

**Oregon Board of Licensed Professional Counselors and Therapists
Minutes of June 8, 2012 Board Meeting**

Meeting called to order at 8:31 a.m. and adjourned at 3:20 p.m.

Members Present: Ryan Melton, LPC, Chair
Julia Smith, LPC, Faculty
Bradley “Scott” Christie, LMFT
Ahjane Billingsley, Public Member
Lee Anne Wichmann, LMFT
Elizabeth Hartshorn, LPC
Suzan Turley, Public Member

Others Present: Becky Eklund, Executive Director
Brian Johnson, Board Staff
Lonnie Knotts, Board Staff
Hwa Go, Attorney
Jim Heider, Executive Direct Physical Therapy Board
Kelly Gabliks, AAG
Opal Bontrager, DAS/SCS
Doug Querin, LPC
Gerald Magaro, LMFT

Members Absent: Linda Gray, LPC, Vice Chair

PUBLIC SESSION

CALL TO ORDER

Chair Ryan Melton called the meeting to order at 8:31 a.m. in the second floor large conference room of the Morrow Crane Building, 3218 Pringle Road SE, Salem, Oregon.

The Board welcomed two new members, Bradley “Scott” Christie, LMFT and Ahjane Billingsley, public member.

APPROVAL OF MINUTES

Suzan Turley moved and Lee Anne Wichmann seconded a motion to amend the agenda to accommodate guests and to allow for the large number of compliance cases. The motion passed unanimously. Suzan Turley moved and Lee Anne Wichmann seconded a motion to approve the minutes as submitted for the April 13, 2012 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.

BEST PRACTICES

During the budget process, the Board submits answers to predetermined questions regarding best practices. The Board assessed its compliance with the best practices.

1. Executive Director’s performance expectations are current – Yes
2. Executive Director’s receives annual performance feedback – Yes
3. The agency’s mission and high-level goals are current and applicable – Yes
4. The board reviews the Annual Performance Progress Report – No (Ms. Eklund will prepare a summary and present the report at the next board meeting)
5. The board is appropriately involved in review of agency’s key communications – Yes
6. The board is appropriately involved in policy-making activities – Yes
7. The agency’s policy option packages are aligned with their mission and goals – Yes
8. The board reviews all proposed budgets – Yes
9. The board periodically reviews key financial information and audit findings – Yes
10. The board is appropriately accounting for resources – Yes

11. The agency adheres to accounting rules and other relevant financial controls – Yes
12. Board members act in accordance with their roles as public representatives – Yes
13. The board coordinates with others where responsibilities and interests overlap – Yes
14. The board members identify and attend appropriate training sessions – No (Training for the public members is lacking. Ms. Eklund will identify potential training for board members.)
15. The board reviews its management practices to ensure best practices are utilized – Yes

REVIEW OF BOARD POLICIES

The Board reviewed the final draft of the Board's public complaint process. The board approved the public complaint policies and will post it on the Board's website. The Board reviewed and discussed the historical internal ethics policies and decided the policies were outdated or covered by the Board's administrative rules.

LICENSE PORTABILITY WORKGROUP

Ms. Eklund summarized the workgroup's initial meeting and initial ideas. The workgroup will look at licensing, education, and experience requirements of states adjacent to Oregon and identify the differences between the states. The workgroup is considering developing a rating system for portability by assigning a numerical value to certain elements of licensing requirements. The matrix would include such items as education, experience, examination, length of licensure, national certification. The workgroup will meet again before bringing any recommendations to the Board. There are several national groups looking into license portability and have been looking into portability for several years.

SEMI-INDEPENDENCE

Ms. Eklund summarized current and future costs, rules, and reporting requirements associated with becoming a semi-independent agency. With approval of the Board during the April meeting, Ms. Eklund submitted a placeholder legislative concept to Budget and Management requesting semi-independent status for the Board. The concept is on hold awaiting the governor's office approval. The disadvantages of becoming a semi-independent agency includes losing most of the DAS support that the Board currently receives, such as accounting and personnel support.

