

**Oregon Board of Licensed Professional Counselors and Therapists
Minutes of December 10, 2010 Board Meeting**

Meeting called to order at 8:40 a.m. and adjourned at 1:45 p.m.

Members Present:	Ryan Melton, LPC, Chair LeeAnne Wichmann, LMFT Elizabeth Hartshorn, LPC Suzan Turley, Public Member	Linda Gray, LPC, Vice Chair Nila Epstein, LMFT Julia Smith, LPC
Others Present:	Becky Eklund, Executive Dir. Brian Johnson, Board Staff Lonnie Knotts, Board Staff Debra McHugh, Director of Board of Psychologist Examiners	Kelly Gabliks, AAG Opal Bontrager, DAS/SCS Doug Querin, Registered Intern

PUBLIC SESSION

CALL TO ORDER

Chair Ryan Melton called the meeting to order at 8:40 a.m. in the second floor large conference room of the Morrow Crane Building, 3218 Pringle Road SE, Salem, Oregon.

APPROVAL OF AGENDA & MINUTES

Julia Smith moved and LeeAnne Wichmann seconded the motion to approve the minutes for the October 15, 2010 Board meeting. The motion passed unanimously.

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 is going to the legislative emergency board in February to request an increase in the Board's expenditure limitation to cover the criminal background charges.

BOARD APPROVED GRADUATE PROGRAMS

Ms. Eklund reported that a questionnaire was sent to five Oregon Board approved graduate programs. The five programs were not CACREP, COAMFTE, or CORE accredited. All five programs have responded, and Julia Smith and Ryan Melton met yesterday to review the responses. The committee will request additional information and clarification from the five programs.

The Board discussed some of the responses from the programs. The committee believes they will be ready to submit recommendations to the board at the February meeting.

IMPAIRED PROFESSIONAL PROGRAM

Ms. Eklund gave an overview of the state's Impaired Professional Program. There are currently discussions to develop a program that the state's small boards may be able to afford. Ms. Eklund summarized cost proposed by the program manager for the smaller boards.

RECIPROCITY RULES

Ms Eklund gave a progress report on the proposed administrative rules for applications via reciprocity. The proposed rules are posted on the Board's website and in the December Bulletin from the Office of Secretary of State. Individuals may make comments on the rules through January 5, 2011. Once the comments are reviewed and any changes made, the rules should go into effect February 1, 2011.

MISCELLANEOUS RULES PREVIOUSLY APPROVED BY THE BOARD

Ms. Eklund reviewed some of the administrative rules that will take effect in the near future. These include rules that LMFTs may take the national examination at any time during their internships; establishment of an appeal process for those denied placement on the supervisor registry because of past discipline from the Board; elimination of rules for the Board's impaired professional program; the Board only recognizes online programs that are CACREP, COAMFTE or CORE accredited; foreign degrees must be reviewed by an agency that performs foreign degree reviews; and a rule that the national examination must be completed within 2 years after interns complete clinical experience hours.

The Board reviewed and discussed comments received regarding the proposed miscellaneous rules. The Board agreed to reword a rule based on a suggestion made by Scott Christie, LMFT. The Board considered the other comments but chose not to make any changes.

COUNSELOR EDUCATOR LICENSING REQUIREMENTS

Ms. Eklund will draft administrative rules for counselor educator licensing requirements and continuing to get review and comments from the work group before making recommendations to the board.

10 a.m. Chair Ryan Melton left the board meeting and turned the meeting over to Vice-Chair Linda Gray.

BREAK: 10:00 a.m.

RECONVENED: 10:15 a.m.

REVIEW OF MISCELLANEOUS BOARD POLICIES

The Board decided that the following Board policies would remain in effect:

1. The Board does not have the authority to renew licenses that have expired.
2. The Board chair or vice-chair may sign fiscal, personnel documents, and documents reflecting board decisions when the administrator is unable to sign on behalf of Board.
3. The Board agrees to pay per diem for board members attending out-of-state conferences.

Suzan Turley moved to delete all miscellaneous policies except numbers 1, 2, 3 and 8 and for clarification of the term "member". Julia Smith seconded the motion. The motion passed unanimously.

11:10 a.m. Ryan Melton resumed as Chair.

REVIEW OF BOARD DELEGATIONS TO BOARD ADMINISTRATOR

The Board decided that the following Board policies would remain in effect. The Board Administrator:

1. Will be the Administrative Rules Coordinator
2. Will conduct Administrative Rule Hearings
3. Will prepare the annual report to the Legislature.
4. May negotiate legal and compliance matters on behalf of the Board.
5. May approve continuing education waivers unless Board action is necessary.

