 2020 Meeting

The following information was compiled as an investigative report to the Board for the period of September 20, 2019 thru March 05, 2020; this report includes cases, complaints, and intake matters handled since the last report.

Matters opened by the Paralegal in Juneau, regarding continuing education audits and license action resulting from those matters are not covered in this report.

OPEN - 9

<u>Case Number</u>	<u>Violation Type</u>	<u>Case Status</u>	<u>Status Date</u>
PROFESSIONAL COUNSELOR			
2019-001199	Unprofessional conduct	Intake	10/14/19
2019-001264	Unethical conduct	Intake	11/01/19
2020-000240	Unprofessional conduct	Intake	02/28/20
2018-001213	Violating professional ethics	Complaint	11/02/18
2018-001380	Unethical conduct	Complaint	01/10/19
2019-000881	Unethical conduct	Complaint	08/21/19
2019-000882	Unethical conduct	Complaint	08/21/19
2019-000986	Unethical conduct	Complaint	11/06/19
2019-000193	Unethical conduct	Investigation	04/22/19

Closed - 11

<u>Case #</u>	<u>Violation Type</u>	<u>Case Status</u>	<u>Closed</u>	<u>Closure</u>
PROFESSIONAL COUNSELOR				
2019-000966	Unethical conduct	Closed-Intake	12/30/19	Incomplete Complaint
2019-000979	Sexual misconduct	Closed-Intake	12/30/19	Incomplete Complaint
2019-001107	Advertising	Closed-Intake	12/24/19	Incomplete Complaint
2019-001284	License application problem	Closed-Intake	12/30/19	Review Complete
2019-001353	Unprofessional conduct	Closed-Intake	02/04/20	Incomplete Complaint
2020-000028	Unprofessional conduct	Closed-Intake	01/13/20	Incomplete Complaint
2018-001215	Unethical conduct	Closed-Complaint	01/23/20	No Action - No Violation
2019-000718	Unprofessional conduct	Closed-Complaint	01/02/20	No Action - No Violation
2019-000965	Unethical conduct	Closed-Complaint	02/25/20	No Action - No Violation
2019-000187	Unethical conduct	Closed-Investigation	09/26/19	License Action
2019-000202	Falsified application	Closed-Investigation	09/30/19	License Action

END OF REPORT

Department of Commerce Community, and Economic Development
Corporations, Business and Professional Licensing

Summary of All Professional Licensing
Schedule of Revenues and Expenditures

Board of Professional Counselors	FY 14	FY 15	Biennium	FY 16	FY 17	Biennium	FY 18	FY 19	Biennium	FY 20 1st & 2nd QTR
	Revenue									
Revenue from License Fees	\$ 231,595	\$ 41,641	\$ 273,236	\$ 402,810	\$ 84,985	\$ 487,795	\$ 345,905	\$ 77,200	\$ 423,105	\$ 195,325
Allowable Third Party Reimbursements	2,608	-	2,608	182	-	182	246	-	246	117
TOTAL REVENUE	\$ 234,203	\$ 41,641	\$ 275,844	\$ 402,992	\$ 84,985	\$ 487,977	\$ 346,151	\$ 77,200	\$ 423,351	\$ 195,442
Expenditures										
Non Investigation Expenditures										
1000 - Personal Services	43,890	47,411	91,301	44,872	31,716	76,588	53,500	72,095	125,595	43,940
2000 - Travel	16,324	26,311	42,635	13,354	12,659	26,013	13,655	3,203	16,858	3,126
3000 - Services	5,445	6,042	11,487	12,885	6,138	19,023	4,949	6,103	11,052	3,974
4000 - Commodities	66	149	215	199	124	323	68	108	176	-
5000 - Capital Outlay	-	-	-	-	-	-	-	-	-	-
Total Non-Investigation Expenditures	65,725	79,913	145,638	71,310	50,637	121,947	72,172	81,509	153,681	51,040
Investigation Expenditures										
1000-Personal Services	18,720	22,142	40,862	12,798	13,988	26,786	21,941	45,052	66,993	23,563
2000 - Travel	-	-	-	-	-	-	-	-	-	-
3023 - Expert Witness	-	-	-	-	-	-	-	-	-	-
3088 - Inter-Agency Legal	4,988	6,021	11,009	13,835	16	13,851	-	-	-	-
3094 - Inter-Agency Hearing/Mediation	215	677	892	-	-	-	-	-	-	-
3000 - Services other	-	-	-	-	-	-	-	176	176	64
4000 - Commodities	-	-	-	-	-	-	-	-	-	-
Total Investigation Expenditures	23,923	28,840	52,763	26,633	14,004	40,637	21,941	45,228	67,169	23,627
Total Direct Expenditures	89,648	108,753	198,401	97,943	64,641	162,584	94,113	126,737	220,850	74,667
Indirect Expenditures										
Internal Administrative Costs	19,847	16,351	36,198	24,068	19,491	43,559	25,851	30,592	56,443	15,296
Departmental Costs	12,519	20,886	33,405	12,162	13,970	26,132	18,608	25,022	43,630	12,511
Statewide Costs	8,616	13,913	22,529	4,269	5,436	9,705	8,431	12,606	21,037	6,303
Total Indirect Expenditures	40,982	51,150	92,132	40,499	38,897	79,396	52,890	68,220	121,110	34,110
TOTAL EXPENDITURES	\$ 130,630	\$ 159,903	\$ 290,533	\$ 138,442	\$ 103,538	\$ 241,980	\$ 147,003	\$ 194,957	\$ 341,960	\$ 108,777
Cumulative Surplus (Deficit)										
Beginning Cumulative Surplus (Deficit)	\$ (154,755)	\$ (51,182)		\$ (169,444)	\$ 95,106		\$ 76,553	\$ 275,701		\$ 157,944
Annual Increase/(Decrease)	103,573	(118,262)		264,550	(18,553)		199,148	(117,757)		86,665
Ending Cumulative Surplus (Deficit)	\$ (51,182)	\$ (169,444)		\$ 95,106	\$ 76,553		\$ 275,701	\$ 157,944		\$ 244,609
Statistical Information										
Number of Licensees	627	629		680	758		822	779		-

Additional information:

- Fee analysis required if the cumulative is less than zero; fee analysis recommended when the cumulative is less than current year expenditures; no fee increases needed if cumulative is over the current year expenses *
- Most recent fee change: Fee reduction FY19
- Annual license fee analysis will include consideration of other factors such as board and licensee input, potential investigation load, court cases, multiple license and fee types under one program, and program changes per AS 08.01.065.

Appropriation	(All)
AL Sub Unit	(All)
PL Task Code	PCO1

Sum of Expenditures Object Name (Ex)	Object Type Name (Ex)			Grand Total
	1000 - Personal Services	2000 - Travel	3000 - Services	
1011 - Regular Compensation	32,873.09			32,873.09
1014 - Overtime	719.55			719.55
1023 - Leave Taken	6,093.91			6,093.91
1028 - Alaska Supplemental Benefit	2,441.79			2,441.79
1029 - Public Employee's Retirement System Defined Benefits	428.76			428.76
1030 - Public Employee's Retirement System Defined Contribution	2,036.00			2,036.00
1034 - Public Employee's Retirement System Defined Cont Health Reim	1,595.75			1,595.75
1035 - Public Employee's Retirement Sys Defined Cont Retiree Medical	499.24			499.24
1037 - Public Employee's Retirement Sys Defined Benefit Unfnd Liab	4,334.94			4,334.94
1039 - Unemployment Insurance	126.76			126.76
1040 - Group Health Insurance	13,889.25			13,889.25
1041 - Basic Life and Travel	20.11			20.11
1042 - Worker's Compensation Insurance	350.03			350.03
1047 - Leave Cash In Employer Charge	890.07			890.07
1048 - Terminal Leave Employer Charge	496.12			496.12
1053 - Medicare Tax	552.09			552.09
1077 - ASEA Legal Trust	71.80			71.80
1079 - ASEA Injury Leave Usage	13.16			13.16
1080 - SU Legal Trst	5.49			5.49
2000 - In-State Employee Airfare			325.57	325.57
2001 - In-State Employee Surface Transportation			-	-
2002 - In-State Employee Lodging			382.08	382.08
2003 - In-State Employee Meals and Incidentals			152.00	152.00
2005 - In-State Non-Employee Airfare			640.95	640.95
2007 - In-State Non-Employee Lodging			741.04	741.04
2008 - In-State Non-Employee Meals and Incidentals			300.00	300.00
2009 - In-State Non-Employee Taxable Per Diem			80.00	80.00
2010 - In-State Non-Employee Non-Taxable Reimbursement			75.00	75.00
2013 - Out-State Employee Surface Transportation			2.78	2.78
2015 - Out-State Employee Meals and Incidentals			197.00	197.00
2020 - Out-State Non-Employee Meals and Incidentals			190.00	190.00
2022 - Out-State Non-Employee Non-Taxable Reimbursement			33.03	33.03
2036 - Cash Advance Fee			6.44	6.44
2970 - Travel Cost Transfer			-	-
3000 - Training/Conferences			600.00	600.00
3002 - Memberships			900.00	900.00
3045 - Postage			63.70	63.70
3046 - Advertising			43.58	43.58
3069 - Commission Sales			40.50	40.50
3085 - Inter-Agency Mail			563.37	563.37
3088 - Inter-Agency Legal			1,826.93	1,826.93
1016 - Other Premium Pay	65.85			65.85
Grand Total	67,503.76	3,125.89	4,038.08	74,667.73

SENATE BILL NO. 134

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - SECOND SESSION

BY SENATOR WILSON

Introduced: 1/21/20

Referred: Health and Social Services, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to medical assistance reimbursement for the services of licensed**
2 **professional counselors; and providing for an effective date."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 *** Section 1.** AS 47.07.030(b) is amended to read:

5 (b) In addition to the mandatory services specified in (a) of this section and the
6 services provided under (d) of this section, the department may offer only the
7 following optional services: case management services for traumatic or acquired brain
8 injury; case management and nutrition services for pregnant women; personal care
9 services in a recipient's home; emergency hospital services; long-term care
10 noninstitutional services; medical supplies and equipment; advanced practice
11 registered nurse services; clinic services; rehabilitative services for children eligible
12 for services under AS 47.07.063, substance abusers, and emotionally disturbed or
13 chronically mentally ill adults; targeted case management services; inpatient
14 psychiatric facility services for individuals 65 years of age or older and individuals

1 under 21 years of age; psychologists' services; clinical social workers' services; marital
 2 and family therapy services; **professional counseling services**; midwife services;
 3 prescribed drugs; physical therapy; occupational therapy; chiropractic services; low-
 4 dose mammography screening, as defined in AS 21.42.375(e); hospice care; treatment
 5 of speech, hearing, and language disorders; adult dental services; prosthetic devices
 6 and eyeglasses; optometrists' services; intermediate care facility services, including
 7 intermediate care facility services for persons with intellectual and developmental
 8 disabilities; skilled nursing facility services for individuals under 21 years of age; and
 9 reasonable transportation to and from the point of medical care.

10 * **Sec. 2.** AS 47.07.900 is amended by adding a new paragraph to read:

11 (20) "professional counseling services" means services within the
 12 practice of professional counseling provided by a person licensed as a professional
 13 counselor under AS 08.29; professional counseling services may be provided at a
 14 facility that is not a provider of clinic services.

