



Oregon

Kate Brown, Governor

Board of Licensed Professional Counselors and Therapists

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Public Session Board Meeting Minutes

June 3, 2016

3218 Pringle Road SE · Salem, OR 97302

Members Present: Lindsay McGrath, LMFT, Chair
Don Thomson, LPC, Vice-Chair
Tony Lai, LPC
Tina Anctil, LPC
Marcia Michaels, LMFT

Members Absent: Doug Querin, LPC
Suzan Turley, Public Member
Rick Roemer, Public Member

Staff: Charles Hill, Executive Director
LaRee Felton, Operations Manager
Lonnie Knotts, Intake Coordinator
Warren Foote, AAG
Rogelio Daniels, Investigator
Natalie Altermatt, Office Assistant

INTRODUCTIONS/ROLL CALL

Chair Lindsay McGrath called the meeting to order at 8:32 a.m. at took roll.

EXECUTIVE SESSION

The Board convened in executive session pursuant to ORS 192.660(2)(L) to consider investigatory information; and pursuant to ORS 192.660(2)(f) to consult with legal counsel concerning written legal advice from counsel, which is privileged information under ORS 40.225.

The Board took a break at 10:30 a.m., and reconvened in executive session at 10:42 a.m.

The Board took a break at 12:05 p.m., and reconvened in executive session at 12:29 pm.

The Board adjourned executive session at 1:04 p.m.

PUBLIC SESSION

The Board reconvened in public session at 1:07 pm.

ORCA UPDATES (Ryan Melton)

Ryan Melton, President of the Oregon Counseling Association (ORCA), requested a regular spot on Board meeting agendas. ORCA has hired a service coordinator position, which they hope to turn into an executive director position. They ask that the Board and staff continue to refer calls regarding ethical dilemmas. ORCA is having a November conference, and is formalizing structures.

EXECUTIVE DIRECTOR REPORT

Mr. Hill reviewed the budget projections and financials. Currently the Board has approximately 10 to 10 and 1/2 months of reserves. With the cessation of the 5-year background check, there is a lesser projected revenue. Mr. Hill and Ms. Felton are working on projections for the 2017-2019 budget package. They are also in discussion with a company to consider upgrading the Board's current database system, and in the process of hiring a new investigator.

MEETING MINUTES

Mr. Thomson moved and Ms. Anctil seconded a motion to approve the April 1, 2016 meeting minutes as submitted. The motion passed. The motion passed unanimously. (5-0)

CONSUMER PROTECTION CASES

Inquiry #s 2016-006i, 2016-007i, 2016-013i, 2016-024i – Mr. Thomson moved and Mr. Lai seconded a motion to approve the CPC consent agenda and close these inquiries. Roll call vote: Mr. Thomson- Aye; Mr. Lai- Aye; Ms. Anctil- Aye; Dr. Michaels- Aye; Ms. McGrath- Aye. The motion passed.

Inquiry # 2016-020i – Ms. Anctil moved and Mr. Thomson seconded a motion to approve the CPC consent agenda and close this inquiry. Roll call vote: Mr. Thomson- Aye; Ms. Anctil- Aye; Dr. Michaels- Aye; Ms. McGrath- Aye. Mr. Lai recused himself. The motion passed.

Case # 2014-027 – Mr. Lai moved and Ms. Anctil seconded a motion to adopt the Final Order as Amended and dismiss the case. Roll call vote: Mr. Thomson- Aye; Mr. Lai- Aye; Ms. Anctil- Aye; Dr. Michaels- Aye; Ms. McGrath- Aye. The motion passed.

Case # 2014-067 – Mr. Thomson moved and Mr. Lai seconded a motion to issue a Withdrawal of Notice and Termination of Order. The motion passed unanimously. (5-0)

Case # 2013-018 – Mr. Lai moved and Ms. Anctil seconded a motion to issue an Order Terminating the Stipulated Final Order. The motion passed unanimously. (5-0)

Case # 2016-001 – Ms. Anctil moved and Mr. Thomson seconded a motion to approve an Interim Stipulated Order; the licensee has seven calendar days to execute the document or the Board will issue an Order of Emergency Suspension. Roll call vote: Mr. Thomson- Aye; Mr. Lai- Aye; Ms. Anctil- Aye; Dr. Michaels- Aye; Ms. McGrath- Aye. The motion passed.