Jim Heider, Executive Director of the Oregon Physical Therapy Board, presented the pros and cons of being a semi-independent agency. See the attached white paper entitled "A Model of Efficiency for Small State Agencies," dated February 1, 2011.

BUDGET PROCESS

Ms. Eklund explained the governor's new budget process, which includes panels called buying boards. The panels evaluate agencies and recommend to the governor funding options for the agency and its programs. Ms. Eklund summarized and the Board discussed the document that was presented to the buying board for their consideration regarding the Board's 2013-2015 budget. Ms. Eklund will be making a presentation to the panel in the near future.

CLIENT CONFIDENTIALITY

Ms. Eklund stated she had received a telephone call regarding a lost laptop computer. The individual was calling asking for advice. The individual did not give their name. Ms. Eklund informed the individual that there is not an administrative rule regarding lost computers or electronic storage devices. Ms. Eklund relayed to the individual that it would be a good idea to notify the clients regarding the lost information and potential breach of confidentiality. The Board discussed the matter and decided to create guidelines for electronic storage of client records. The guidance will be posted on the Board's website.

BREAK: 10:00 a.m.

RECONVENED 10:15 a.m.

PUBLIC INPUT

Douglas Querin, LPC, addressed the Board regarding the following issues:

1. Encourage the Board to require all licensed counselors and therapists have malpractice insurance. The Board instructed staff to see if any other states currently require malpractice insurance and report to the Board;
2. The information on the Board's website regarding the terms psychotherapist and psychotherapy may be misleading. Staff will clarify the information on the website; and,
3. Requested that the proposed seven-year rule for retention of records and the proposed custodian of record provision not be required as part of the professional disclosure statement.

NILA EPSTEIN, LMFT

The members and staff of the Oregon Board of Licensed Professional Counselors and Therapist thanked Nila Epstein, LMFT for her years of dedicated service to the Board and wished her the best in all her future endeavors.

BREAK: 11:45 a.m.

EXECUTIVE SESSION

The Board convened in Executive Session at 12 p.m. to discuss complaints and investigations through authority provided in ORS 192.660(2) (h) and (k).

PUBLIC SESSION

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

BREAK: 2:35 p.m.

EXECUTIVE SESSION

The Board reconvened in Executive Session at 2:40 p.m. to discuss complaints and investigations under authority provided in ORS 192.660(2) (k).

3:10 p.m. Ryan Melton recused himself and Board Member Lee Anne Wichmann assumed the Chair.

3:30 p.m. Ryan Melton returned and resumed as the Chair.

PUBLIC SESSION

The Board reconvened in Public Session at 3:30 p.m.

COMPLIANCE ISSUES

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

Resolved Case #2009-035 Elizabeth Hartshorn moved and Ahjane Billingsley seconded a motion to accept the settlement agreement as proposed. The motion passed unanimously.

Resolved Case #2011-049 Ahjane Billingsley moved and Julia Smith seconded a motion to dismiss the complaint. The motion passed unanimously.

Case #2011-056 Julia Smith moved and Suzan Turley seconded a motion to issue a notice of intent to impose discipline in the form of a one-year suspension; additional training and supervision upon return to practice. The motion passed unanimously.

Resolved Case #2011-057 Suzan Turley moved and Lee Anne Wichmann seconded a motion to dismiss the complaint. Ryan Melton and Julia Smith recused themselves from the matter. The motion passed unanimously (5-0).

Resolved Case #2011-058 Lee Anne Wichmann moved and Scott Christie seconded a motion to dismiss the complaint. Ryan Melton and Julia Smith recused themselves from the matter. The motion passed unanimously (5-0).

Case #2011-063 Scott Christie moved and Ahjane Billingsley seconded a motion to issue a notice of intent to impose discipline in the form of revocation of license. Elizabeth Hartshorn recused herself from the matter. The motion passed unanimously (6-0).

Resolved Case #2011-064 Ahjane Billingsley moved and Elizabeth Hartshorn seconded a motion to issue a letter of concern. The motion passed unanimously.