15 * **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to
 16 read:

17 MEDICAID STATE PLAN FEDERAL APPROVAL. The Department of Health and
 18 Social Services shall amend and submit for federal approval the state plan for medical
 19 assistance coverage consistent with AS 47.07.030(b), as amended by sec. 1 of this Act, and
 20 AS 47.07.900(20), enacted by sec. 2 of this Act.

21 * **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to
 22 read:

23 CONDITIONAL EFFECT; NOTIFICATION. (a) The commissioner of health and
 24 social services shall notify the revisor of statutes in writing, on or before October 1, 2021, if
 25 the United States Department of Health and Human Services approves the amendments to the
 26 state plan for medical assistance coverage under AS 47.07.030(b), as amended by sec. 1 of
 27 this Act, and AS 47.07.900(20), enacted by sec. 2 of this Act.

28 (b) Sections 1 and 2 of this Act take effect only if the commissioner of health and
 29 social services notifies the revisor of statutes in writing as required under (a) of this section.

30 * **Sec. 5.** If, under sec. 4 of this Act, secs. 1 and 2 of this Act take effect, they take effect on
 31 the day after the date the revisor of statutes receives notice from the commissioner of health

1 and social services under sec. 4 of this Act.

Annual Report

Fiscal Year 2019

ALASKA BOARD OF PROFESSIONAL COUNSELORS



**Department of Commerce, Community
and Economic Development**

**Division of Corporations, Business
and Professional Licensing**

This annual performance report is presented in accordance with
Alaska statute AS 08.01.070(10).

Its purpose is to report the accomplishments, activities, and the
past and present needs of the licensing program.

**ALASKA BOARD OF PROFESSIONAL COUNSELORS
FY 2019 Annual Report**

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**ALASKA BOARD OF PROFESSIONAL COUNSELORS
FY 2019 Annual Report**

Identification of the Board

Board Member	Duty Station	Date Appointed	Term Expires
Debra Hamilton, Board Chair Professional Counselor	Soldotna	Mar 01, 2013	Mar 01, 2021
Kyle Cardwell, Vice Chair Professional Counselor	Anchorage	Dec 01, 2017	Mar 01, 2021
Janece Richard Professional Counselor	Anchorage	Mar 01, 2018	Mar 01, 2022
Alice Baum Professional Counselor	Anchorage	Mar 01, 2018	Mar 01, 2022
Eleanor Vinson Public Member	Juneau	Mar 01, 2017	Mar 01, 2021

**ALASKA BOARD OF PROFESSIONAL COUNSELORS
FY 2019 Annual Report**

Identification of Staff

Andy Khmelev – Licensing Examiner

Department of Commerce, Community & Economic Development
Division of Corporations, Business and Professional Licensing
Post Office Box 110806 Juneau,
Alaska 99811-0806
(907) 465-2550

Rissa J. Teske – Licensing Examiner

Department of Commerce, Community & Economic Development
Division of Corporations, Business and Professional Licensing
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(907) 465-2550

Chris Francis – Licensing Examiner

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Chase Parkey – Records and Licensing Supervisor

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Renee Hoffard – Records and Licensing Supervisor

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Erika Prieksat, Sonia Lipker, Nina Akers, Brian Howes – Investigator

Department of Commerce, Community & Economic Development
Division of Corporations, Business and Professional Licensing
550 West 7th Avenue, Suite 1500
Anchorage, Alaska, 99501 – 3567
(907) 269-8437

ALASKA BOARD OF PROFESSIONAL COUNSELORS

FY 2019 Annual Report

Narrative Statement

The Fiscal Year 2019 (FY 19) Report of Activities is based on activity of the Board of Professional Counselors (PCO) between July 1, 2018 and June 30, 2019. During this period, the board held five meetings for a total of seven days. Meetings were held on the following days: July 13, 2018 - board members met from their perspective cities via teleconference; September 13-14, 2018 -board members met in person in Anchorage; December 14, 2018 – board members met from their perspective cities via teleconference; February 7 and 8, 2019 – Road system members met in Anchorage and Juneau member and staff met in Juneau and meeting was conducted via teleconference; and May 9, 2019 – board members met from their perspective cities via zoom video-conference. The board intentionally held all meetings in either Anchorage or perspective home cities, as well as, during non-peak travel periods, to try to minimize travel costs.

*The express purpose of the board is to protect the public by regulating the profession of Professional Counseling. The Board accomplishes this by: **reviewing applications for licensure** to ensure minimal professional competence and fitness for licensure; **investigating allegations of misconduct** on the part of licensees; and upholding the rules of code pertaining to licensure, of which those rules and code are meant to ensure the protection of the public.” (AASCB Annual Conference 2018).*

Reviewing applications for licensure:

During this past fiscal year, the board has diligently and timely reviewed all applications received, including applications for Professional Counselor licensure, Approved Supervisor Certification, continuing education units (CEU's), seminar and class approvals, license reinstatements, requests for alternate supervision, and extensions of examination time.

Investigating allegations of misconduct:

Individual board members have worked collaboratively with the board investigator to review cases involving jurisdictional questions, and to give guidance on need for further review and/or disciplinary sanctions. According to the investigations department, twenty four cases were opened and thirteen cases have been closed. The board is in the process of reviewing the additional cases.

Regulation Management: The board finalized the development of regulations overseeing tele-behavioral health. The board also recommended five regulation revisions to enhance professionalism and further protect the public.

As we reflect back on FY 19, we celebrate the following highlights: All seats of the board were filled and the board was able to work collaboratively and efficiently to finalize our tele-behavioral health regulation as well as propose five new regulation changes that, we believe, will provide greater safety and professionalism to the industry of professional counseling. The board operated with fiscal health and was able to recommend a substantial fee reduction for the upcoming licensure renewals in October 2019. We are grateful to the staff of the Division of Corporations, Business and Professional Licensing for assisting us with budget reports, and administrative services to be able to accomplish the aforementioned. We are especially grateful for the licensing examiners and supervisors, and investigators that worked directly with our board.

A hindrance that the board has experienced, however, is its inability to travel to conferences and to meet regularly face to face in person. We understand that due to the state's financial crisis, the state is diligently prioritizing reducing expenses, however, the professional board is not funded by state revenue, but rather is funded by the professionals for whom we oversee. The revenue to cover board expenses, including travel, is generated by the fees that we collect from license and supervisor applications. As our financial reports indicate, the board of professional counselors not only diligently climbed out of a deficit, but has developed a solvent reserve in order to sustain its operations at a professional level. During this past fiscal year, we were denied travel to conferences that promote board professional development and enable board members to, not only represent our state, but to network with other state boards to glean valuable wisdom in discerning best practices for our state board. In addition to the denial of conference travel, we were only approved in person face to face travel for one board meeting. As a member who has served on the board for six years, I have experienced the collaborative benefit of being able to work face to face in person with each board member as we collectively deliberate over matters that affect this profession. While the video-conferencing format provides an immensely improved forum over tele-conferences, it does not provide the same level of collaborative engagement as meeting face to face in the same room. Since the funding does not come from the state budget, we are hopeful that the travel requests for conferences and in person face to face board meetings in FY 20 will be prioritized and approved.

FY 2019 Narrative Statement (continued)

Investigations: Ms. Autumn Roark attended our September 2018, and Ms. Erika Prieksat attended our December 2018, February 2019 and May 2019 board meetings and provided helpful training at each to orient new board members in the investigative process. At our meeting in May 2019, Ms. Prieksat provided a very helpful training through a flowchart visual aide to further train board members in their role in the investigative process. Our board has been provided with comprehensive and timely updates regarding investigative matters. Indeed, the Investigations Unit has done an outstanding job working collaboratively with our board to ensure public safety.

The board continues work on the following:

1. Supervisor competency – The board has drafted a regulation revision regarding increasing training requirements for becoming an Approved Counselor Supervisor.
2. Code of Ethics – The board has proposed to stay with the AMHCA code of ethics and has proposed revising the code of ethics to the current 2015 version.
3. Board travel – The board will continue to prioritize board member travel to conferences and training in order to affect the most efficient use of budgetary funds without compromising the purpose and mission of the board.
4. Disciplinary Matrix – The board will work on developing a disciplinary matrix to assist in recommending consistent disciplinary actions.

Future board meetings: Considering the budget, the board intends to continue to hold the majority of meetings in Anchorage, but may plan to hold a meeting in Juneau during legislative session if regulations require legislative involvement.

ALASKA BOARD OF PROFESSIONAL COUNSELORS
Fiscal Year 2019 Annual Report

Budget Recommendations for FY 2020

The Budget Recommendations section anticipates the board’s fiscal priorities for the upcoming year. Please complete all parts of this section with details about anticipated meetings, conferences, memberships, supplies, equipment, to other board requests. Meeting expenses that are being funded through third-party reimbursement or direct booking must be identified separately from expenses paid through license fees (receipt-supported services or RSS). Be sure to explain any items listed as “other” so they may be tracked appropriately.

#1 Rank

(Rank board meetings in order of importance)

Board Meeting Date	Location	# Board	# Staff
September 19 -20, 2019	Anchorage	5	1
<input checked="" type="checkbox"/> Airfare:			\$1,200.00
<input checked="" type="checkbox"/> Hotel:			\$860.00
<input checked="" type="checkbox"/> Ground:			\$250.00
<input checked="" type="checkbox"/> Other:			\$650.00
Total Estimated Cost:			\$2,960.00

#2 Rank

(Rank board meetings in order of importance)

Board Meeting Date	Location	# Board	# Staff
December 5-6, 2019	Anchorage	5	1
<input checked="" type="checkbox"/> Airfare:			\$1,200.00
<input checked="" type="checkbox"/> Hotel:			\$860.00
<input checked="" type="checkbox"/> Ground:			\$250.00
<input checked="" type="checkbox"/> Other:			\$650.00
Total Estimated Cost:			\$2,960.00

#3 Rank

(Rank board meetings in order of importance)

Board Meeting Date	Location	# Board	# Staff
May 2019	Anchorage	5	1
<input checked="" type="checkbox"/> Airfare:			\$1,200.00
<input checked="" type="checkbox"/> Hotel:			\$860.00
<input checked="" type="checkbox"/> Ground:			\$250.00
<input checked="" type="checkbox"/> Other:			\$650.00
Total Estimated Cost:			\$2,960.00

ALASKA BOARD OF PROFESSIONAL COUNSELORS
Fiscal Year 2019 Annual Report

Budget Recommendations for FY 2020 (continued)

Travel Required to Perform Examinations

Not applicable

Date	Location	# Board	# Staff
<input type="checkbox"/> Airfare:			\$0.00
<input type="checkbox"/> Hotel:			\$0.00
<input type="checkbox"/> Ground:			\$0.00
<input type="checkbox"/> Conference:			\$0.00
<input type="checkbox"/> Other:			\$0.00
Describe "Other" (break out all sections):			
Total Estimated Cost:			\$0.00

Out-of-State Meetings and Additional In-State Travel – NBCC and AASCB Counseling Regulatory Boards Summit – Moving Forward Together

