

**Oregon Board of Licensed Professional Counselors and Therapists
Minutes of October 14, 2011 Board Meeting**

Meeting called to order at 8:40 a.m. and adjourned at 4:15 p.m.

Members Present: Ryan Melton, LPC, Chair
Julia Smith, LPC
Elizabeth Hartshorn, LPC
Linda Gray, LPC, Vice Chair
Nila Epstein, LMFT
Suzan Turley, Public Member

Others Present: Becky Eklund, Executive Dir.
Brian Johnson, Board Staff
Lonnie Knotts, Board Staff
Mary Aguilera, Corban University
Elizabeth List, Multnomah University
Leanne Schays, Northwest Christian University
Wayne Strickland, Multnomah University
Gary Williams, Whispering Hope Counseling
Kelly Gabliks, AAG
Opal Bontrager, DAS/SCS
Jean Lasater, Consultant

Members Absent: Lee Anne Wichmann, LMFT

PUBLIC SESSION

CALL TO ORDER

Chair Ryan Melton called the meeting to order at 8:40 a.m. in the second floor large conference room of the Morrow Crane Building, 3218 Pringle Road SE, Salem, Oregon.

APPROVAL OF AGENDA & MINUTES

Suzan Turley moved and Nila Epstein seconded a motion to approve the agenda and the minutes of the June 3, 2011, August 12, 2011 and September 7, 2011 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. Ms. Bontrager will have the 2011-2013 biennium information ready for the next Board meeting.

INCREASING CONSUMER PROTECTION

Jean Lasater gave a verbal and written report of her findings for increasing consumer protection. Ms. Lasater's goal was to interview a broad sampling of individuals who provide counseling in the State of Oregon and to obtain their ideas as to how the Board could increase consumer protection. Following are some of the comments from the interviews.

- There is support for a registry for alternative providers.
- There should be clarification of existing laws, which included licensing standards.
- There should be grandfathering of seasoned non-licensed mental health providers.
- Consumer protection should be accommodating and flexible.
- The Board should stick to their constituency.
- There should be a clarification of the terms "assessment", "diagnosis", and "treatment".
- An alternative provider be added to the Board.
- Create an alternative provider board.
- The Board should create a uniform informed consent.
- The Board should facilitate training of interns.

- There should be a tiered approach to licensure.

Ms. Lasater facilitated a brainstorm session to identify additional ideas for increasing consumer protection. Results of the brainstorm is attached to these minutes.

BREAK 10:20 a.m.

RECONVENED 10:30 a.m.

MULTNOMAH UNIVERSITY

Ryan Melton and Becky Eklund described Multnomah University's request to become Board approved and the Board's review of the request. Elizabeth List, director of the counseling program and Wayne Strickland, provost of Multnomah University, answered the Board's queries regarding faculty to student ratio and the reference in the proposal to three different Codes of Ethics. Julia Smith moved and Suzan Turley seconded a motion to grant Multnomah University Oregon Board approved program status. The motion passed unanimously.

The Board would like the issue of faculty to student ratio on a future Board agenda for further discussion.

REVIEW OF BOARD POLICIES - GRADUATE DEGREE STANDARDS

Ms. Eklund provided updated policies for graduate degree standards in response to Board members' comments from the August 12, 2011 Board meeting. The Board made the following additional changes to the policy:

- An individual course may only satisfy one course requirement.
- A piece of a course may not satisfy a course requirement,

ANNOUNCEMENTS

Definition workgroup - The workgroup is struggling with developing a clear and concise definition for "assessment". Ms. Eklund compiled information discussed at the work group's first meeting and sent it by email to work group members. The information raised concerns so staff is considering how best to proceed.

Art Therapy National Exam – An applicant for licensure requested the Board allow substitution of the National Counselor Exam with the Art Therapists National Exam. Staff was unable to secure a copy of the exam to determine whether the art therapist national exam was the equivalent of the national counselor exam. Staff informed the applicant that she would need to take the national counselor exam.

Uncertified Non-inpatient Mental Health Programs – Oregon Health Authority has been certifying mental health programs in Oregon. These programs fell under the Board's exemption requiring licensure. The Oregon Health Authority learned, from an assistant attorney general, that they do not have the authority to certify those programs and in July of 2011, the Oregon Health Authority notified 41 programs that their certification was no longer valid. Individuals providing mental health services who work at these decertified agencies may need to be licensed as professional counselors or marriage and family therapists if they are not covered by other license exemptions.. This action by the Oregon Health Authority has also resulted in reducing the number of registered intern sites. The Board asked Ms. Eklund to send letters to all agencies letting them know that may now need to be licensed.

BREAK 11:35 a.m.

EXECUTIVE SESSION

The Board convened in Executive Session at 11:45 a.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.

