

**Oregon Board of Licensed Professional Counselors and Therapists
Minutes of April 13, 2012 Board Meeting**

Meeting called to order at 8:32 a.m. and adjourned at 3:20 p.m.

Members Present: Linda Gray, LPC, Vice Chair Lee Anne Wichmann, LMFT
 Nila Epstein, LMFT Elizabeth Hartshorn, LPC
 Suzan Turley, Public Member

Others Present: Becky Eklund, Executive Director Kelly Gabliks, AAG
 Brian Johnson, Board Staff Opal Bontrager, DAS/SCS
 Kay Bruce, Western Seminary Karen VanAcker, ORCA
 Mary Aguilera, Corban University Colleen Worrell, Student

Members Absent: Ryan Melton, LPC, Chair and Julia Smith, LPC, Faculty

PUBLIC SESSION

CALL TO ORDER

Vice Chair Linda Gray 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

Lee Anne Wichmann moved and Elizabeth Hartshorn seconded a motion to approve a correction to a compliance case number indicated in the December 9, 2011 minutes. The case number in the approved minutes was 2011-026; the correct case number is 2009-026. The motion passed unanimously. Suzan Turley moved and Nila Epstein seconded a motion to approve the minutes as submitted for the February 10, 2012 and March 20, 2012 board meetings. The motion passed unanimously.

FINANCIAL REPORT

Opal Bontrager, the accountant assigned to the Board from the Department of Administrative Services, presented the financial report. Thanks to the work of Ms. Bontrager, the Board received the Gold Star Certificate from the State Controller's office for providing accurate and complete financial information in a timely manner.

COMPLIANCE PROCESS AND POLICIES

Brian Johnson summarized compliance policies and process. The Board members reviewed and discussed the proposed process and made the following changes:

- Notify the intern if supervisor is involved in any compliance. The intern will need to find a new supervisor until the compliance issue is resolved.
- Notify licensees and registered interns of the addition to the professional disclosure statement directing clients to compliance/discipline information on the Board's website.
- Board Member Suzan Turley expressed concern regarding authority to sign documents for the Board and how that is reflected in the compliance policies.
- Change wording from "investigator" to "the Board" in the public compliance process document.

Lee Anne Wichmann moved and Elizabeth Hartshorn seconded a motion to accept the public and internal compliance process and policies with changes made. The motion passed 4 to 1.

STAFF SIGNATURE AUTHORITY

Ms. Eklund provided a handout to the Board of staff responsibilities and signature authority. The Board discussed the handout and expressed satisfaction with the distribution of responsibilities and who signs which documents.

Discussion ensued about the following issues:

Supervision of Supervision

A supervisor candidate discloses to the Board who will be providing supervision of supervision to the supervisor candidate. The Supervisor of a candidate submits a report upon completion of supervision to the Board.

Professional Disclosure statements/Informed Consent

Are there additional items that need to be included in our sample professional disclosure statement on the website? Should the Board create a sample informed consent for use by licensees and interns? Members were of mixed opinion about whether providing informed consent guidance is an appropriate role for the Board and suggested that it might be more appropriate for the associations to provide.

Dual internship/licensure

Does a licensee need to have supervision and report all client contact hours? The issue arises when an intern working toward dual licensure meets requirements for LPC but needs more couples and family hours to meet LMFT requirements. May the LMFT intern limit supervision to, and report, only the couples and families hours to the Board and consider other client contact under the counselor license? Current administrative rules require that all intern hours must be reported to the Board. The Board decided not to change the current rule at this time.

Board of Licensed Social Workers proposed scope of practice changes

Ms. Eklund a summary of the proposed changes to the social workers scope of practice.

BREAK: 10:05 a.m.

RECONVENED 10:15 a.m.

SEMI-INDEPENDENT STATUS

Ms. Eklund handed out a document showing the biennial cost to the Board for Department of Administrative Services and other agency services. The Board discussed whether being a semi-independent agency was a viable option and decided to form a work group to explore the pros and cons. Lee Anne Wichmann and Suzan Turley volunteered to be on the work group.

The Board would like Jim Heider from the Board of Physical Therapists to attend the next board meeting to explain how semi-independent agencies operate.

Suzan Turley moved and Elizabeth Hartshorn seconded a motion to submit a placeholder legislative concept to the Department of Administrative Services for semi-independence. The motion passed unanimously.

LICENSE PORTABILITY

In follow-up to David Kaplan's keynote speech to the American Counseling Association, the Board decided to form a work group to examine Kaplan's recommendations and explore ways for Oregon to meet the goal of license portability. Elizabeth Hartshorn and Suzan Turley volunteered to participate

in the work group. Ms. Eklund stated that several licensees are interested in being on work group as well.

NBCC ANNUAL CONFERENCE

The Board approved a request that Becky Eklund and Elizabeth Hartshorn attend the National Board for Certified Counselors (NBCC) conference in August 2012 in Greensboro, North Carolina. NBCC will pay the costs for participation in the conference including travel, lodging, and meals.