Not applicable

Date	Location	# Board	# Staff
August 7-9, 2019	Washington DC	3	1

Description of meeting and its role in supporting the mission of the Board: The National Board of Certified Counselors (NBCC) hosts an annual gathering of state counseling boards and related organizations. In addition to providing national counseling certification, they also provide the two counseling exams that are most frequently accepted for AK state licensure. This year they are offering a joint counseling board summit with the American Association of State Counseling Boards (AASCB). AASCB is an alliance of governmental agencies responsible for the licensure and certification of counselors throughout the United States. Attendance at this meeting allows us to keep current with issues on the national level; work collaboratively toward license portability; and give Alaska voice in national decisions affecting Alaska LPCs. Due to the fact that these two organizations are combining their conference this year, and the fact that NBCC covers the expense for two attendees, we are budgeting for three counselors and one staff member to attend. ***NBCC provides full conference coverage (airfare, conference fees, hotel and meals) for two attendees.***

Expenditure	License Fees (RSS)	Third-Party Reimbursement	Third-Party Direct Booked	Total
<input checked="" type="checkbox"/> Airfare:	\$3400	\$1800	\$1800	\$3400
<input checked="" type="checkbox"/> Hotel:	\$4000	\$2000	\$2000	\$4000
Ground:	\$100	\$50	\$50	\$100
X Conference:	\$1400	\$700	\$700	\$1400
<input checked="" type="checkbox"/> MI&E.	\$1000	\$700	\$1000	\$1000
Describe "Other – (Meals included during conference for two people. All fees are estimates based off past				
Net Total:	\$4,315.00	\$0.00	\$0.00	\$4,315.00

Out-of-State Meetings and Additional In-State Travel – American Mental Health Counseling Association (AMHCA) annual conference

Date	Location	# Board	# Staff	
June 2020	TBD	1	1	
<p>Description of meeting and its role in supporting the mission of the Board: The board has adopted the AMHCA’s code of ethics as its code of ethics that govern ethical decision making for AK licensed professional counselors. Attendance at this conference enables board representatives to network with representatives of AMHCA, as well as, other licensed professional counselors, in order to stay abreast of best practices and ensure quality professional counseling in the state of AK.</p>				
Expenditure	License Fees (RSS)	Third-Party Reimbursement	Third-Party Direct Booked	Total
<input checked="" type="checkbox"/> Airfare:	\$1,600	\$0.00	\$0.00	\$1,600
<input checked="" type="checkbox"/> Hotel:	\$1,000	\$0.00	\$0.00	\$1,000
<input checked="" type="checkbox"/> Ground:	\$100	\$0.00	\$0.00	\$100
<input checked="" type="checkbox"/> Conference:	\$800	\$0.00	\$0.00	\$800
<input checked="" type="checkbox"/> Other	\$600.00	\$0.00	\$0.00	\$600
Describe “Other” (break out all sections): MI&E.				
Net Total:	\$4,102.00	\$0.00	\$0.00	\$4,102.00

Out-of-State Meetings and Additional In-State Travel - Federation of Associations of Regulatory Boards (FARB) Forum

Date	Location	# Board	# Staff	
January 23-26, 2020	Colorado Springs, CO	2	0	
<p>Description of meeting and its role in supporting the mission of the Board: Federation of Associations of Regulatory Boards: The FARB Forum is educationally driven and includes sessions related to administering professional licensing boards. It provides a critical forum for information exchange between regulatory boards to help solve the mutual problems of participating associations as well as engage in activities to improve the standards of professions, the delivery of services, and the services of regulatory boards themselves.</p>				
Expenditure	License Fees (RSS)	Third-Party Reimbursement	Third-Party Direct Booked	Total
<input checked="" type="checkbox"/> Airfare:	\$1,600	\$0.00	\$0.00	\$1,600
<input checked="" type="checkbox"/> Hotel:	\$900	\$0.00	\$0.00	\$900
<input checked="" type="checkbox"/> Ground:	\$100	\$0.00	\$0.00	\$100
<input checked="" type="checkbox"/> Conference:	\$800	\$0.00	\$0.00	\$800
<input checked="" type="checkbox"/> Other	\$700	\$0.00	\$0.00	\$700
Describe “Other” (break out all sections): MI&E two for people for five days (4 conference days and 1 travel day)				

Net Total:	\$3,100.00	\$0.00	\$0.00	\$3,100.00
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ALASKA BOARD OF PROFESSIONAL COUNSELORS
Fiscal Year 2019 Annual Report

Budget Recommendations for FY 2020 (continued)

Non-Travel Budget Requests

- | | | |
|--|------------------------------------|---------------------------------------|
| <input type="checkbox"/> Not Applicable | <input type="checkbox"/> Resources | <input type="checkbox"/> Examinations |
| <input checked="" type="checkbox"/> Membership | <input type="checkbox"/> Training | <input type="checkbox"/> Other |

Product or Service	Provider	Cost Per Event
Membership Dues	AASCB	\$900

Description of item and its role in supporting the mission of the Board: This membership type is appropriate for counseling licensure boards and their appointed board members. The membership fee of \$900 includes membership for the Board Administrator and two appointed board members, a subscription to the organization's newsletter, The Liaison, invitations to AASCB programs and meetings, 2 delegate votes (one can be by the Board Administrator) at the Annual Business Meeting, and discounted annual conference fees.

Summary of FY 2020 Fiscal Requests

Board Meetings and Teleconferences:	\$8,880
Travel for Exams:	\$0.00
Out-of-State and Additional In-State Travel:	\$16,767
Dues, Memberships, Resources, Training:	\$900
Total Potential Third-Party Offsets:	-\$5250
Other:	\$0.00
Total Requested:	\$21,297

ALASKA BOARD OF PROFESSIONAL COUNSELORS
Fiscal Year 2019 Annual Report

Legislation Recommendations Proposed Legislation for FY 2019

No Recommendations

The Board has no recommendations for proposed legislation at this time.

Recommendations

The Board has the following recommendations for proposed legislation:

ALASKA BOARD OF PROFESSIONAL COUNSELORS
Fiscal Year 2019 Annual Report

Regulation Recommendations Proposed Legislation for FY 2019

No Recommendations

The Board has no recommendations for proposed regulations at this time.

Recommendations

The Board has the following recommendations for proposed regulations:

1. Update the Code of Ethics to reflect the latest edition – 2010 - 2015
2. Modify regulation related to the Approved Supervisor qualifications - increase required training to become an approved supervisor from 6 hrs to 45hrs of CEU's
3. Modify regulation to accept hours of supervised experience by a non-certified approved supervisor once the supervisor becomes approved as an approved supervisor.
4. Modify required supervision to have a minimum of 1 hour/month of approved supervision.
5. Modify regulation regarding supervision to be synchronous

ALASKA BOARD OF PROFESSIONAL COUNSELORS

Fiscal Year 2019 Annual Report

Goals and Objectives

Part I: FY 2019's goals and objectives, and how they were met:

1. The board will continue to review the statutes and regulations and work on any changes.

The board continued its due diligence of reviewing applicable statutes and regulations, as well as working toward achieving changes deemed necessary. The board was able to finalize the regulation pertaining to tele-behavior health and proposed new regulation updates and changes to improve professionalism and provide greater protection for the public.

2. The board will continue to review applications for licensing Professional Counselors by credentials and examination, and for Approved Counselor Supervisors.

The board continued to review applications for licensing Professional Counselors and for approving Counselor Supervisors, both at meetings, as well as, in-between meetings by secure-portal ballots and the new OnBoard secure site. This fostered public safety as well as licensure timeliness.

3. The board will continue to send delegates to national conferences and/or trainings in FY 19. Being conscious of budget restrictions, the Board has chosen only three conferences (listed in order of priority):

- The American Association of State Counseling Boards (AASCB) (#1)
 - Federation of Associations of Regulatory Boards (FARB) Annual Forum (#2)
 - The Council on Licensure, Enforcement and Regulation (CLEAR) Annual Educational Conference (#3)
- The Board was not able to participate in any of the conferences this past fiscal year. The American Association of State Counseling Boards (AASCB) conference, which was scheduled for January 2019, postponed the conference for Fall 2019. Travel was also denied for attendance to the Federation of Associations of Regulatory Boards (FARB) Annual Forum and The Council on Licensure, Enforcement and Regulation (CLEAR) Annual Educational Conference.

4. The board will monitor the activity of the Alaska Counseling Association (AKCA) should one be restarted by professional counselors, and will consider support of any legislation put forward by a new state counseling association.

Our board liaison continued to reach out to the Alaska Counseling Association (AKCA), however, the association continues to be inactive.

5. The board will continue to monitor disciplinary actions.

Individual board members have worked collaboratively with the board investigator(s) to review cases involving jurisdictional questions, and to give guidance on need for further review and/or disciplinary sanctions. According to the investigations department, twenty four cases were opened and thirteen cases have been closed. The board is in the process of reviewing the additional cases.

6. The board will move toward statute and regulation change regarding supervisor accountability.

In an effort to increase professionalism and protection for the public, the board has proposed a regulation change that will increase the required CEU training in order to become an AK approved supervisor.

7. The board will continue to work for consistency in licensing by credential under 08.29.120.

The board has continued to review all applications, utilizing the statutes and regulations as the basis for its decisions. Each application has been reviewed individually and thoroughly to ensure public safety.

8. The board will monitor licensing fees for LPC applications and renewals.

The board is pleased to report that they have been operating with financial solvency over the past two fiscal years and were able to recommend a substantial renewal fee reduction to the division which has been approved and implemented for the upcoming renewal cycle.

9. The board will monitor issues of portability.

Board members were not able to work collaboratively with other states due to our inability to travel this past year to national conferences. We were not able to participate in conversations or stay abreast of the latest discussions and legislation related to licensure portability. We are, however, hopeful to be able to resume this participation in the upcoming year.

10. The board will continue to meet quarterly.

To continue to reduce cost, the board met five times in FY 19, however only one meeting was face to face with the full board. The remaining four were in varying tele-forums: two were full tele-conference from each board member's perspective city, one was partial teleconference where half of the board was in Anchorage and half was in Juneau, and one was video conference from each board member's perspective city. While work has been accomplished, the teleconferences have compromised thorough collaboration. Our most productive meeting was in September during our full face to face meeting where we were able to propose five new regulation changes.

11. The board will continue to work on and adopt regulations in relation to SB 74 to ensure the highest level of ethical practice in telehealth and the use of technology with counseling.

In FY 16, the board took the State's direction very seriously, and worked diligently to draft a new article for our regulations, addressing Technology-Assisted Distance Professional Services. This was submitted to the Division's Regulations Specialist in July 2016, and was returned to us with amendments just prior to our April 2017 board meeting. We reviewed the amendments and resubmitted the proposal. The Board voted to approve the new regulations at the February 2019 meeting, following the public comment period.

ALASKA BOARD OF PROFESSIONAL COUNSELORS
Fiscal Year 2019 Annual Report

Goals and Objectives

Part II

FY 2020's goals and objectives, and proposed methods to achieve them.

Describe any strengths, weaknesses, opportunities, threats and required resources:

1. The board will continue to review the statutes and regulations and work on any changes.

The board plans to continue reviewing relevant statutes and regulations and to discuss and work on changes as deemed necessary.

2. The board will continue to review applications for licensing Professional Counselors by credentials and examination, for Approved Counselor Supervisors, as well as audit for continuing education.

For the protection of the public, it is imperative that the board closely review applications for licensing Professional Counselors and for approving Counselor Supervisors. It is our duty to make certain we evaluate each application file thoroughly to ensure the applicant is qualified as per the statutes and regulations of our State and per the high standard of excellence we expect from the clinicians of our State. It is also imperative that licensed professional counselors continue to develop and refine their skills by completing continuing education.

