

**Oregon Board of Licensed Professional Counselors and Therapists
Minutes of August 22, 2012 Board Meeting**

Meeting called to order at 8:32 a.m. and adjourned at 2:45 p.m.

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

Others Present: Becky Eklund, Executive Director
Brian Johnson, Board Staff
Lonnie Knotts, Board Staff
Kelly Gabliks, AAG
Opal Bontrager, DAS/SCS

Members Absent: Linda Gray, LPC, Vice Chair
Lee Anne Wichmann LMFT

PUBLIC SESSION

CALL TO ORDER

Chair Ryan Melton called the meeting to order at 8:32 a.m. in the second floor large conference room of the Morrow Crane Building, 3218 Pringle Road SE, Salem, Oregon.

APPROVAL OF MINUTES

Suzan Turley moved and Scott Christie seconded a motion to amend the agenda to correct a timing error. The motion passed unanimously. Suzan Turley moved and Scott Christie seconded a motion to approve the minutes as submitted for the June 8, 2012 board meeting. The motion passed unanimously.

Chair Ryan Melton spoke to the members of the Board about responsibility to the public and to the Board constituents. Chair Melton apologized for the cancellation of the meeting scheduled for August 10, 2012.

FINANCIAL REPORT

Opal Bontrager, the accountant assigned to the Board from the Department of Administrative Services, presented the financial report. Ms. Eklund explained the Department of Justice legal costs will remain high for the next few months.

2013-15 BUDGET REQUEST

Ms. Eklund presented a summary of the Oregon Board of Licensed Professional Counselor and Therapist’s Agency Request Budget for 2013-15. Beside the increases based on inflation and salary increases, the Board will need to seek additional spending limitation for criminal background checks, as the five-year cycle for criminal background checks on all licensees and interns will begin in 2015. The Board has also plans to request \$26,000 increase in Department of Justice (DOJ) costs based upon an expected increase in compliance matters. The DOJ increase may not be sufficient and the Board may have to ask for additional spending increases during the biennium. The projected budgeted is approximately \$1.1 million. The Board’s revenue will cover the expected expenditures and all that is necessary to implement the budget is to receive the authority from the legislature to spend the funds. Julia Smith moved and Elizabeth Hartshorn seconded a motion to accept and submit the proposed 2013-15 Agency Request Budget for consideration. The motion passed unanimously.

PROPOSED ADMINISTRATIVE RULES

On July 25, 2012, the board held a public hearing regarding the proposed administrative rule changes. The Board reviewed the public comments and discussed possible changes. The Board

instructed staff to ensure that a comment be placed on the Board's website thanking the public and the Board's constituents for their comments and participation in the rule making process.

Suzan Turley moved and Julia Smith seconded a motion to approve OAR 833-060-0012, Comparable Full Standards, to delete "only CACREP accredited online graduate degrees in counseling or marriage and family therapy will be accepted as comparable in content and quality" as proposed. And to delete language about online or low-residency degrees granted on or after January 1, 2010. The motion passed unanimously.

Scott Christie moved and Ahjane Billingsley seconded a motion to add to the end of the first sentence of OAR 833-060-0012, Comparable Full Standards, the following: "consistent with the principles of the Board's code of ethics". The motion passed unanimously.

Julia Smith moved and Scott Christie seconded a motion to change proposed language in OAR 833-020-0201(2)(e) to read that "You may obtain additional information about this counselor or therapist from the Board's website at www.oregon.gov/obl/pct." and to delete subsection (2)(f) as previously proposed. The motion passed unanimously.

BREAK: 10:15 a.m.

RECONVENED: 10:25 a.m.

Scott Christie moved and Suzan Turley seconded a motion to delete all of the proposed language in OAR 833-100-0075 except retain proposed (3) "A licensee must retain client records for seven years from the date of the last session with the client". The motion passed unanimously.

Ahjane Billingsley moved and Julia Smith seconded a motion to approve OAR 833-100-0041, the Integrity section of the Code of Ethics as proposed – adding "supervisees". The motion passed unanimously.

Suzan Turley moved and Ahjane Billingsley seconded a motion to amend OAR 833-080-0011, Continuing Education, adding the missing word "program" at the end of the section. The motion passed unanimously.

The Board tabled the proposed change to OAR 833-010-0001, definition of client record, with a work group to review and develop alternative recommendations.

The Board tabled the proposed change to proposed language about "custodian of record" pending more information.

LICENSE PORTABILITY

Ms. Eklund reported on the progress of the license portability workgroup. The work group looked at the education, experience and examination requirements of Oregon's neighboring states (California, Washington and Idaho). The education requirements for the neighboring states are consistent with Oregon's requirements; the experience requirements are quite different; and, the examination requirements are similar.

