

**Oregon Board of Licensed Professional Counselors and Therapists
Minutes of February 7, 2014 Board Meeting via Conference Call**

Meeting called to order at 8:30 a.m. and adjourned at 12:58 p.m.

Members Present: Scott Christie, LMFT, Chair Lynne Nesbit, LPC, Vice-Chair
Tina Ancil, LPC, Faculty Doug Querin, LPC
Tony Lai, LPC

Others Present: Becky Eklund, Exec. Director Brian Johnson, Board Staff
Janelle Houston, Board Staff Kelly Gabliks, AAG

PUBLIC SESSION

CALL TO ORDER

Chair Scott Christie called the meeting to order by telephone at 8:30 a.m.

INTRODUCTIONS/ROLL CALL

FINANCIAL REPORT

Becky Eklund summarized the spreadsheet sent to Board members. The spreadsheet contained actual expenditures and revenues through December 2013 and projections through the end of the biennium. The projections were based on last biennium with a 2% increase. The report showed that the Board was projected to spend \$47,000 under the limit set by the legislature. The surplus is primarily in salaries and wages based on a bill passed during the last session to appropriate salary increases for state employees.

APPROVAL OF AGENDA AND MINUTES

Doug Querin moved and Lynne Nesbit seconded a motion to approve the December 6, 2013 meeting minutes as submitted. Approval was unanimous.

Tina Ancil moved and Tony Lai seconded a motion to approve the December 23, 2013 meeting minutes as submitted. Approval was unanimous.

LAW CHANGES

HB 2768, which passed during the 2013 legislative session, removed language in the law that set the length and number of hours needed to meet the clinical experience requirements for LPC and LMFT. The bill also eliminated the language that authorized the Board to accept up to a year of graduate program experience toward LPC experience requirements. Requirements for LMFT did not allow that option. The change provides an opportunity for the board establish administrative rules that set the length of time and the number of hours required for LPC and for LMFT interns. The Board may also establish whether and how many hours of graduate degree internship could contribute to licensure clinical experience requirements. Currently, those three requirements are different for licensure as LMFT and LPC.

LMFT requirements are based on the national AAMFT standards, and LPC requirements are based on CACREP standards. The Board directed staff to draft administrative rule language to set the requirements for LPC and LMFT clinical experience to be equivalent. The Board will review the proposed language at the next board meeting.

UNLICENSED PRACTICE

The Board continued a discussion from previous meetings about complaints we receive against those who are exempt from licensing. The discussions included suggestions for how to address those complaints including removing the education exemption from licensing. Some members were not comfortable with that proposal. Staff provided a spreadsheet that displayed a summary of some unlicensed complaints and their results. The board dismissed because of lack of authority and some were referred to another board.

Staff talked to DOJ Consumer Protection to ask if they would have jurisdiction over unlicensed counselors and therapists. They expressed a willingness to consider it although their focus appears to be on the financial aspect. We agreed that we would refer a couple of unlicensed complaints to them to see if they would have authority over them.

Janelle Houston provided data about unlicensed practice cases with the Board of Psychologist Examiners. In past years, the Board took active steps to identify unlicensed practice. Currently, the Psychologist Examiners Board pursues unlicensed practice if they receive a complaint; they do not actively search for unlicensed practitioners. Ms. Houston offered to differentiate between those unlicensed cases that were just advertising or were actually providing the services unlawfully.

On December 13, 2013, Board members Lynne Nesbit, Doug Querin and Scott Christie and staff met with representatives of ORCA, OAMFT and COPACT to discuss options for addressing unlicensed complaints. Representatives of the associations spoke strongly against removing the education exemption from the law. The discussion also included a suggestion that art therapists could be grandfathered into licensure.

Eklund informed the members that legislative proposals were due to the Governor's office for approval by May 2. The Board wanted to add the issue to the April meeting agenda and suggested the following.

- Write summary of meeting with COPACT/ORCA/OAMFT for presentation at the April meeting. The summary should be reviewed by Christie, Nesbit and Querin before the April discussion.
- Statutory changes should be a last resort. Legislative process is time consuming, expensive, and it is preferable to have a policy that we automatically send unlicensed practice cases to OBPE and to DOJ.
- Work with the associations on how to proceed on the issue and reach agreement

Board members asked why people would not be supportive of removing the education exemption; and how would removing the exemption harm therapists. Making such a change would affect many other disciplines, e.g., alternative providers, and it may put some practitioners out of work. It is important not to lose track of the Board's role of consumer protection. It was suggested that the staff schedule a face-to-face meeting in March for a further discussion on this issue.