3. The board will continue to send delegates to national conferences and/or trainings in FY 20. The board has listed the beneficial conferences in order of priority.:

- a. The American Association of State Counseling Boards (AASCB) and The National Board of Certified Counselors (NBCC) – Counseling Regulatory Boards Summit (Joint Conference) (#1)
- b. The American Mental Health Counseling Association (AMHCA) (#2)
- c. Federation of Associations of Regulatory Boards (FARB) Annual Forum (#3)
- d. The Council on Licensure, Enforcement and Regulation (CLEAR) Annual Educational Conference (#4)

The Board will continue to work on prioritizing board travel to conferences and training, reviewing the prioritized list and determining what training is needed and required to enable us to best serve the public as informed members.

4. The board will continue to monitor disciplinary actions.

The board monitors disciplinary actions, ensuring that all terms of the action are completed. These activities are done by utilizing the resources provided by the division, such as the board investigator and reports.

5. The board will continue to monitor its proposed regulation changes regarding approved counselor supervisors.

The board will continue to monitor the proposed regulation changes necessary to ensure competency and professionalism in AK approved counselor supervisors.

ALASKA BOARD OF PROFESSIONAL COUNSELORS
Fiscal Year 2019 Annual Report

Goals and Objectives (continued)

Part II (continued)

FY 2020's goals and objectives, and proposed methods to achieve them.

Describe any strengths, weaknesses, opportunities, threats and required resources:

6. The board will continue to work for consistency in licensing by credential under 08.29.120.

The board will continue to review all applications, utilizing the statutes and regulations as the basis for its decisions. Each application will continue to be reviewed individually and thoroughly to ensure public safety. .

7. The board will monitor the activity of the Alaska Counseling Association (AKCA) should one be restarted by professional counselors, and will consider support of any legislation put forward by a new state counseling association.

The board is hopeful professional counselors in Alaska will unite to form a new counseling association. In the event that happens, we will readily assign a liaison to attend any meetings, will encourage the association's members to attend board meetings, and will work to foster a mutual and cooperative exchange of information regarding issues affecting counselors in Alaska.

In the event a new state counseling association is formed, the board will also consider any legislation put forth by them and make recommendations on the same.

8. The board will monitor licensing fees for LPC applications and renewals.

The board will continue to monitor biannual licensing fees – whether they are reasonable and affordable for Alaska counselors – as well as continuing to monitor fiscal efficiency to ensure the solvency of our board. The board's review(s) of dues will be shared with the division.

9. The board will monitor issues of portability.

The board will send members to national conferences in order to stay abreast of the latest discussions and legislation related to licensure portability.

10. The board will continue to meet quarterly.

The board will continue to meet quarterly in order to progress efficiently with processing all forms of applications, address issues pertaining to regulations, monitor the budget, address issues related to investigations, and to address issues that may arise regarding the counseling profession to ensure the highest level of practice in the profession of counseling and ensure public safety.

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Sunset Audit Recommendations

Date of Last Legislative Audit: 2018
Board Sunset Date: 2026

Audit Recommendation:	The Board received no new recommendations.
Action Taken:	N/A
Next Steps:	N/A
Date Completed:	N/A

Professional Licensing Reform: Overview

This bill reduces barriers to practice in a variety of professions and moves toward “right-sizing” government without placing the public at risk.

Creates Improved Regulatory Solutions	Key Features
<p>Universal Temporary Licensure: Requires the department to issue a 180-day temporary license for qualified individuals seeking licensure in one of more than 100 professions licensed in AS 08.</p>	<ul style="list-style-type: none"> • This legislation will allow temporary license-holders to work in their field while completing ancillary requirements for full licensure. • It reduces paperwork burdens on military spouses. • It allows healthcare facilities to quickly hire much-needed staff. • It mandates the department to issue temporary licenses to qualified individuals. Currently, the law gives this option to professional licensing boards, and many have not adopted regulations to do so. • It allows the department to renew the license for an additional 180 days.
<p>Moves regulation of dental radiological equipment to the Department of Health and Social Services.</p>	<ul style="list-style-type: none"> • Will provide qualified oversight of dental radiological equipment. • Reduces a potential public safety hazard. • Has not historically been enforced by the Board of Dental Examiners because it is not within their scope of knowledge.
Removes Barriers to Licensure	Key Features
<p>Adds a “reasonable basis review” of applicants with criminal convictions.</p>	<ul style="list-style-type: none"> • Requires a review to associate time since conviction, relevance to profession, rehabilitation, nature and seriousness of the crime. • Allows an applicant to request a determination prior to application. • Requires the department and licensing boards to define nebulous phrases like “good moral character” in regulations.
<p>Corrects collection agency statutes to align with federal law and equalizes the fees for in-state and out-of-state collection agencies.</p>	<ul style="list-style-type: none"> • Reduces paperwork burden on licensees and staff. • Reduces potential for wrongful license denial.
<p>Makes administrative changes to hearing aid dealer license requirements.</p>	<ul style="list-style-type: none"> • Aligns with federal law and opens opportunities for additional practitioners.
<p>Eliminates a defunct credentialing association from home inspector licensing and clarifies renewal requirements.</p>	<ul style="list-style-type: none"> • Reduces confusion and potential for application fraud.
<p>Eliminates outdated requirements for obtaining a speech-language pathology license.</p>	<ul style="list-style-type: none"> • Expands the pathway to licensure. • Defines “field work”. • Provides flexibility to the department to keep up with current standards.
<p>Eliminates nebulous requirement for the Board of Veterinary Examiners to collect data on the practice of veterinary technology.</p>	<ul style="list-style-type: none"> • Intent is unclear; and as a result, this requirement has never been formally implemented.
Removes Unnecessary Bureaucracy and Inefficiency	Key Features
<p>Repeals bond or cash deposit for certain businesses</p>	<ul style="list-style-type: none"> • Removes expectation that DCCED will implement an impossible statute.
<p>Eliminates the Athletic Commission and regulation of boxing and wrestling.</p>	<ul style="list-style-type: none"> • Has not been operational since 2002 due to statutory lack of funding.
<p>Eliminates regulation of geologists.</p>	<ul style="list-style-type: none"> • There is no state requirement to hold a geologist license. The current requirement for state licensure is simply verification of certification from the national organization.
<p>Eliminates regulation of concert promoters.</p>	<ul style="list-style-type: none"> • Available current market technology makes this requirement unnecessary.

AMHCA Code of Ethics

Revised October 2015



AMHCA

**AMERICAN MENTAL HEALTH
COUNSELORS ASSOCIATION**

The only organization working exclusively for the
mental health counseling profession

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AMHCA Preamble

The American Mental Health Counselors Association (AMHCA) represents mental health counselors. As the professional counseling organization of mental health counselors, AMHCA subscribes to rigorous standards for education, training and clinical practice. Mental health counselors are committed to increasing knowledge of human behavior and understanding of themselves and others. AMHCA members are highly skilled professionals who provide a full range of counseling services in a variety of settings. Members believe in the dignity and worth of the individual and make every reasonable effort to protect human welfare. To this end, AMHCA establishes and promotes the highest professional standards. Mental health counselors subscribe to and pledge to abide by the principles identified in the Code of Ethics.

This code is a document intended as a guide to: assist members to make sound ethical decisions; to define ethical behaviors and best practices for Association members; to support the mission of the Association; and to educate members, students and the public at large regarding the ethical standards of mental health counselors. Mental health counselors are expected to utilize carefully considered ethical decision making processes when faced with ethical dilemmas.

I. Commitment to Clients

A. Counselor-Client Relationship

1. Primary Responsibility

Mental health counselors value objectivity and integrity in their commitment to understanding human behavior, and they maintain the highest standards in providing mental health counseling services.

a) The primary responsibility of mental health counselors is to respect client autonomy, dignity and promote client welfare.

b) Mental health counselors are clear with clients about the parameters of the counseling relationship. In a professional disclosure statement, they provide information about expectations and responsibilities of both counselor and client in the counseling process, their professional orientation and

values regarding the counseling process, emergency procedures, supervision (as applicable) and business practices. Information is also provided regarding client rights and contact information for the state counseling licensure authority.

2. Confidentiality

Mental health counselors have a primary obligation to safeguard information about individuals obtained in the course of practice, teaching, or research. Personal information is communicated to others only with the person's consent, preferably written, or in those circumstances, as dictated by state laws. Disclosure of counseling information is restricted to what is necessary, relevant and verifiable.

- a) Confidentiality is a right granted to all clients of mental health counseling services. From the onset of the counseling relationship, mental health counselors inform clients of these rights including legal limitations and exceptions.
- b) The information in client records belongs to the client and shall not be shared without permission granted through a formal release of information. In the event that a client requests that information in his or her record be shared, mental health counselors educate clients to the implications of sharing the materials.
- c) The release of information without consent of the client may only take place under the most extreme circumstances: the protection of life (suicidality or homicidality), child abuse, and/ or abuse of incompetent persons and elder abuse. Above all, mental health counselors are required to comply with state and federal statutes concerning mandated reporting.
- d) Mental health counselors (or their staff members) do not release information by request unless accompanied by a specific release of information or a valid court order. Mental health counselors make every attempt to release only information necessary to comply with the request or valid court order.

Mental health counselors are advised to seek legal advice upon receiving a subpoena in order to respond appropriately.

e) The anonymity of clients served in public and other agencies is preserved, if at all possible, by withholding names and personal identifying data. If external conditions require reporting such information, the client shall be so informed.

f) Information received in confidence by one agency or person shall not be forwarded to another person or agency without the client's written permission.

g) Mental health counselors have the responsibility to ensure the accuracy of, and to indicate the validity of, data shared with other parties.

h) Case reports presented in classes, professional meetings, or publications shall be disguised so that no identification is possible. Permission must be obtained from clients prior to disclosing their identity.

i) Counseling reports and records are maintained under conditions of security, and provisions are made for their destruction after five (5) years post termination or as specified by state regulations. Mental health counselors ensure that all persons in their employ, and volunteers, supervisees and interns, maintain confidentiality of client information.

j) Sessions with clients may be taped or otherwise recorded only with written permission of the client or guardian. Even with a guardian's written consent, mental health counselors should not record a session against the expressed wishes of a client. Such tapes shall be destroyed after five (5) years post termination or as specified by state regulations.

k) The primary client owns the rights to confidentiality; however, in the case where primary clients are minors or are adults

who have been legally determined to be incompetent, parents and guardians have legal access to client information. Where appropriate, a parent(s) or guardian(s) may be included in the counseling process; however, mental health counselors must take measures to safeguard client confidentiality within legal limits.

l) In working with families or groups, the rights to confidentiality of each member should be safeguarded. Mental health counselors must make clear that each member of the group has individual rights to confidentiality and that each member of a family, when seen individually, has individual rights to confidentiality within legal limits.

m) When using a computer to store confidential information, mental health counselors take measures to control access to such information. After five (5) years post termination or as specified by state regulations, the information should be deleted from the system.

n) Mental health counselors may justify disclosing information to identifiable third parties if clients disclose that they have a communicable or life threatening illness. However, prior to disclosing such information, mental health counselors must confirm the diagnosis with a medical provider. The intent of clients to inform a third party about their illness and to engage in possible behaviors that could be harmful to an identifiable third party must be assessed as part of the process of determining whether a disclosure should be made to identifiable third parties.

o) Mental health counselors take necessary precautions to ensure client confidentiality of information transmitted electronically through the use of a computer, e-mail, fax, telephone, voice mail, answering machines, or any other electronic means as described in the telehealth section of this document.

p) Mental health counselors protect the confidentiality of

deceased clients in accordance with legal requirements and agency or organizational policy.

q) Mental health counselors may disclose information to third-party payers only after clients have authorized such disclosure or as permitted by Federal and/or state statute.