Suzan Turley moved that the rules 1 through 3 continue to be delegated to the Board Administrator; numbers 7, 10, 11, 12, 13 be combined and reworded to give the Board Administrator the authority to negotiate agreements on behalf of the Board; that the Board Administrator be allowed to approve

continuing education waivers; and, to submit the revised policies to the Board for final approval. Julia Smith seconded the motion. The motion passed unanimously.

LEGISLATIVE UPDATE

There are two proposals from the health licensing boards. One of the proposals is to streamline the budget process. The boards are waiting for the Department of Justice to determine whether legislation is required to enact the proposal. The other proposal is to give boards “citation authority” for licensee administrative violations. The boards would be able to issue fines to licensees rather than imposing discipline. Some of the violations covered by this proposal are: failure to issue a professional disclosure statement or failing to change their addresses with the board.

Senator Laurie Monnes Anderson will introduce legislation that would create a consistent process for establishing scope of practice, overseen by the newly created Oregon Health Authority.

The Board’s proposed legislation primarily protects the titles “Professional Counselor” and “Marriage and Family Therapist”; eliminates the licensing exemption that states, if someone does not meet the education requirements, he or she may still practice as a counselor or therapist without being licensed; and other less significant changes.

Ms Eklund met with play therapists and Hakomi therapists to hear potential concerns about the legislation and to answer questions. Ms. Eklund also contacted art therapists and psychologists about the proposed changes. The therapists have been grateful that the Board is reaching out to talk with them regarding the proposed legislation. The Hakomi therapist suggested development of a registry for non-licensed therapists.

BREAK: 11:30 a.m.

EXECUTIVE SESSION

The Board convened in Executive Session at 12:04 a.m. to discuss complaints and investigations under ORS 192.660(2)(k).

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 #2010-026 – Julia Smith moved and LeeAnne Wichmann seconded the motion to issue a letter of concern. The motion passed unanimously.

Resolved: Case #2010-030 – Linda Gray recused herself from this matter. Nila Epstein moved and Julia Smith seconded the motion to dismiss the matter. The motion passed unanimously.

Resolved: Case #2010-033 – Elizabeth Hartshorn moved and Suzan Turley seconded the motion to dismiss the matter. The motion passed unanimously.

Resolved: Case #2010-038 – LeeAnne Wichmann moved and Nila Epstein seconded the motion to dismiss the matter. The motion passed unanimously.

Resolved: Case #2010-040 – Nila Epstein moved and Julia Smith seconded the motion to issue a letter of concern. The motion passed unanimously.

Resolved: Case #2010-054 – Julia Smith moved and Elizabeth Hartshorn seconded the motion for Intent to Deny. The motion passed unanimously.

Resolved: Case #2010-027 – LeeAnne Wichmann moved and Suzan Turley seconded the motion to dismiss for lack of jurisdiction. The motion passed unanimously.

Resolved: Case #2010-036 – Suzan Turley moved and LeeAnne Wichmann seconded the motion to dismiss for lack of jurisdiction. The motion passed unanimously.

Staff requested an extension for the investigation in cases #2010-041, #2010-043, #2010-044 #2010-046, #2010-047 and #2010-048 due to caseload. Suzan Turley moved and LeeAnne Wichmann seconded the motion to grant an extension for investigation. The motion passed unanimously.

SPECIAL CONSIDERATIONS

Mary Miles – Ms. Miles requested that the Board allow her to accrue internship hours toward licensure as professional counselor while she completes the required coursework. LeeAnne Wichmann moved and Julia Smith seconded the motion denying Ms. Miles' request to accrue internship hours while completing coursework.

LEGAL QUESTION

Ms. Eklund asked the Board's attorney, Kelly Gabliks, if the Board must tape executive sessions. Ms. Gabliks reported that ORS 192.650(1) states that the Board has a choice as to how the official record is maintained. The Board may record the proceedings by electronic means or using written minutes. Ms. Gabliks also stated that the Board must have a record for public and executive sessions.

ANNOUNCEMENTS

Ms. Eklund relayed that the director of the American Association of State Counseling Boards is willing to support waiver the registration fee for the association's annual conference, and Ms. Eklund asked the Board for permission to attend. The Board granted Ms. Eklund's request to attend the conference and wants Ms. Eklund to report on the conference.

Ms. Eklund reported on recent meeting of agency directors with Governor Kitzhaber. Ms. Eklund reminded the Board that during the last legislative session, a bill passed allowing Boards to hire executive directors, but the Governor has authority to fire executive directors.

ADJOURNMENT

Chair Ryan Melton adjourned the meeting at 1:45 p.m.