

**Oregon Board of Licensed Professional Counselors and Therapists
Minutes of October 15, 2010 Board Meeting**

Meeting called to order at 8:30 a.m. and adjourned at 2:40 p.m.

Members Present:	Ryan Melton, LPC, Chair LeeAnne Wichmann, LMFT Elizabeth Hartshorn, LPC	Linda Gray, LPC, Vice Chair Nila Epstein, LMFT
Others Present:	Becky Eklund, Executive Dir. Brian Johnson, Board Staff Lonnie Knotts, Board Staff Sivhwa (Hwa) Go	Kelly Gabliks, AAG Opal Bontrager, DAS/SCS Kay Bruce, Western Seminary
Not Present:	Julia Smith, LPC	Suzan Turley, Public Member

PUBLIC SESSION

CALL TO ORDER

The meeting of the Board of Licensed Professional Counselors and Therapists was called to order by Chair Ryan Melton pursuant to ORS 192.660(3) at 8:30 a.m. in the second floor large conference room of the Morrow Crane Building, 3218 Pringle Road SE, Salem, Oregon.

APPROVAL OF AGENDA & MINUTES

LeeAnne Wichmann moved and Linda Gray seconded the motion to approve the minutes for the August 13, 2010 Board meeting. The motion passed unanimously.

LeeAnne Wichmann moved and Nila Epstein seconded the motion to approve the December 11, 2009 with its revisions. The motion passed unanimously.

The Board approved the Board meeting dates for 2011 – February 11, 2011; April 8, 2011; June 10, 2011; August 12, 2011; October 14, 2011; and December 9, 2011.

FINANCIAL REPORT

Opal Bontrager, the accountant assigned to the Board from the Department of Administrative Services, presented the financial report. Ms. Eklund stated that she may need to ask the legislative Emergency Board in December to request an increase in the Board's expenditure limitation. By the end of the 2009-11 biennium, we are projected to overrun the limitation because of expenses for criminal background checks and legal costs.

BOARD APPROVED GRADUATE PROGRAMS

A request for information was sent to five Oregon Board approved graduate programs in early September. The graduate programs have until November 1, 2010 to respond. Once the work group receives the responses, they will need to meet again, review the responses, and then make recommendations to the Board.

COUNSELOR EDUCATOR LICENSING REQUIREMENTS

The Counselor Educator work group met recently and consists of Board Members Julia Smith and Ryan Melton; three university faculty members, Lisa Aasheim of Portland State, Jeff Todahl of University of Oregon and Bob Simpson of George Fox; and one license applicant, Stephen Lee. Dr. Aasheim provided statistics stating that 34 of the 59 faculty members at eight (8) of the Board approved programs are not licensed in Oregon. Some of the faculty members are licensed in other

states. The work group looked at current education, experience, and examination licensing requirements, exploring the possibility of teaching experience serving as a substitute for other licensing requirements. The work group developed potential licensing requirements that would apply only to full-time faculty members (0.5 fte or higher). The licensing requirements for counselor educators would include:

Education – The Counselor Educator would need to have taught at the graduate level in counseling or marriage family therapy for at least three years; have a masters degree or higher in a mental health field; be teaching classes that are part of educational requirements need for licensing; and, teach at least 100 clock hours of clinically related courses, after they apply for licensure.

Experience – Faculty would need experience supervising registered interns or graduate students. A national supervisor certification may substitute for the supervision requirement; the Counselor Educator would need at least 2000 hours of clinical practice; submit to supervision of their clinical practice; pass the national competency examination within the last 10 years; and, pass the Oregon's law and rules exam.

Counselor Educator applicants would need to submit a letter of recommendation or support, attesting to their clinical skills, and ethical and professional behavior.

The work group needs to decide whether the group is going to meet in person, by phone or by email and have draft rules ready for the Board at the December or February Board meeting.

IMPAIRED PROFESSIONALS PROGRAM

Only four health licensing boards decided to participate in the centralized impaired professional program. The remainder of the licensing boards decided to opt out because of the cost. Ryan Melton and other Board Chairs met with Claudia Black, the policy advisor for the governor, looking for a less expensive alternative. Claudia Black and Rep. Val Hoyle convened a group of smaller health licensing Boards to discuss alternatives. During the meeting, a representative from the program identified possible areas of the program that could be scaled back, reducing the costs. Development of an alternative program is an ongoing process; Ms. Eklund will report to the Board when more information is available.