3. Dual/Multiple Relationships

Mental health counselors are aware of their influential position with respect to their clients and avoid exploiting the trust and fostering dependency of the client.

a) Mental health counselors make every effort to avoid dual/multiple relationships with clients that could impair professional judgment or increase the risk of harm. Examples of such relationships may include, but are not limited to: familial, social, financial, business, or close personal relationships with the clients.

b) When deciding whether to enter a dual/multiple relationship with a client, former client or close relationship to the client, mental health counselors will seek consultation and adhere to a credible decision-making process prior to entering this relationship.

c) When a dual/multiple relationship cannot be avoided, mental health counselors take appropriate professional precautions such as informed consent, consultation, supervision and documentation to ensure that judgment is not impaired and no exploitation has occurred.

d) Mental health counselors do not accept as clients, individuals with whom they are involved in an administrative, supervisory or other relationship of an evaluative nature.

4. Exploitive Relationships

Mental health counselors are aware of the intimacy and responsibilities inherent in the counseling relationship. They

maintain respect for the client and avoid actions that seek to meet their personal needs at the expense of the client.

a) Romantic or sexual relationships with clients are strictly prohibited. Mental health counselors do not counsel persons with whom they have had a previous sexual relationship.

b) Mental health counselors are strongly discouraged from engaging in romantic or sexual relationships with former clients. Counselors may not enter into an intimate relationship until five years post termination or longer as specified by state regulations. Documentation of supervision or consultation for exploring the risk of exploitation is strongly encouraged.

c) Determining the risk of exploitive relationships includes but is not limited to factors such as duration of counseling, amount of time since counseling, termination circumstances, the client's personal history and mental status, and the potential adverse impact on the former client.

d) Mental health counselors are aware of their own values, attitudes, beliefs and behaviors, as well as how these apply in a society with clients from diverse ethnic, social, cultural, religious, and economic backgrounds.

5. Counseling Environments

Mental health counselors will provide an accessible counseling environment to individuals with disabilities.

a) Counseling environments should be accessible to all clients, especially being sensitive to individuals with disabilities.

b) Counseling environments should allow for private and confidential conversations.

B. Counseling Process

1. Counseling Plans

Mental health counselors use counseling plans to direct their work with clients.

a) Mental health counselors and their clients work jointly in devising integrated, individual counseling plans that offer reasonable promise of success and are consistent with the abilities, ethnic, social, cultural, and values backgrounds, and circumstances of the clients.

b) Mental health counselors and clients regularly review counseling plans to ensure their continued viability and effectiveness, respecting the clients' autonomy.

2. Informed Consent

Clients have the right to know and understand what is expected, how the information divulged will be used, and the freedom to choose whether, and with whom, they will enter into a counseling relationship.

a) Mental health counselors provide information that allows clients to make an informed choice when selecting a provider. Such information includes but is not limited to: counselor credentials, issues of confidentiality, the use of tests and inventories, diagnosis, reports, billing, and therapeutic process. Restrictions that limit clients' autonomy are fully explained.

b) Informed Consent includes the mental health counselor's professional disclosure statement and client bill of rights.

c) When a client is a minor, or is unable to give informed consent, mental health counselors act in the client's best interest. Parents and legal guardians are informed about the confidential nature of the counseling relationship. Mental health counselors embrace the diversity of the family system and the inherent rights and responsibilities parents/guardians have for the welfare of their children. Mental health counselors therefore strive to establish collaborative relationships with parents/guardians to best serve their minor clients.

d) Informed consent is ongoing and needs to be reassessed throughout the counseling relationship.

- e) Mental health counselors inform the client of specific limitations, potential risks, and/or potential benefits relevant to the client's anticipated use of online counseling services.

3. Multiple Clients

When working with multiple clients, mental health counselors respect individual client rights and maintain objectivity.

- a) When mental health counselors agree to provide counseling services to two or more persons who have a relationship (such as husband and wife, or parents and children), counselors clarify at the outset, the nature of the relationship they will have with each involved person.
- b) Collateral consent informs family members or significant others involved in counseling, of the parameters and limitations of confidentiality.
- c) If it becomes apparent that mental health counselors are unable to maintain objectivity resulting in conflicting roles, they must appropriately clarify, adjust, or withdraw from roles.
- d) Rules of confidentiality extend to all clients who receive services, not just those identified as primary clients.
- e) When working in groups, mental health counselors screen prospective group counseling/therapy participants. Every effort is made to select members whose needs and goals are compatible with goals of the group, who will not impede the group process, and whose well-being will not be jeopardized by the group experience.
- f) In the group setting, mental health counselors take reasonable precautions to protect clients from physical, emotional, and psychological harm or trauma.

4. Clients Served by Others

Mental health counselors do not enter into counseling relationships with a person being served by another mental health

professional unless all parties have been informed and agree.

a) When clients choose to change professionals but have not terminated services with the former professional, it is important to encourage the individual to first deal with that termination prior to entering into a new therapeutic relationship.

b) When clients work with multiple providers, it is important to secure permission to work collaboratively with the other professional involved.

5. Termination and Referral

Mental health counselors do not abandon or neglect their clients in counseling.

a) Assistance is given in making appropriate arrangements for the continuation of treatment, when necessary, during interruptions such as vacation and following termination.

b) Mental health counselors terminate a counseling relationship when it is reasonably clear that the client is no longer benefiting, when services are no longer required, when counseling no longer serves the needs and/or interests of the client, or when agency or institution limits do not allow provision of further counseling services.

c) Mental health counselors may terminate a counseling relationship when clients do not pay fees charged or when insurance denies treatment. In such cases, appropriate referrals are offered to the clients.

d) If mental health counselors determine that services are not beneficial to the client, they avoid entering or terminate immediately the counseling relationship. In such situations, appropriate referrals are made. If clients decline the suggested referral, mental health counselors discontinue the relationship.

e) When mental health counselors refer clients to other professionals, they will be collaborative.

f) Mental health counselors take steps to secure a safety plan if clients are at risk of being harmed or are suicidal. If necessary, they refer to appropriate resources, and contact appropriate support.

6. Telehealth, Distance Counseling and the Use of Social Media

Recognizing that technology can be helpful in client's mental health care management due to availability, expediency, and cost effectiveness, counselors engage in technology assisted, and or distance counseling.

a) Counselors only engage in distance counseling when they are licensed in the state of the client. In the case of an emergency, counselors should first attempt to attain permission from the client's state licensing entity and only proceed when failure to do so could result in harm to the client.

b) Counselors only provide distance counseling when they have had training, experience, and supervision to do so.

c) Written policies concerning the use of telehealth in a counseling relationship should include informed consent that is clearly set forth, understandable, and addresses the use of phone, online face to face counseling, electronic billing, text, and email contact with a client. This informed consent should clearly discuss the benefits and risks of entering into distance counseling.

i) Email: Mental health counselors should advise clients about the risks of exchanging emails. It is recommended to include a disclaimer when sending emails. Refer to the most update to date HIPAA regulations. Email transmissions are part of the client record; copies should be maintained in the client file.

ii) Text messages: Text messages are not a secure form of communication therefore texting of personal information should be discouraged. Text messages are considered a part of the client record, and should be kept in the client file.

- iii) Online scheduling: Any online scheduling software should be encrypted and secure. If not, counselors should disclose to clients the fact that the software is not encrypted and therefore is not confidential.

- iv. Chat Rooms: Counselors should not include chat rooms, because these may imply that a counselor is able to intervene in the event that a crisis is mentioned.

- d) Counselors follow carefully designed security and safety guidelines when conducting online face-to-face distance counseling.
 - i) Counselors endeavor to protect clients from unwanted interruptions during online face-to-face sessions.

 - ii) Counselors are strongly urged to employ the use of local resources in the community of the distance client should emergency care be needed. Local resources may be law enforcement, health care or EMT services, and someone trusted by the client to be available during distance counseling sessions should it become necessary to have someone close by in the event of an emergency.

- e) The counselor will evaluate the client to determine that the client is appropriate for distance counseling services.

- f) Counselors will conduct themselves in a professional manner during distance, online counseling sessions as if the client were in the counselor's office.

- g) Counselors will disclose to clients all procedures for documenting and storing of records of distance, online counseling sessions.
 - i) Counselors will safeguard and protect all records of distance counseling sessions as they would for in person sessions in accordance with all state and federal laws and regulations.

- ii) Counselors should have a written policy that prohibits both the therapist and the client from recording a treatment session without the written consent of the other. If a recording of the treatment session has been authorized, the counselor, should either erase or destroy the recording as soon as it has fulfilled its intended purpose (e.g, supervision or conclusion of counseling) in order to maintain confidentiality of the contents.
- h) Counselors do not engage in virtual relationships with clients as to do so could potentially be a violation of confidentiality.
 - i) If clients follow a professional blog, the counselor will not follow them back. The counselor has a responsibility to make it clear that the blog or website does not create a therapeutic relationship, therefore, professional blogs and websites should be non-interactive in nature
 - ii) Twitter, Facebook, LinkedIn, Google Plus and other social media should be professional profiles that are kept separate from personal profiles. Counselors should not establish connections or engage with clients through social media. In addition, counselors need to have appropriate privacy settings so that clients cannot contact them on these professional social media sites, or access a site in any way.
 - iii) Counselors shall not solicit professional reviews by clients, nor respond to reviews posted, as to do so might violate client confidentiality.
 - iv) Counselors will only seek information about their clients through internet searches for the purpose of determining their own or their clients health and safety.
- i) Counselors endeavor to provide sensitivity to the cultural make up of all clients, as well as sensitivity to disabilities or physical condition in distance counseling as they would in a physical office.

7. Clients' Rights

In all mental health services, wherever and however they are delivered, clients have the right to be treated with dignity, consideration and respect at all times. Clients have the right:

- a) To expect quality service provided by concerned, trained, professional and competent staff.

- b) To expect complete confidentiality within the limits of both Federal and state law, and to be informed about the legal exceptions to confidentiality; and to expect that no information will be released without the client's knowledge and written consent.

- c) To a clear working contract in which business items, such as time of sessions, payment plans/fees, absences, access, emergency procedures, third-party reimbursement procedures, termination and referral procedures, and advanced notice of the use of collection agencies, are discussed.

- d) To a clear statement of the purposes, goals, techniques, rules limitations, and all other pertinent information that may affect the ongoing mental health counseling relationship.

- e) To appropriate information regarding the mental health counselor's education, training, skills, license and practice limitations and to request and receive referrals to other clinicians when appropriate.

- f) To full, knowledgeable, and responsible participation in the ongoing treatment plan to the maximum extent feasible.

- g) To obtain information about their case record and to have this information explained clearly and directly.

- h) To request information and/or consultation regarding the conduct and progress of their therapy.

- i) To refuse any recommended services, techniques or approaches and to be advised of the consequences of this action.
- j) To a safe environment for counseling free of emotional, physical, or sexual abuse.
- k) To a client grievance procedure, including requests for consultation and/or mediation; and to file a complaint with the mental health counselor's supervisor (where relevant), and/or the appropriate credentialing body.
- l) To a clearly defined ending process, and to discontinue therapy at any time.