BOARD APPROVED PROGRAMS

The Board began reviewing and approving Oregon graduate counseling and marriage and family therapy programs in 1997. The approval allows graduates to have a speedier application process and the schools use the approval as a recruiting tool. The Board conducted the last program reviews in 2010. The Board has granted approval to eleven Oregon universities.

Recently, staff received information about concerns with the board-approved graduate counseling program at Multnomah University. The program has a student to staff ratio of 90 students to one full-

time faculty member. When the program was approved by the Board, the student to staff ratio was 25:1. In addition to one full-time faculty member, courses are taught by adjunct faculty. CACREP accreditation standards set the student to staff ratio at 10:1. The Board directed staff to send a letter to Multnomah University expressing concerns and referring them to CACREP accreditation standards.

Discussion ensued about the role of the Board in approving graduate programs. Some board members were unaware that the Board granted approval to programs. Some members were uncomfortable with the Board in that role. There are no statutes or administrative rules that require board approval. Questions arose about the workload impact on board members and staff and the consequences if the Board discontinued the practice. The Board will continue the discussion at future Board meetings

SPECIAL CONSIDERATIONS

Supervisor of intern Nav Singh submitted a letter recommending that Nav Singh's direct client contact hours be rescinded because Singh had been making up clients and hours. Doug Querin moved and Tony Lai seconded a motion to adopt the recommendation of the former supervisor. The motion passed unanimously.

LPC Intern Sally Johns requested that her direct client contact hours for June 1, 2011 through November 30, 2011 be approved. The hours were denied because the report was submitted after the deadline. Tina Anctil moved and Tony Lai seconded a motion to deny the request. The motion passed unanimously.

Maria Brignola requested that the Board re-review her application for licensure. Her application was denied because she did not meet the education requirements for licensure. Tony Lai moved and Tina Anctil seconded a motion to deny the request. The motion passed unanimously.

Elizabeth Dooley, LPC Intern, requested that information about her that was reported to the National Practitioner Data Bank in 1997 be removed. The report to NPDB was because Ms. Dooley did not meet the requirements for licensure. Doug Querin moved and Tony Lai seconded a motion to approve the request. The motion passed unanimously. Staff will investigate the ability to delete records from the NPDB for Ms. Dooley and for others in similar situations.

The Chair closed the public session at 10:38.

EXECUTIVE SESSION

The Board convened in executive session at 10:57 a.m. to discuss complaints and investigations through authority provided in ORS 192.660(2) (h) and (k).

PUBLIC SESSION

COMPLIANCE ISSUES

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

Case # 2013-070 Lynne Nesbit moved and Tony Lai seconded a motion to dismiss the complaint. The motion passed unanimously.

Case # 2013-072 Tony Lai moved and Tina Anctil seconded a motion to issue Notice of Intent to Impose Discipline. The motion passed unanimously.

Case #2014-002 Lynne Nesbit moved and Tony Lai seconded a motion to dismiss the complaint. The motion passed unanimously.

Case # 2013-019 Doug Querin moved and Tina Anctil seconded a motion to dismiss the complaint. The motion passed unanimously.

Case #2013-033 Lynn Nesbit moved and Tony Lai seconded a motion to dismiss the complaint. The motion passed unanimously.

Case #2013-053 Doug Querin moved and Tina Anctil seconded a motion to dismiss the complaint. The motion passed unanimously.

Case # 2013-062 Tony Lai moved and Lynne Nesbit seconded a motion to issue a Notice of Intent to Impose a Civil Penalty. The motion passed unanimously.

Case # 2013-074 Tina Anctil moved and Doug Querin seconded a motion to dismiss the complaint. The motion passed unanimously.

Case # 2013-017 Lynne Nesbit moved and Tony Lai seconded a motion to accept the Settlement Agreement and Stipulated Final Order with the addition of disciplinary costs. The motion passed unanimously.

Case # 2013-063 Tina Anctil moved and Doug Querin seconded a motion to accept the Settlement Agreement and Stipulated Final Order. The motion passed unanimously.

Case # 2012-052 Lynne Nesbit moved and Tony Lai seconded a motion to dismiss the complaint. The motion passed unanimously.

Staff requested extensions for the investigations of the following cases due to heavy workload.

2013-015, 2013-018, 2013-020, 2013-021, 2013-026, 2013-028, 2013-032, 2013-036, 2013-041, 2013-042, 2013-043, 2013-048, 2013-050, 2013-054, 2013-056.

Tony Lai moved and Tina Anctil seconded a motion to grant extensions for investigation on the cases listed. The motion passed unanimously.

The Board asked staff to provide a glossary of compliance terms and description of the compliance process during the next meeting.

ADJOURNMENT

Chair Scott Christie adjourned the meeting at 12:58 p.m.

NOTE: Because of weather and road conditions, the meeting was held via telephone, and some agenda items were postponed to a later meeting.