The work group wanted to ensure that whatever rules the Board adopts focus on consumer protection and maintain Oregon's standards. The work group suggests that

- The educational requirement should come at least a regionally accredited college or university and recommend that continuing education could be used to complete needed coursework.

- The experience requirements for the other states varied. Oregon's experience requirements should not be changed (LPC - 2,400 direct client contact hours and LMFT - 2,000 direct client contact hours, with 1,000 of those hours working with couples and family.)
- The examination requirements should not be changed (The National Counselor Examination for counselors and the AMFTRB for therapists).
- Replace the requirement that applicants take an examination within ten years of the date of application with passing a national competency examination with completing specific continuing education.

The work group will meet at least once more to develop administrative rule language and present at the December 14 Board meeting.

MALPRACTICE INSURANCE

Two states currently require malpractice insurance:

- Nevada requires supervisors to have malpractice insurance.
- Wisconsin requires malpractice insurance.

The Board directed staff to query Oregon's counselor and therapist associations about a rule that would require malpractice insurance.

CO-ORDINATED CARE ORGANIZATIONS

Ryan Melton presented information about coordinated care organizations and the implications. The coordinated care organizations will bring together both mental and physical medical organizations to help manage patient care more effectively.

PERFORMANCE MEASURES

Brian Johnson presented information about the growth of licenses and summarized the annual customer survey results from 2008 through 2011 and number of compliance cases from the same period. Customer service and time from receipt to presentation of complaints are both official performance measures included in each biennial budget request.

BREAK: 11:45 a.m.

EXECUTIVE SESSION

The Board convened in executive session at 12:05 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 2:10 p.m.

EXECUTIVE SESSION

The Board reconvened in Executive Session at 2:15 p.m. to discuss complaints and investigations under authority provided in ORS 192.660(2) (k).

PUBLIC SESSION

The Board reconvened in Public Session at 2:25 p.m.

COMPLIANCE ISSUES

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

Resolved: Case #2011-047 Suzan Turley moved and Julia Smith seconded a motion to issue a Final Order by Default. The motion passed unanimously.

Resolved Case #2012-005 Suzan Turley moved and Elizabeth Hartshorn seconded a motion to dismiss the complaint and to issue a letter of concern. The motion passed unanimously.

Resolved Case #2012-008 Elizabeth Hartshorn moved and Ahjane Billingsley seconded a motion to dismiss the complaint and issue a letter of concern. Ryan Melton recused himself from the matter. The motion passed unanimously (5-0).

Resolved Case #2012-009 Julia Smith moved and Suzan Turley seconded a motion to dismiss the complaint and issue a letter of concern. The motion passed unanimously.

Case #2012-010 Julia Smith moved and Elizabeth Hartshorn seconded a motion to issue a notice of intent to impose discipline in the form of revocation of licensure. The motion passed unanimously.

Case #2012-014 Suzan Turley moved and Elizabeth Hartshorn seconded a motion to issue a notice of intent to impose discipline in the form of a fine of \$2,500, costs and to notify the Washington Board. The motion passed unanimously.

Case #2012-015 Suzan Turley moved and Elizabeth Hartshorn seconded a motion to issue a notice of intent to impose discipline in the form of a fine of \$5,000 and costs. The motion passed unanimously.

Case #2012-018 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. The motion passed unanimously.

Resolved Case #2012-025 Ahjane Billingsley moved and Scott Christie seconded a motion to dismiss the complaint and issue a letter of concern. Ryan Melton recused himself from the matter. The motion passed 4 to 1.

Case #2012-027 Ahjane Billingsley moved and Scott Christie seconded a notice of intent to impose discipline in the form of extension of internship and a mental health assessment with adherence to recommendations. The motion passed unanimously.

Staff requested an extension for the investigations of the following cases due to heavy workload. **2012-012, 2012-017, 2012-019, 2012-020, 2012-021, 2012-022, 2012-023** and **2012-024**. Julia Smith moved and Scott Christie seconded the motion to grant extensions for investigation. The motion passed unanimously.

SPECIAL CONSIDERATIONS

Father Timothy Pavlatos requested that the Board grant a waiver of the licensing requirement that he take and pass the National Counselor Examination (NCE). Scott Christie moved and Julia Smith seconded a motion to deny his request for a waiver. The motion passed unanimously.

Ms. Robine Bots requested that the Board reconsider the denial of her intern hours from September 2009 through August 2010. Suzan Turley moved and Elizabeth Hartshorn seconded a motion to deny her request for reconsideration. The motion passed unanimously.

NBCC ANNUAL CONVENTION

Ms. Eklund gave the Board a handout and presented the highlights from the National Board of Certified Counselors annual meeting.

ADJOURNMENT

Chair Ryan Melton adjourned the meeting at 2:45 p.m.