GOVERNOR'S RESET RECOMMENDATIONS

The Governor's staff convened several work groups to develop recommendations that were reviewed by the complete group and then presented the recommendations to the House Health Committee. Many of the recommendations could be accomplished without legislative changes, others would need legislative action in order to change them. Ms. Eklund will send the reports to the Board members for their review and comment.

AASCB MEMBERSHIP AND CONFERENCE

Ms. Eklund reported that she had tried to obtain information about the National Credentials Registry from AASCB for the Reciprocity work group and was unable to obtain the necessary information. Ms. Eklund informed the organization that the Oregon Board would not renew our membership in the organization. The director of AASCB contacted Ms. Eklund and wanted to know why the Oregon Board did not want to renew the membership. The director of AASCB expressed his desire that all States be part of their organization. He also wanted the Oregon Board to attend their conference in January. The Board decided to keep the membership if the organization is willing to waive the membership renewal fee.

SUPERVISOR REGISTRY

Mr. Knotts reported overwhelming interest and support for the Registry. Interns are happy as they now have a resource to find a supervisor. Several licensees want to be on the registry but have been disciplined by the Board so are not eligible to be on the registry. The Board asked Ms. Eklund

develop an appeal process that includes elements to consider if a licensee requests an exception. Elements should include severity of violation and associated discipline, the length of time passed since discipline was imposed, mitigating factors, and whether the violation resulted in harm to a client.

SUPERVISION OF INTERNS UPON COMPLETION OF HOURS

The Board discussed the ramifications of continuing supervision once an intern completes their hours and prior to passing the national competency examination. Ms. Eklund spoke with the Board's attorney Kelly Gabliks and she stated that interns do not need to continue to with supervision. Board staff has been telling interns that they do need to continue their supervision until they pass the competency examination.

The Board strongly recommends (but does not require) that interns who have completed their hours continue supervision until they are licensed.

The Board would like rules developed regarding competency examinations. The rules should include when the exam needs to be taken, what happens if an applicant does not pass the exam, and how many times an individual can take the exam.

Create administrative rules to allow LMFT interns to take the national competency examination before they complete their intern hours, consistent with the rules for LPC.

BREAK: 9:40 a.m.

RECONVENED IN PUBLIC SESSION: 9:45

RECIPROCITY RECOMMENDATIONS

The work group developed drafted rules for the Board's consideration.

The Board reviewed the draft rules and made the following changes:

OAR 833-020-0051(1) - delete the word "required" in line 1 and to add "supervised clinical experience and education."

OAR 833-020-0051(9) – change "two or more years" to "five or more years."

OTHER PROPOSED RULE CHANGES

Ms. Eklund summarized the housekeeping changes of other Administrative Rules and the deletion of the administrative rules for the impaired professional program.

Nila Epstein moved and LeeAnne Wichmann seconded the motion to approve the changes to the administrative rules proposed by the director, Becky Eklund.

KEY PERFORMANCE MEASURES

Ms. Eklund gave a brief description of one of the required key performance measures – Board Best Practices. Each Board member completed an individual evaluation of the board best practices. Members agreed that Board Best Practice measures 1,2 and 4 were not met and needed to be resolved. Key measure number 4 will be discussed at the next board meeting. Ms. Eklund will send out the necessary information to resolve measures 1 and 2 to the board members.

The Board requested that Ms. Eklund's annual review be placed on a tickler system to ensure compliance with key performance measures.

CAPELLA UNIVERSITY

The Board has a policy to approve only online programs that are CACREP accredited. Ms. Eklund relayed that CACREP is now approving School Counseling degrees. Some of the online universities have CACREP accredited school counseling degree programs. These programs do not include a diagnosis course.

The Board decided to continue to accept CACREP counseling and marriage and family degrees and to consider school counseling degrees only if the coursework includes diagnosis.

INSURANCE BILLING

Ms. Eklund reported on an article from the American Counseling Association regarding interns billing under a licensee's license. Ms. Eklund contacted a couple of large insurance companies and they stated that an intern billing under someone else's license is illegal. Ms. Eklund stated that she would send an email to licensees, interns, and supervisors making them aware of the issue.

PUBLIC INPUT

Brian Johnson provided a synopsis of the Board's decision to issue a notice to intent to deny Gerald Magaro's license based upon qualification issues. Sihwa (Hwa) Go, Mr. Magaro's attorney, explained why Mr. Magaro's request for a hearing should be granted.