PROPOSED RULE CHANGES

Ms. Eklund explained the proposed administrative rule changes, which included that licensees must keep client records for at least 7 years and that each licensee must identify and register the name of a person who will be responsible for the records should the licensee or registered intern dies or is incapacitated. Ms. Eklund also explained other changes to the administrative rules. Lee Anne Wichmann moved and Nila Epstein seconded a motion to approve the proposed rules as submitted with changes and additions made by the board.

EXECUTIVE SESSION

The Board convened in Executive Session at 11:06 a.m. to discuss complaints and investigations through authority provided in ORS 192.660(2) (h) and (k).

BREAK: 12:10 p.m.

EXECUTIVE SESSION

The Board reconvened in Executive Session at 12:20 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 2:21 p.m.

COMPLIANCE ISSUES

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

Case #2011-039 Lee Anne Wichmann moved and Suzan Turley seconded a motion to issue a notice of intent to impose discipline in the form of supervision, letter of reprimand, additional education and psychological examination. The motion passed unanimously.

Resolved: Case #2011-046 Nila Epstein moved and Lee Anne Wichmann seconded a motion to dismiss the complaint. The motion passed unanimously.

Case #2011-047 Elizabeth Hartshorn moved and Suzan Turley seconded a motion to issue a notice of intent to impose discipline in the form of a letter of reprimand and require an ethics course. The motion passed unanimously.

Case #2011-048 Lee Anne Wichmann moved and Suzan Turley seconded a motion to issue a notice of intent to impose discipline for unlicensed practice. The motion passed unanimously.

Resolved: Case #2011-050 Nila Epstein moved and Suzan Turley seconded a motion to dismiss the complaint. The motion passed unanimously.

Resolved: Case #2011-051 Suzan Turley moved and Elizabeth Hartshorn seconded a motion to dismiss the complaint. The motion passed 4 to 1.

Resolved: Case #2011-052 Lee Anne Wichmann moved and Nila Epstein seconded a motion to dismiss the complaint. The motion passed unanimously.

Resolved: Case #2011-055 Elizabeth Hartshorn moved and Lee Anne Wichmann seconded a motion to dismiss the complaint. The motion passed unanimously.

Resolved: Case #2011-059 Suzan Turley moved and Nila Epstein seconded a motion to dismiss the complaint. The motion passed unanimously.

Resolved: Case #2011-060 Lee Anne Wichmann moved and Suzan Turley seconded a motion to dismiss the complaint. The motion passed unanimously.

Case #2011-061 Suzan Turley moved and Lee Anne Wichmann seconded a motion to issue a notice of intent to impose discipline in the form of supervision and letter of reprimand. The motion passed and Vice Chair Gray recused herself from the matter.

Resolved: Case #2011-062 Lee Anne Wichmann moved and Nila Epstein seconded a motion to dismiss the complaint. The motion passed unanimously.

Staff requested an extension for the investigations of the following cases due to heavy workload. 2011-049, 2011-056, 2011-057, 2011-058, 2011-063, 2011-064, 2012-001, 2012-002, 2012-003, 2012-004. Suzan Turley moved and Lee Anne Wichmann seconded the motion to grant extensions for investigation. The motion passed unanimously.

ONLINE GRADUATE DEGREES

Colleen Worrell spoke to the Board regarding approving online degrees. The Board previously decided that online regionally accredited graduate degrees awarded on or after January 1, 2010 are acceptable for licensure if the online degrees are from regionally accredited universities.

COUNSELOR EDUCATOR ADMINISTRATIVE RULES

The Board discussed the revisions made by the work group to the proposed counselor educator administrative rules. Lee Anne Wichmann moved and Suzan Turley seconded a motion to accept the revisions made to the counselor educator administrative rules. The motion passed unanimously.

SPECIAL CONSIDERATIONS

Gregory Johanson – Mr. Johanson appealed the decision to deny his application for licensure. Lee Anne Wichmann moved and Suzan Turley seconded a motion to uphold the denial. The motion passed unanimously.

Helene Lichtman – Ms. Lichtman was selected for a continuing education audit and did not provide documentation to the Board by the deadline; as a result, her license expired. Ms. Lichtman appealed the expiration of her license. Suzan Turley moved and Lee Anne Wichmann seconded a motion to require Ms. Lichtman to reapply for a license and to pay a \$500 penalty for not submitting her continuing education units in a timely manner. The motion passed unanimously.

Ms. Eklund explained that a registered intern who had completed her hours toward licensure in 2007. She has been in “exam status” for five years. The intern has continued to renew her internship, taken and failed the exam at six times. Recent administrative rules set a limit on the number of attempts and time allowed to pass the exam. If an intern does not pass in the time allowed, he or she must take additional training in the areas failed on the exam. In this case, the intern fell below acceptable

levels in nearly all of the content areas. Staff is looking for direction from the Board for how to handle this unique situation. The Board recommended that staff contact the intern to suggest hiring an exam coach and to allow one more attempt at passage.

ADJOURNMENT

Vice Chair Linda Gray adjourned the meeting at 3:20 p.m.