SPECIAL CONSIDERATION

James Clark – Mr. Clark joined the meeting by phone. He appealed to the Board a denial that he be allowed to supervise registered interns that work at his agency. The Board discussed Mr. Clark's appeal and the pending complaint against him. Julia Smith moved and Elizabeth Hartshorn seconded a motion to deny Mr. Clark's appeal. The motion passed unanimously. Mr. Clark may request reconsideration upon completion of his Board imposed discipline.

EXECUTIVE SESSION

The Board reconvened in Executive Session at 2:30 p.m. to discuss complaints and investigations through authority provided in ORS 192.660(2)(k).

PUBLIC SESSION

The Board reconvened in Public Session at 3:20 p.m.

Julia Smith moved and Linda Gray seconded a motion to delegate authority to the executive director to issue notices of intent to impose discipline for unlicensed practice or title violations. The Board would like to review this delegation of authority in one year. The motion passed unanimously.

COMPLIANCE ISSUES

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

Resolved: Case #2010-016 – Julia Smith moved and Suzan Turley seconded a motion to accept the Settlement Agreement and Stipulated Final Order regarding the James Clark matter. The motion passed unanimously.

Resolved: Case #2011-023 – Linda Gray moved and Elizabeth Hartshorn seconded the motion to dismiss the matter. The motion passed unanimously.

Resolved: Case #2011-024 – Elizabeth Hartshorn moved and Julia Smith seconded the motion to dismiss the matter. The motion passed unanimously.

Resolved: Case #2011-025 – Julia Smith moved and Nila Epstein seconded the motion to dismiss the matter. The motion passed unanimously.

Resolved: Case #2011-027 – Nila Epstein moved and Linda Gray seconded the motion to dismiss the matter. The motion passed unanimously.

Resolved: Case #2011-028 – Linda Gray moved and Elizabeth Hartshorn seconded the motion to dismiss and issue a letter of concern. The motion passed unanimously.

Case #2011-034 – Nila Epstein moved and Julia Smith seconded the motion to issue a letter of concern while keeping case open for further investigation. The motion passed unanimously.

Resolved: Case #2011-036 – Julia Smith moved and Nila Epstein seconded the motion to dismiss the matter. The motion passed unanimously.

Staff requested an extension for the investigations in cases #2011-015, #2011-016, #2011-032, #2011-037, #2011-038, #2011-039, and #2011-040 due to caseload. Linda Gray moved and Elizabeth Hartshorn seconded the motion to grant extensions for investigation. The motion passed unanimously.

LOW RESIDENCE AND ONLINE GRADUATE PROGRAMS

Lonnie Knotts presented information about low residency and online graduate programs. Currently the Board recognizes only graduate programs accredited national by CACREP, COAMFTE and CORE. The Board receives three to five telephone calls a week regarding low residency and online graduate programs. The Board discussed regionally accredited low residency and online graduate programs. The Board asked Mr. Knotts to gather more information regarding how CACREP and other online universities present clinical courses to their students. Mr. Knotts will report to the Board at the next meeting.

SPECIAL CONSIDERATIONS

Unnamed LMFT licensee – Board staff discovered that an LMFT was licensed in 2007 without passing the national MFT exam. The error was discovered when the licensee applied for a license as a professional counselor. The Board discussed the options for the licensee. The Board decided that the unnamed LMFT may keep his license but must pass the national exam within one year.

Heather Perry – Ms. Perry asked the Board to allow her degree from Mars Hills Graduate Institute be accepted for licensure and if not, refund her application fee. Mars Hills is not a regionally accredited university therefore the degree does not qualify for licensure. Mars Hills is accredited by Transnational Association of Christian Colleges and Schools (TRACS), which is an accreditation that the Oregon Board does not accept. License application fees are non refundable. Linda Gray moved and Elizabeth Hartshorn seconded a motion to deny Ms. Perry's request. The motion passed unanimously.

Carol Jane Spence – Ms. Spence wrote a letter to the Board regarding customer service. Ms. Eklund reported that she contacted Ms. Spence and told her the Board's decision regarding her appeal. Ms. Spence wants the Board to call her again and let her know what customer service changes were implemented to prevent situations like hers. The Board asked that Ms. Eklund prepare a letter for the Chair's signature.

DIAGNOSIS ATTESTATION

Ms. Eklund explained the procedures that would be used in the forthcoming audit of diagnosis attestation. Ten percent of those licensed as of January 1, 2010 and who are still licensed will be selected for an audit. The deadline for response is November 30. The date was set so that all licensees could be in compliance by the statutory deadline of January 1, 2012. The Board would like an update at the December Board meeting.

ADJOURNMENT

Chair Ryan Melton adjourned the meeting at 4:15 p.m.