ANNOUNCEMENTS

Several of Oregon's Health Boards want the ability to issue citations for licensee administrative violations. These fines would not be considered discipline and would be quicker than current systems in place. There is a plan to propose legislation to allow the practice.

A Board policy binder has policies adopted by the Board from 1989 through 2003. Ms. Eklund requested that the Board review the policies to determine ones to keep, change or eliminate. The Board asked Ms. Eklund to prioritize the policies and they would tackle them a few at a time.

EXECUTIVE SESSION

The Board convened in Executive Session at 10:55 a.m. to discuss complaints and investigations under ORS 192.660(2)(k).

BREAK: 11:45 p.m.

RECONVENED IN EXECUTIVE SESSION: 12:00 p.m.

PUBLIC SESSION

The Board reconvened in Public Session at 2:10 p.m.

COMPLIANCE ISSUES

The Board took the following actions on license applications and compliance cases:

Resolved: Case #2009-027 – Linda Gray moved and LeeAnne Wichmann seconded the motion to withdraw the proposed settlement agreement and issue a letter of concern. The motion passed unanimously.

Resolved: Case #2009-037 – Nila Epstein moved and Linda Gray seconded the motion to deny licensure. The motion passed unanimously.

Resolved: Case #2010-013 – LeeAnne Wichmann moved and Nila Epstein seconded the motion to issue a letter of concern. The motion passed unanimously.

Resolved: Case #2010-016 – LeeAnne Wichmann moved and Linda Gray seconded the motion to impose discipline in the form of a letter of reprimand, supervision and costs. The motion passed unanimously.

Resolved: Case #2010-023– Nila Epstein moved and LeeAnne Wichmann seconded the motion to impose discipline in the form of a letter of reprimand, supervision and costs. The motion passed unanimously.

Resolved: Case #2010-024 – LeeAnne Wichmann moved and Nila Epstein seconded the motion to dismiss the case. The motion passed unanimously.

Resolved: Case #2010-025 – Linda Gray moved and LeeAnne Wichmann seconded the motion to issue a letter of concern. The motion passed unanimously.

Resolved: Case #2010-027 – LeeAnne Wichmann moved and Linda Gray seconded the motion for revocation of licensure, imposing fines in the amount of \$2,500.00 plus costs. The motion passed unanimously.

Resolved: Case #2010-028 – Nila Epstein moved and LeeAnne Wichmann seconded the motion to issue a letter of concern. The motion passed unanimously.

Resolved: Case #2010-029 – LeeAnne Wichmann moved and Linda Gray seconded the motion to dismiss the case. The motion passed unanimously.

Resolved: Case #2010-032 – LeeAnne Wichmann moved and Nila Epstein seconded the motion to dismiss the case. The motion passed unanimously.

Resolved: Case #2010-034 – LeeAnne Wichmann moved and Nila Epstein seconded the motion to dismiss the case. The motion passed unanimously.

Resolved: Case #2010-036 – Linda Gray moved and LeeAnne Wichmann seconded the motion for revocation of licensure, imposing fines in the amount of \$2,500.00 plus costs. The motion passed unanimously.

Resolved: Case #2010-037 – LeeAnne Wichmann moved and Nila Epstein seconded the motion to issue a letter of concern. The motion passed unanimously.

Resolved: Case #2010-042 – Linda Gray moved and Nila Epstein seconded the motion to dismiss the case. The motion passed unanimously.

Staff requested an extension for the investigation in cases #2010-018, #2010-026, #2010-030 #2010-033, #2010-038, #2010-040 and #2010-041 due to caseload. Linda Gray moved and LeeAnne Wichmann seconded the motion to grant an extension for investigation. The motion passed unanimously.

SPECIAL CONSIDERATIONS

Jacque Cummings – Ms. Cummings requested that she be allowed reciprocity without meeting all of the educational requirements. Linda Gray moved and LeeAnne Wichmann seconded the motion to deny Ms. Cummings request. The motion passed unanimously.

Linda Keller – Ms. Keller requested that the Board waive the \$50 late fee for renewing her license. Linda Gray moved and Nila Epstein seconded the motion to deny Ms. Keller’s appeal.

Lynea Gillen – Ms. Gillen requested that the Board allow her direct client contact hours obtained prior to her becoming a registered intern. Linda Gray moved and LeeAnne Wichmann seconded the motion denying Ms. Gillen’s direct client contact hours prior to internship.

ADJOURNMENT

Chair Ryan Melton adjourned the meeting at 2:40 p.m.