8. End-of-Life Care for Terminally Ill Clients

- a) Mental health counselors ensure that clients receive quality end-of-life care for their physical, emotional, social, and spiritual needs. This includes providing clients with an opportunity to participate in informed decision making regarding their end-of-life care, and a thorough assessment, from a qualified end-of-life care professional, of clients' ability to make competent decisions on their behalf.
- b) Mental health counselors are aware of their own personal, moral, and competency issues as it relates to end-of-life decisions. When mental health counselors assess that they are unable to work with clients on the exploration of end-of-life options, they make appropriate referrals to ensure clients receive appropriate help.
- c) Depending upon the applicable state laws, the circumstances of the situation, and after seeking consultation and supervision from competent professional and legal entities, mental health counselors have the options of breaking or not breaking confidentiality of terminally ill clients who plan on hastening their deaths.

C. Counselor Responsibility and Integrity

1. Competence

The maintenance of high standards of professional competence is a responsibility shared by all mental health counselors in the best interests of the client, the public, and the profession. Mental health counselors:

- a) Recognize the boundaries of their particular competencies and the limitations of their expertise.

- b) Provide only those services and use only those techniques for which they are qualified by education, training, or experience.
- c) Maintain knowledge of relevant scientific and professional information related to the services rendered, and recognizes the need for on-going education.

- d) Represent accurately their competence, education, training, and experience including licenses and certifications.

- e) Perform their duties, as teaching professionals, based on careful preparation in order that their instruction is accurate, up-to-date and educational.

- f) Recognize the importance of continuing education and remain open to new counseling approaches and procedures documented by peer-reviewed scientific and professional literature.

- g) Recognize the important need to be competent in regard to cultural diversity and are sensitive to the diversity of varying populations as well as to changes in cultural expectations and values over time.

- h) Recognize that their effectiveness is dependent on their own mental and physical health. Should their involvement in any activity, or any mental, emotional, or physical health problem, compromise sound professional judgment and competency, they seek capable professional assistance to determine whether to limit, suspend, or terminate services to their clients.

- i) Have a responsibility to maintain high standards of professional conduct at all times.
- j) Take appropriate steps to rectify ethical issues with colleagues by using procedures developed by employers and/or state licensure boards.
- k) Have a responsibility to empower clients, when appropriate, especially/particularly clients with disabilities.
- l) Are aware of the intimacy of the counseling relationship, maintain a healthy respect for the integrity of the client, and avoid engaging in activities that seek to meet the mental health counselor's personal needs at the expense of the client.
- m) Will actively attempt to understand the diverse cultural backgrounds of the clients with whom they work. This includes learning how the mental health counselor's own cultural/ethical/racial/religious identities impact their own values and beliefs about the counseling process.
- n) Are responsible for continuing education and remaining abreast of current trends and changes in the field including the professional literature on best practices.
- o) Develop a plan for termination of practice, death or incapacitation by assigning a colleague or records custodian to handle transfer of clients and files.
- p) Mental health counselors are aware of their language and avoid using language that will be offensive to individuals with disabilities.

2. Non-discrimination

- a) Mental health counselors do not condone or engage in any discrimination based on ability, age, color, culture, disability, ethnic group, gender, gender identity, race, religion, national

origin, politic beliefs, sexual orientation, marital status, or socioeconomic status.

b) Mental health counselors do not condone or engage in sexual harassment, or violate the provisions of state or federal laws, prohibiting sexual harassment.

c) Mental health counselors have a responsibility to educate themselves about their own biases toward those of different races, creeds, identities, orientations, cultures, and physical and mental abilities; and then to seek consultation, supervision and or counseling in order to prevent those biases interfering with the counseling process.

3. Conflict of Interest

Mental health counselors are aware of possible conflicts of interests that may arise between the counselor and the client, the employer, consultant and other professionals.

Mental health counselors may choose to consult with any other professionally competent person about a client assuring that no conflict of interest exists. When conflicts occur, mental health counselors clarify the nature of the conflict and inform all parties of the nature and direction of their loyalties and responsibilities, and keep all parties informed of their commitments.

D. Assessment and Diagnosis

1. Selection and Administration

Mental health counselors utilize educational, psychological, diagnostic, career assessment instruments (herein referenced as “tests”), interviews, and other assessment techniques and diagnostic tools in the counseling process for the purpose of determining the client’s particular needs in the context of his/her situation.

a) Mental health counselors choose assessment methods that are reliable, valid, and appropriate based on the age, gender, race, ability, and other client characteristics. If tests must be used in the absence of information regarding the aforementioned factors, the limitations of generalizability should be duly noted

- b) In selecting assessment tools, mental health counselors justify the logic of their choices in relation to the client's needs and the clinical context in which the assessment occurs.
- c) Mental health counselors avoid using outdated or obsolete tests, and remain current regarding test publication and revision.
- d) Mental health counselors use assessments only in the context of professional, academic, or training relationships.
- e) Mental health counselors provide the client with appropriate information regarding the reason for assessment, the approximate length of time required, and to whom the report will be distributed.
- f) Mental health counselors provide an appropriate assessment environment with regard to temperature, privacy, comfort, and freedom from distractions.

2. Interpretation and Reporting

Mental health counselors respect the rights and dignity of the client in assessment, interpretation, and diagnosis of mental disorders and make every effort to assure that the client receives the appropriate treatment.

- a) Mental health counselors base diagnoses and other assessment summaries on multiple sources of data whenever possible.
- b) Mental health counselors are careful not to draw conclusions unless empirical evidence is present.
- c) Mental health counselors consider multicultural factors (including but not limited to gender, race, religion, age, ability, culture, class, ethnicity, sexual orientation) in test interpretation, in diagnosis, and in the formulation of prognosis and treatment recommendations.
- d) Mental health counselors are responsible for evaluating the

quality of computer software interpretations of test data. Mental health counselors should obtain information regarding validity of computerized test interpretation before utilizing such an approach.

e) Mental health counselors clearly explain computerized test results in their summaries and reports.

f) Mental health counselors write reports in a style that is clear, concise and easily understandable for the lay reader.

g) To the extent possible, mental health counselors provide test results in a neutral and nonjudgmental manner.

h) Mental health counselors are responsible for ensuring the confidentiality and security of assessment reports, test data, and test materials regardless of how the material is maintained or transmitted.

i) Mental health counselors train their staff to respect the confidentiality of test reports in the context of typing, filing, or mailing them.

j) Mental health counselors (or their staff members) do not release an assessment or evaluation report by request unless accompanied by a specific release of information or a valid court order. A subpoena is insufficient to release a report. In such a case, the counselor must inform his or her client of the situation. If the client refuses release, the mental health counselor coordinates between the client's attorney and the requesting attorney to protect client confidentiality and the counselor's legal welfare.

3. Competence

Mental health counselors employ only those diagnostic tools and assessment instruments they are trained to use by education, or supervised training and clinical experience.

a) Mental health counselors seek appropriate workshops,

supervision and training to familiarize themselves with assessment techniques and the use of specific assessment instruments.

b) Mental health counselor supervisors ensure that their supervisees have adequate training in interpretation before allowing them to evaluate tests independently.

4. Forensic Activity

Mental health counselors who are requested or required to perform forensic functions, such as assessments, interviews, consultations, report writing, responding to subpoenas, or offering expert testimony, comply with all provisions of this Ethics Code and act in accordance with applicable state law.

a) Mental health counselors who engage in forensic activity must possess appropriate knowledge and competence, including specialized knowledge about special populations, specialized testing and specialized interview techniques. They must be cognizant of the difference between an expert and fact witness

b) When conducting interviews, writing reports, or offering testimony mental health counselors objectively offer their findings without bias, personal opinion or investment in the ultimate outcome. One error in their report or testimony could make the difference between acceptance or disqualification.

c) The client, in a forensic evaluation will be informed about the limits of confidentiality, the role of the mental health counselor, the purpose of the assessment and potential for unfavorable findings.

d) Mental health counselors' forensic written reports and recommendations are based upon information and techniques appropriate to the evaluation. The forensic mental health evaluator expert pays close attention to only using assessments relative to each case.

e) Mental health counselors do not provide written conclusions or forensic testimony regarding any individual without reliable information adequate to support any statements or conclusions offered in the forensic setting. The forensic mental health evaluator expert does not diagnose anyone that was not seen during the evaluation process.

f) When testifying, mental health counselors clearly present their qualifications and specialized training. They describe fairly the basis for their professional judgment, conclusions, and testimony. Counselors remain cognizant of the social responsibility they bear. The forensic mental health evaluator pays particular attention to avoid being viewed as a “hired gun.” The expert makes every effort to be court appointed to avoid this issue.

g) Mental health counselors do not evaluate, for forensic purposes, individuals whom they are currently counseling or have counseled in the past. In addition, mental health counselors do not counsel individuals they are currently evaluating, or have evaluated in the past, for forensic purposes.

h) Forensic mental health counselors do not act as an advocate for the legal system, perpetrators, or victims of criminal activity.

E. Recordkeeping, Fee Arrangements, and Bartering

1. Recordkeeping

Mental health counselors create and maintain accurate and adequate clinical and financial records.

a) Mental health counselors create, maintain, store, transfer, and dispose of client records in ways that protect confidentiality and are in accordance with applicable regulations or laws.

b) Mental health counselors establish a plan for the transfer, storage, and disposal of client records in the event of withdrawal from practice or death of the counselor, that maintains confidentiality and protects the welfare of the client.

2. Fee Arrangements, Bartering, and Gifts

Mental health counselors are cognizant of cultural norms in relation to fee arrangements, bartering, and gifts. Mental health counselors clearly explain to clients, early in the counseling relationship, all financial arrangements related to counseling.

- a) In establishing professional counseling fees, mental health counselors take into consideration the financial situation of clients and locality. If the usual fees create undue hardship for the client, the counselor may adjust fees or assist the client to locate comparable, affordable services.

- b) Mental health counselors usually refrain from accepting goods or services from clients in return for counseling services because such arrangements may create the potential for conflicts, exploitation and distortion of the professional relationship. However, bartering may occur if the client requests it, there is no exploitation, and the cultural implications and other concerns of such practice are discussed with the client and agreed upon in writing.

- c) Mental health counselors contribute to society by providing pro bono services.

- d) When accepting gifts, mental health counselors take into consideration the therapeutic relationship, motivation of giving, the counselor's motivation for receiving or declining, cultural norms, and the value of the gift.

F. Other Roles

1. Consultant

Mental health counselors acting as consultants have a high degree of self-awareness of their own values, knowledge, skills and needs in entering a helping relationship that involves human and/or organizational change.

- a) The focus of the consulting relationship is on the issues to be resolved and not on the personal characteristics of those presenting the consulting issues.

- b) Mental health counselors develop an understanding of the problem presented by the client and secure an agreement with the client, specifying the terms and nature of the consulting relationship.
- c) Mental health counselors are reasonably certain that they and their clients have the competencies and resources necessary to follow the consultation plan.
- d) Mental health counselors encourage adaptability and growth toward self-direction.
- e) Mental health counselors keep all proprietary and client information confidential.
- f) Mental health counselors avoid conflicts of interest in selecting consultation clients.

2. Advocate

Mental health counselors may serve as advocates at the individual, institutional, and/or societal level in an effort to foster sociopolitical change that meets the needs of the client or the community.

