

**Oregon Board of Licensed Professional Counselors and Therapists
Minutes of December 4, 2015 Board Meeting
Salem, Oregon**

Meeting called to order at 8:33 a.m. on Friday, December 4, 2015 and adjourned at 4:32 p.m.

Members Present: Don Thomson, LPC, Chair
Doug Querin, LPC, Co-Chair
Scott Christie, LMFT
Lindsay McGrath, LMFT
Tony Lai, LPC
Suzan Turley, Public member
Tina Anctil, LPC

Others Present: Charles J. Hill, Executive Director
LaRee Felton, Operations Manager
Lonnie Knotts, Board Staff
Warren Foote, Dept. of Justice
Rogelio Daniels, Investigator
Natalie Altermatt, Board Staff
Dr. Sandra Jenkins, Board of Psychologist Examiners Member
Anthony Medina, DAS, Budget Analyst

INTRODUCTIONS/ROLL CALL

Chair Don Thomson called the meeting to order at 8:33 a.m.

MEETING MINUTES

Suzan Turley moved and Lindsay McGrath seconded a motion to approve the October 2, 2015 meeting minutes as amended. The motion passed unanimously.

EXECUTIVE DIRECTOR REPORT

Surveys

The legislature requires the Board to conduct a Best Practices Survey, which is part of our key performance measures that go into our Budget. The Survey information pertains to the 2014 year. The 2015 Survey will go out in January.

Financial Report/Budget

The projection is that the Board will be under the spending limit by \$146,671. This is approximately six to seven months reserve in the bank. As per our accountant, best practices dictate having three to six months in reserve. A board member inquired about variations in office expenses from month to month. The Director will look into the expense and report to the Board.

Performance Measures and Staffing

The Board discussed the percentage of complaints presented within 90 days of receipt of the complaint. The Board acknowledged it is not realistic to have a case completed in 90 days; it is realistic to present case (in progress) within 90 days.

Percent of customers rating their experience as good or excellent is stable and has improved over the last five years, although it has decreased last year due to staffing issues. The 2015 survey will capture last year and a half, including the time of decreased staffing and a great deal of turnover. The

survey went out at the end of November and the responses are trickling in. The results will be presented at the next Board meeting.

Board Budget Merger Concept

The Board discussed the possibility of merging budgets with the Oregon Board of Psychologist Examiners (OBPE). The Director has the responsibility to go before the Legislature to present the Board's budgets. It will be easier to present one budget rather than two. The Board is concerned about merging the budgets if the board loses its identity.

CULTURAL COMPETENCY CONTINUING EDUCATION

The Board discussed HB 2611 (2013) and the possibility of adding a cultural competency continuing education (CCCE) requirement. Dr. Sandy Jenkins spoke about how OBPE implemented the CCCE this year. Per HB 2611, regardless of whether the Board adopts a CCCE requirement, it must document and report on licensee's participation in CCCE to the Oregon Health Authority. The Board directed the Education Committee to construct draft rules that will add a requirement of four (4) units of CCCE every two years for licensees.

BREAK 9:45 a.m.

RECONVENED 10:05 a.m.

LICENSURE EXEMPTION WORKGROUP

Charles Hill reported on a November 11, 2015 meeting of Workgroup, which consists of members of this Board, OBPE, and the Oregon Board of Licensed Social Workers (OBLSW). The purpose of the Workgroup is to review the current licensure exemptions applicable to the three mental health boards to consider whether to recommend changes or other action. The Board discussed concerns regarding Qualified Mental Health Providers (QMHPs) and Qualified Mental Health Associates (QMHAAs), who are not overseen by a licensing board, including possibly deficient oversight, lack of clinical supervision, inconsistent standards for determining qualifications (which vary county to county, program to program), and lack of an ethics code and continuing education requirements. The Board also discussed an exemption under ORS 675.825(4)(a) for those who have not received a qualifying degree for licensure as an LPC or LMFT. This "grandfather clause" was implemented in 1989 to avoid putting experienced counselors out of business, but it was never sunsetted. Now, the exemption is being used to legitimize counseling practice by unqualified individuals, at a danger to the public. There will likely be a proposal for a legislative concept to address this issue. The Workgroup will meet again in mid-January.

NON-CUSTODIAL PARENTS' ACCESS TO CHILD'S COUNSELING RECORDS

The Board considered the possibility of introducing a concept that would include counseling records under ORS 107.154. The Board discussed the difference between progress notes and psychotherapy notes. There is some disagreement about the statute's application to records created by LPCs LMFTs. Currently, a counselor/therapist may face confusion when an attorney insists that his/her non-custodial parent client has a right to the counseling records, yet Board's position is that those records may not be released. The Board agreed that the issue needs to be clarified, and referred the issue to the Laws and Rules Committee for further review.

BACKGROUND CHECKS

LaRee Felton briefed the Board on recent legislation that required DAS to develop statewide criminal background check administrative rules, which will require agencies to repeal agency-specific rules. This will create consistency among state agencies. The Laws and Rules committee will review proposed revisions to Division 120 prior to full Board consideration.

PUBLIC MEETINGS LAW

The Board's attorney, Warren Foote, discussed and reviewed the public meeting and public records law.

PUBLIC COMMENTS

Kathleen Adams, Program Director for a new Marriage and Family Therapy program at Oregon Tech in Klamath Falls participated by phone. The program's first cohort will start next Fall.

BREAK 11:45 p.m.

EXECUTIVE SESSION

The Board convened in executive session at 12:30 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 2:02 p.m.

There were no public comments.

EXECUTIVE SESSION

The Board reconvened in executive session at 2:04 p.m.

PUBLIC SESSION

Public Session reconvened at 3:54 p.m.

COMPLIANCE ISSUES

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

Resolved Case #2015-027 Susan Turley moved and Lindsay McGrath seconded a motion to approve the Final Order. The motion passed unanimously. (6-0) Tony Lai abstained.

Resolved Case #2015-034 Susan Turley moved and Scott Christie seconded a motion to approve the Order. The motion passed unanimously. (6-0) Tony Lai abstained.

Resolved Case #2015-032 Lindsay McGrath moved and Suzan Turley seconded a motion to dismiss the complaint. The motion passed unanimously. (6-0) Tony Lai abstained

Resolved Case #2015-030 Doug Querin moved and Suzan Turley seconded a motion to dismiss the Order. The motion passed unanimously. (5-0) Tony Lai and Lindsay McGrath abstained.

Resolved Case #2015-020 Tony Lai moved and Scott Christie seconded a motion to impose discipline. The motion passed. (6-1) Suzan Turley voted no.

New Licensees approved.

Intern license R2080 Susan Turley moved and Tony Lai seconded a motion to deny renewal. The motion passed unanimously. (7-0)

SPECIAL CONSIDERATIONS

An applicant requested to be grandfathered into licensure. The Board directed staff to communicate to the individual that they could not grant an exception to the rule.

ADJOURNMENT

Chair Don Thomson adjourned the meeting at 4:32 p.m.