Resolved: Case #2012-001 Elizabeth Hartshorn moved and Ahjane Billingsley seconded a motion to issue a letter of concern. The motion passed unanimously.

Resolved: Case #2012-002 Julia Smith moved and Suzan Turley seconded a motion to issue a letter of concern. The motion passed unanimously.

Resolved: Case #2012-003 Suzan Turley moved and Lee Anne Wichmann seconded a motion to dismiss the complaint. The motion passed unanimously.

Resolved: Case #2012-004 Lee Anne Wichmann moved and Scott Christie seconded a motion to dismiss the complaint. The motion passed unanimously.

Resolved: Case #2012-006 Scott Christie moved and Elizabeth Hartshorn seconded a motion to dismiss the complaint. The motion passed unanimously.

Case #2012-007 Elizabeth Hartshorn moved and Ahjane Billingsley seconded a motion to issue a notice of intent to impose discipline in the form of supervision, psychological evaluation, and an ethics course. The motion passed unanimously.

Resolved: Case #2012-011 Ahjane Billingsley moved and Julia Smith seconded a motion to reject the explanation of exemption and require licensure. The motion passed unanimously.

Resolved: Case #2012-013 Suzan Turley moved and Lee Anne Wichmann seconded a motion to deny application for licensure. The motion passed unanimously.

Staff requested an extension for the investigations of the following cases due to heavy workload. **2012-005, 2012-008, 2012-009, 2012-012** and **2012-016**. Lee Anne Wichmann moved and Scott Christie seconded the motion to grant extensions for investigation. The motion passed unanimously.

COURT OF APPEALS

Staff informed and briefed the Board that the Court of Appeals has raised a constitutional question in the Rachel Weldon case. The Board requested Staff to review the costs and report to the Board.

SPECIAL CONSIDERATIONS

Tess Shellenbarger – Ms. Shellenbarger requests an exception listing her as an approved supervisor on the Board's supervisor registry. Julia Smith moved and Scott Christie seconded a motion to deny her request for an exception. The motion passed unanimously.

Gerald Magaro – Mr. Magaro requests the Board return the disciplinary costs imposed on him by the Board and remove his name from the Board's website in the disciplinary summary and the Final Order by Default linked to his name on the Board's licensee look-up and from the Healthcare Integrity and Protection Data Bank. Mr. Magaro and his legal counsel testified regarding his request. The Board made the following decisions related to Mr. Magaro's request.

- 1) Change the disciplinary summary on the Board's website to reflect discipline for misconduct, removing Mr. Magaro's name
- 2) Update the information on HIPDB to reflect that Mr. Magaro ultimately qualified for licensure because of administrative rule changes, not because he took additional classes
- 3) Deny Mr. Magaro's request to reimburse him for Board disciplinary costs
- 4) Indicate on the Board's website that Mr. Magaro has not been disciplined by the Board

Jim Clark – Mr. Clark requests an exception to the Board's policy that an individual who received discipline cannot provide supervision. Suzan Turley moved and Ahjane Billingsley seconded a motion to allow Mr. Clark to supervise the interns he is currently supervising at his agency. The motion passed unanimously.

Jim Stumbo – Mr. Stumbo requests an exception to the Board's policy that an individual receiving discipline cannot provide supervision. Julia Smith moved and Lee Anne Wichmann seconded a motion to grant an exception to allow Mr. Clark to supervise interns without being on the supervisor registry. The motion passed unanimously.

Bradley Christie moved and Julia Smith seconded a motion to amend the exceptions for Mr. Clark and Stumbo recommending that Mr. Clark and Mr. Stumbo receive supervision of supervision. The motion passed unanimously.

Jessica Sinacori – Ms. Sinacori requests that the Board waive the \$50 late fee for her license renewal. Elizabeth Hartshorn moved and Lee Anne Wichmann seconded a motion to deny Ms. Sinacori's request.

ADJOURNMENT

Chair Ryan Melton adjourned the meeting at 4:05 p.m.