- a) Mental health counselors are aware of and make every effort to avoid pitfalls of advocacy including conflicts of interest, inappropriate relationships and other negative consequences. Mental health counselors remain sensitive to the potential personal and cultural impact on clients of their advocacy efforts.
- b) Mental health counselors may encourage clients to challenge familial, institutional, and societal obstacles to their growth and development and they may advocate on the clients' behalf. Mental health counselors remain aware of the potential dangers of becoming overly involved as an advocate.
- c) Mental health counselors may only speak on their behalf and

are clear, cautious, and authorized to speak on the behalf of any counseling organization.

d) Mental health counselors endeavor to speak factually and discern facts from opinions.

II. Commitment to Other Professionals

A. Relationship with Colleagues

Mental health counselors act with due regard for the needs and feelings of their colleagues in counseling and other professions. Mental health counselors respect the rights and obligations of the institutions or organizations with which they associate.

1. Mental health counselors understand how related professions complement their work and make full use of other professional, technical, and administrative resources that best serve the interests of clients.
2. Mental health counselors treat professional colleagues with the same dignity and respect afforded to clients. Professional discourse should be free of personal attacks.
3. Mental health counselors respect the viability, reputation, and proprietary rights of organizations that they serve.
4. Credit is assigned to those who have contributed to a publication, in proportion to their contribution.
5. Mental health counselors do not accept or offer referral fees from other professionals.
6. When mental health counselors have knowledge of the impairment, incompetence, or unethical conduct of a mental health professional, they are obliged to attempt to rectify the situation. Failing an informal solution, mental health counselors should bring such unethical activities to the attention of the appropriate state licensure board and/or the ethics committee of the professional association.

B. Clinical Consultation

Mental health counselors may offer or seek clinical consultation from another mental health professional. In clinical consulting mental health counselors provide critical and supportive feedback. Clinical consultation does not imply hierarchy or responsibility for client outcome.

III. Commitment to Students, Supervisees and Employee Relationships

A. Relationship with Students, Interns and Employees

Mental health counselors have an ethical concern for the integrity and welfare of supervisees, students, and employees. These relationships typically include an evaluative component and therefore need to be maintained on a professional and confidential basis.

1. Mental health counselors recognize the influential position they have with regard to both current and former supervisees, students and employees, and avoid exploiting their trust and dependency.
2. Mental health counselors do not engage in ongoing counseling relationships with current supervisees, students or employees.
3. All forms of sexual behavior with supervisees, students or employees are unethical.
4. Mental health counselors do not engage in any form of harassment of supervisees, students, employees or colleagues.
5. Mental health counselor supervisors advise their supervisees, students and employees against holding themselves out to be competent to engage in professional services beyond their training, experience, or credentials.
6. In the informed consent statement, students and employees notify the client they are in supervision and

provide their clients with the name and credentials of their supervisor.

7. Students and employees have the same ethical obligations to clients as those required of mental health counselors.

8. Supervisors provide written informed consent prior to beginning a supervision relationship that documents business address and telephone number; list of degrees, license and credentials/certifications held; areas of competence in clinical mental health counseling; training in supervision and experience providing supervision; model of or approach to supervision, including the role, objectives and goals of supervision, and modalities; evaluation procedures in the supervisory relationship; the limits and scope of confidentiality and privileged communication within the supervisory relationship; procedures for supervisory emergencies and supervisor absences; use of supervision agreements; and procedures for supervisee endorsement for certification and/or licensure, or employment to those whom are competent, ethical, and qualified.

B. Commitment for Clinical Supervision

Clinical supervision is an important part of the mental health treatment process. This purpose is two-fold: to assist the supervisee to provide the best treatment possible to counseling clients, through guidance and direction by the supervisor regarding clinical, ethical, and legal issues; and to provide training to the supervisee, which is an integral part of counselor education. Supervision is also a gatekeeping process to ensure safety to the client, the profession and to the supervisee.

1. Confidentiality of Clinical Supervision

Clinical supervision is a part of the treatment process, and therefore all of the clinical information shared between a supervisee and supervisor is confidential. Clinical supervisors do not disclose supervisee confidences regarding client information except:

- a) To prevent clear and imminent danger to a person or persons.
- b) As mandated by law for child or senior abuse reporting.
- c) Where there is a waiver of confidentiality obtained, in writing, prior to such a release of information.
- d) Where the release of records or information is permitted by state law.
- e) In educational or training settings where only other professionals who will share responsibility for the training of the supervisee are present, and formal written client consent has been obtained for such disclosures for training purposes.

2. Clinical Supervision Contract

A clinical supervision contract signed by both supervisor and supervisee, should be prepared, which provides for the fees for both individual and group supervision sessions. The contract should also specify the records that will be maintained by both the supervisor and supervisee regarding issues discussed in supervision; the number of hours of supervision that take place, and whether the supervision was individual or group. In addition, the contract should specify the agreement of supervisor and supervisee regarding how often the supervision sessions will be scheduled. The frequency of supervision sessions shall comply with state regulations. In addition, the supervisor and supervisee should agree to the following terms:

a) Insurance

The supervisee will maintain a professional liability insurance policy during the clinical supervision process, and provide a copy of a certificate of insurance to the supervisor.

b) Compliance with the AMHCA Code of Ethics

The supervisor should provide a copy of the *AMHCA Code of Ethics* to the supervisee, or ensure that the supervisee has obtained a copy. The supervisee must agree to comply

with the *AMHCA Code of Ethics* in all treatment provided. As needed, the supervisor and supervisee will discuss the principles contained in the *AMHCA Code of Ethics*. The supervisor needs to be aware of other codes of ethics which may apply to the supervisee.

c) State Licensing Board Rules

The supervisee needs to obtain a copy of the appropriate State Licensing Board Rules, and agree to comply with them. As needed, the supervisor and supervisee will discuss the provisions of board rules. The supervisor will be aware of all credentials and membership organizations regulating the supervisee.

d) Compliance with State Laws

The supervisor should inform the supervisee of state laws contained in the Practice Act for counselors, and other legal provisions which apply to treatment, requirements for licensure, billing, and the discipline of counselors.

e) Duty of the Clinical Supervisor

The contract should specify that the duty of the clinical supervisor will be to direct the treatment process, and to assist the supervisee in complying with all legal and ethical standards for treatment.

f) Billing for Treatment

Supervisee should agree that all bills submitted for treatment will accurately reflect the amount of time spent in counseling session, and will also identify the professional who provided services to the client.

g) Treatment Records and Bills

As part of the supervision process, the supervisee will agree to provide treatment records and billing statements to the clinical supervisor upon request. In addition, the supervisee will agree to maintain all treatment records securely, to

maintain their confidentiality and to comply with state recordkeeping requirements.

h) Informed Consent

The supervisee will agree to obtain informed consent in writing from the counseling client in compliance with state law. In addition, the supervisee will obtain informed consent in writing from any client whose treatment session is to be videotaped, recorded, or observed through one-way glass.

i) Dual Relationships

Supervisors will avoid all dual relationships that may interfere with the supervisor's professional judgment or exploit the supervisee. Any sexual, romantic, or intimate relationship is considered to be a violation. Sexual relationship means sexual conduct, sexual harassment, or sexual bias toward a supervisee by a supervisor.

j) Termination of Supervision

When a supervisee discontinues supervision, a written notice that the supervision process has terminated should be provided by the supervisor, along with an appropriate referral for supervision. If during supervision a conflict arises which causes impairment to the professional judgment of the supervisor or supervisee, the process should be terminated and a referral made. Both the supervisor and the supervisee have the right to terminate supervision at any time, with reasonable notice being provided regarding the voluntary termination of supervision.

k) Consultation for the Supervisor

Whenever a clinical supervisor needs to discuss questions regarding the clinical services being provided, ethical issues, or legal matters, the supervisor should obtain a consultation in order to resolve the issue. That consultation must be documented in the supervisor's clinical supervision notes.

l) Credentials for Supervisors

A supervisor should have the level of clinical experience required by state regulations, which is required for supervision of other professionals. In addition, the supervisor should have training in the clinical supervision process.

m) Credentials for Supervisees

Supervisors must ensure that supervisees have the requisite credentials under state law to provide counseling to clients. If at any time during the supervision process a supervisor concludes that the supervisee does not have the requisite skills and education to provide counseling safely, and the supervisee is not showing evidence of learning or progressing, the supervisor should inform the supervisee of the deficiencies noted in the supervisor's evaluation of the supervisee, and terminate the relationship.

IV. Commitment to the Profession

Mental health counselors promote the mission, goals, values, and knowledge of the profession. They engage in activities that maintain and increase the respect, integrity, and knowledge base of the counseling profession and human welfare. Such activities include but are not limited to teaching, research, serving on professional boards and membership in professional associations.

A. Teaching

As teaching professionals, mental health counselors perform their duties based on careful preparation to provide instruction that is accurate, current, and educational.

B. Research and Publications

Mental health counselors, as researchers, conduct investigations and publish findings with respect for dignity and welfare of the participants and integrity of the profession.

1. The ethical researcher seeks advice from other professionals if any plan of research suggests a deviation from any ethical principle of research with human subjects. Such deviation

protects the dignity and welfare of the client and places on the researcher a special burden to act in the subject's interest.

2. The ethical researcher is open and honest in the relationship with research participants.

3. The ethical researcher protects participants from physical and mental discomfort, harm, and danger. If the risks of such consequences exist, the investigator is required to inform participants of that fact, secure consent before proceeding, and take all possible measures to minimize the distress.

4. The ethical researcher instructs research participants that they are free to withdraw from participation at any time.

5. The ethical researcher understands that information obtained about research participants during the course of an investigation is confidential. When the possibility exists that others may obtain access to such information, participants are made aware of the possibility and the plan for protecting confidentiality and for storage and disposal of research records.

6. The ethical researcher gives sponsoring agencies, host institutions, and publication channels the same respect and opportunity for informed consent that they accord to individual research participants.

7. The ethical researcher is aware of his or her obligation to future research and ensures that host institutions are given feedback information and proper acknowledgement.

C. Service on public or private boards and other organizations

When serving as members of governmental or other organizational bodies, mental health counselors represent the mental health counseling profession and are accountable as individuals to the Code of Ethics of the American Mental Health Counselors Association.

V. Commitment to the Public

Mental health counselors recognize they have a moral, legal, and ethical responsibility to the community and to the general public. Mental health counselors are aware of the prevailing community and cultural values, and the impact of professional standards on the community.

A. Public Statements

Mental health counselors in their professional roles may be expected or required to make public statements providing counseling information or professional opinions, or supply information about the availability of counseling products and services. In making such statements, mental health counselors accurately represent their education, professional qualifications, licenses and credentials, expertise, affiliations, and functions, as well as those of the institutions or organizations with which the statements may be associated. Public statements serve the purpose of providing information to aid the public in making informed judgments and choices. All public statements will be consistent with this Code of Ethics.

B. Marketing

Mental health counselors market the following: highest counseling-related degree, type and level of certification or license, and type and/or description of services or other relevant information concerning areas of clinical competence. These statements will not be false, inaccurate, misleading, or out of context.

Accessibility of marketing materials: mental health counselors will create marketing materials that will be accessible to individuals with disabilities and diverse cultural groups. This includes websites and other promotional materials.

VII. Resolution of Ethical Problems

Members are encouraged to consult with the AMHCA Ethics Committee regarding processes to resolve ethical dilemmas that may arise in clinical practice. Members are also encouraged to use commonly recognized procedures for ethical decision-making

to resolve ethical conflicts. Sources for examples of such ethical decision-making procedures are attached to this code.

The American Mental Health Counselors Association, its Board of Directors, and its National Committee on Ethics do not investigate or adjudicate ethical complaints. In the event a member has his or her license suspended or revoked by an appropriate state licensure board, the AMHCA Board of Directors may then act in accordance with AMHCA's National By-Laws to suspend or revoke his or her membership.

Any member so suspended may apply for reinstatement upon the reinstatement of his or her licensure.

American Mental Health Counselors Association
675 North Washington Street, Suite 470
Alexandria, VA 22314
800-326-2642
www.amhca.org

Chapter 62. Board of Professional Counselors.

(Words in **boldface and underlined** indicate language being added; words [CAPITALIZED AND BRACKETED] indicate language being deleted. Complete new sections are not in boldface or underlined.)

12 AAC 62.130 is amended to read:

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

- (1) submit a complete application, on a form provided by the department;
- (2) pay the applicable fees established in 12 AAC 02.325;
- (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;
- (5) submit verification of completion of 40 continuing education credits, including **at least 20 hours of the continuing education credits earned through attendance and completion of synchronous courses, seminars, and workshops as specified in 12 AAC 62.310(d), and** three of the continuing education credits in ethics within the previous two years immediately preceding application for licensure by credentials; the continuing education must comply with 12 AAC 62.320;
- (6) submit complete information regarding any disciplinary action or investigation taken or pending against the applicant, from all licensing jurisdictions where the applicant has ever held a professional counselor license; and
- (7) submit a report of state criminal justice information under AS 12.62.005 -

12.62.200, and if a state other than this state is the applicant's primary state of residence, an equivalent report issued by that other state. (Eff. 10/30/99, Register 152; am 1/29/2009, Register 189; am 9/20/2015, Register 215; am ____/____/_____, Register _____)

Authority: AS 08.29.020 AS 08.29.120 AS 08.29.400

12 AAC 62.200 is amended to 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;

(4) submit documentation of having completed at least **45** [SIX] contact hours of continuing education related to supervision of **professional counselors** [MENTAL HEALTH PROFESSIONALS] within the two years preceding the date of application; **the 45 contact hours of continuing education must include at least 20 hours earned through attendance and completion of synchronous courses, seminars, and workshops; the 45 contact hours must be obtained through any of the following:**

- (A) a three semester hours graduate course in clinical supervision;**
- (B) a National Board of Certified Counselors (NBCC);**
- (C) an American Counseling Association (ACA);**
- (D) an American Mental Health Counselors Association (AMHCA);**

or

(E) other courses related to professional counseling supervision may be presented to the board for pre-approval; and

Commented [MJC(1)]: This is not something that is required. Can we say "as approved by the board" instead?

(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.

(b) The code of ethics for an approved counselor supervisor certified under this section is the *AMHCA Code of Ethics*, adopted by reference in 12 AAC 62.900. (Eff. 10/30/99, Register 152; am 1/28/2005, Register 173; am 12/29/2006, Register 180; am 7/12/2008, Register 187; am 1/14/2011, Register 197; am 9/20/2015, Register 215; am ____/____/_____, Register _____)

Authority: AS 08.29.020 AS 08.29.110 AS 08.29.210

12 AAC 62.220 is amended to read:

12 AAC 62.220. Supervised experience. (a) To be accepted by the board, supervised experience required under AS 08.29.110(a)(6) must include experience in those professional counseling skills included in the definition of "practice of professional counseling" in AS 08.29.490.

(b) **To** [BEFORE JULY 1, 2007, TO] meet the supervised experience requirements of AS 08.29.110(a)(6), the board will accept the hours of supervised experience, accumulated by an applicant for licensure, under the supervision of a person that **is** [HAS NOT BEEN] certified **before the supervision begins**, as an approved counselor supervisor under 12 AAC 62.200 [ONCE THAT PERSON IS CERTIFIED AS AN APPROVED COUNSELOR SUPERVISOR].

The board will also accept the hours of supervised experience, accumulated by an applicant for licensure, under the supervision of a person who has not been certified as an approved

counselor supervisor under 12 AAC 62.200 once that person becomes certified as an approved counselor supervisor.

Commented [MJC(2)]: This might be too vague. What if it takes a long time for that person to become certified? Is there another way to say what is desired here?

(c) **Repealed** / / [BEGINNING JULY 1, 2007, TO MEET THE SUPERVISED EXPERIENCE REQUIREMENTS OF AS 08.29.110(a)(6), THE BOARD WILL ONLY ACCEPT THE HOURS OF SUPERVISED EXPERIENCE, ACCUMULATED BY AN APPLICANT FOR LICENSURE, UNDER THE SUPERVISION OF A PERSON THAT IS CERTIFIED, BEFORE THE SUPERVISION BEGINS, AS AN APPROVED COUNSELOR SUPERVISOR UNDER 12 AAC 62.200].

(d) **At** [EXCEPT AS PROVIDED IN (e) OF THIS SECTION, AT] least 50 hours of the 100 hours of face-to-face supervised experience required under AS 08.29.110(a)(6) must be accumulated by an applicant in a one-on-one setting with a supervisor certified as an approved counselor supervisor under 12 AAC 62.200. An applicant may accumulate the remaining 50 hours of supervised experience in a one-on-one setting or a group setting with a supervisor certified as an approved counselor supervisor under 12 AAC 62.200. **An applicant must accumulate a minimum of one hour of supervision monthly.**

(e) **An** [BEFORE THE SUPERVISION BEGINS, AN] applicant [WHO PRACTICES IN A REMOTE LOCATION] may **receive** [SUBMIT A WRITTEN REQUEST TO THE BOARD TO ALLOW] supervision by telephonic or electronic means [IN LIEU OF THE FACE-TO-FACE SUPERVISION REQUIRED UNDER AS 08.29.110(a)(6). THE BOARD MAY APPROVE TELEPHONIC OR ELECTRONIC SUPERVISION IN LIEU OF FACE-TO-FACE SUPERVISION OF AN APPLICANT WHO PRACTICES IN A REMOTE LOCATION IF THE BOARD DETERMINES THAT

(1) APPROVED COUNSELOR SUPERVISORS ARE NOT PRACTICING AT,

Register _____, _____ 2020 **PROFESSIONAL REGULATIONS**

OR WITHIN A REASONABLE DISTANCE OF, THAT LOCATION; OR

(2) THE APPROVED COUNSELOR SUPERVISORS PRACTICING AT THAT LOCATION CANNOT PROVIDE APPROPRIATE SUPERVISION BECAUSE OF THE SUPERVISOR'S RELATIONSHIP TO THE APPLICANT, A POSSIBLE CONFLICT OF INTEREST, OR OTHER GOOD CAUSE SHOWN].

(f) In this section, "face-to-face" is synonymous to synchronous which means happening precisely at the same time during which the supervisor and supervisee are able to communicate in real time. (Eff. 10/30/99, Register 152; am 1/28/2005, Register 173; am ____/____/_____, Register _____)

Authority: AS 08.29.020 AS 08.29.110 AS 08.29.210

12 AAC 62.900 is amended to read:

12 AAC 62.900. Code of Ethics. (a) The American Mental Health Counselors Association's *AMHCA Code of Ethics*, revised as of **October 2015** [2010], is adopted by reference as the code of ethics for professional counselors in the state. A professional counselor licensed in the state must adhere to the code of ethics.

(b) When using or administering assessment instruments described in AS 08.29.490(1)(C), a professional counselor shall comply with Section D: Assessment and Diagnosis of the *AMHCA Code of Ethics* adopted by reference in (a) of this section.

(c) Licensed professional counselors shall retain their clients' records post-termination for a minimum of seven years. (Eff. 10/30/99, Register 152; am 7/12/2008, Register 187; am 9/20/2015, Register 215; am ____/____/_____, Register _____)

Authority: AS 08.29.020

Register _____, _____ 2020 **PROFESSIONAL REGULATIONS**

Editor's note: A copy of the *AMHCA Code of Ethics*, adopted by reference in 12 AAC 62.900 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 Mental Health Counselors Association, **675 North Washington Street, Suite 470** [801 N. FAIRFAX STREET, STE. 304], Alexandria, VA 22314; telephone: (800) 326-2642; fax (703) 548-4775; Internet: <http://www.amhca.org>.

12 AAC 62.990(c) is amended by adding a new paragraph to read:

(5) “synchronous” means happening precisely at the same time. (Eff. 10/30/99,

Register 152; am 1/28/2005, Register 173; am ____/____/_____, Register _____)

Authority: AS 08.29.020

Regulation Changes Questionnaire

Division/Board: _____ Meeting Date: _____

Regulation change being proposed: 12 AAC _____

General topic of the regulation: _____

This worksheet is designed to help the board think through an anticipated regulations project. Staff will provide this worksheet to the board at the time a regulations project is being approved for public notice. This information will be used to develop a FAQ to be posted on the board's web page to help the public understand the project. Staff will submit the completed worksheet with the draft board minutes to the Regulations Specialist within 10 days of the meeting and provide a copy to the supervisor. Appropriate staff will be assigned to complete this worksheet if a division regulation. **NOTE: Use a separate worksheet for each section being proposed.**

1. Is the new regulation needed to comply with new legislation or federal law? If yes, effective date of new statute/federal law: _____ <i>(If appropriate, ensure the new regulation is in line with federal requirements prior to initiating a regulation project.)</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>
2. Does the change add a new license type? If yes: Does it affect current licensees? Do current licensees/non-licensees already perform the service for which the new license type is required? Is there a grace period or date explicitly included in the regulation to allow for a transition period?	Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>
3. Does it change the qualifications or requirements of an existing license? If yes, does it affect current licensees?	Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>
4. Does it affect continuing education/competency requirements? If yes: Does it add additional requirements or hours? Does it clarify existing regulations? Is there an effective date in the future to give licensees time to comply?	Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>
5. Is it a fee change or does it create a new fee? If yes: Does it move fees in the centralized regulations to a new number, therefore affecting other program regulations?	Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>
6. Does it make changes to the requirements of licensees? If yes: All licensees Certain licensees (List: _____) Initial licensees	Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>
7. In addition to interested parties, who should receive the public notice? (All licensees or certain license types?)	

8. In addition to the 30-day minimum written notice, does the board request a public hearing? If yes, when and where.
9. What will the regulation do?
10. What is the demonstrated public need or purpose of this regulation?
11. What is the known or estimated cost of the new regulation to a private person, another agency, or a municipality (see Step 3 of the <i>Steps in the Regulation Process...</i>)?
12. What <u>positive</u> consequences may this regulation have on public or private people, businesses, or organizations?
13. What <u>negative</u> consequences may this regulation have on public or private people, business, or organizations?
14. If any <u>negative</u> consequences, please address the reasons why the public need for this change outweighs the negative impact.
15. List any additional questions or comments that may arise from the public during the comment period. Include a response to the questions.
16. What type of notification outlining the changes will be required once the regulation is adopted? Check appropriate boxes. FAQ on website <input type="checkbox"/> Email to licensees <input type="checkbox"/> *Letter to licensees <input type="checkbox"/> <small>* Cost to board for mailing letter</small>

Staff submitting this worksheet: _____ Date submitted to Regulations Specialist: _____