Case # 2016-005 – Mr. Lai moved and Ms. Anctil seconded a motion to issue a Notice of Intent imposing the following terms: revocation of license and payment of disciplinary costs. Roll call vote: Mr. Thomson- Aye; Mr. Lai- Aye; Ms. Anctil- Aye; Dr. Michaels- Aye; Ms. McGrath- Aye. The motion passed.

Case # 2016-004 – Mr. Thomson moved and Ms. Anctil seconded a motion to issue a Notice of Intent imposing the following terms: a minimum six-month suspension, six hours of ethics training subject to Board approval, and disciplinary costs. Roll call vote: Mr. Thomson- Aye; Mr. Lai- Aye; Ms. Anctil- Aye; Dr. Michaels- Aye; Ms. McGrath- Aye. The motion passed.

Case # 2016-007 – Mr. Lai moved and Ms. Anctil seconded a motion to close the case. The motion passed unanimously. (5-0)

Inquiry # 2016-010i – Mr. Lai moved and Dr. Michaels seconded a motion to open an official case and issue a notice of intent imposing the following terms: a minimum of one year of supervised practice under a Board-approved LMFT supervisor; six hours of domestic violence training and six hours of boundaries training, subject to Board approval; and disciplinary costs. Roll call vote: Mr. Thomson- Aye; Mr. Lai- Aye; Ms. Anctil- Aye; Dr. Michaels- Aye; Ms. McGrath- Aye. The motion passed.

Case # 2016-006 – Mr. Thomson moved and Mr. Lai seconded a motion to issue a Notice of Intent to impose the following terms: reprimand and disciplinary costs. Roll call vote: Mr. Thomson- Aye; Mr. Lai- Aye; Ms. Anctil- Aye; Dr. Michaels- Aye; Ms. McGrath- Aye. The motion passed.

Case # 2016-009 – Mr. Lai moved and Ms. Anctil seconded a motion to close the case. The motion passed unanimously. (5-0)

Case # 2014-024 – Mr. Thomson moved and Mr. Lai seconded a motion to issue an addendum to the order that allows a payment plan. Vote: Mr. Thomson- Aye; Mr. Lai- Aye; Ms. Anctil- Aye; Dr. Michaels- Aye; Ms. McGrath- Nay. The motion passed.

INVESTIGATION EXTENSIONS

Ms. Anctil moved and Mr. Lai seconded a motion to grant extensions for the following inquiries: 2016-011i, 2016-014i, 2016-015i, 2016-017i, 2016-018i, 2016-019i, 2016-021i, 2016-022i, 2016-026i, 2016-027i, 2016-029i, and 2016-035i. The motion passed unanimously. (5-0)

LICENSES RATIFIED

Ms. Anctil moved and Mr. Lai seconded a motion to approve the 83 new LPC and LMFT licenses submitted to the Board. The motion passed unanimously. (5-0)

ADMINISTRATIVE RULEMAKING

License Renewal; Healthcare Workforce Data Survey and Fee Requirement.

The Board reviewed public comments received. There were no attendees at the public hearing held on May 16, 2016. Mr. Lai moved and Ms. Anctil seconded a motion to file a permanent rule establishing the requirement for all licensees on renewal to complete the Healthcare Workforce Data Survey and pay the fee established by the Oregon Health Authority, as required by Senate Bill 230. The motion passed unanimously. (5-0)

Proposed Rulemaking Packages

Over the last seven months, the Laws and Rules and the Education Committees have met thirteen times to discuss and develop these proposed rules. With the proposal, the rule language will be updated, reorganized and reworded for clarity, and a significant amount of redundant language will be removed. Even with many important additions, this draft uses *2,977 fewer words- an 18% reduction* from the current rule language.

The proposal establishes an inactive status license and renewal fee of \$100, and creates “reactivation” fee of \$125 to change back to active status. This will replace the CE waiver for non-practicing licensees. Additionally, it moves several licensure-related rules from Division 20, “Application Methods,” to a newly adopted Division 75, “General Licensure Provisions.” It repeals Division 60, “Graduate Degree Standards,” and integrates the language into Divisions 30 & 40, the

LPC and LMFT licensure requirements. It eliminates the arbitrary “comparable” and “majority” educational program standard requirements and sets forth clear program accreditation and coursework standards for LPC and LMFT licensure.

The proposed rulemaking will clarify that unlicensed persons may not use the abbreviations “LPC” and “LMFT,” and add a requirement for four clock hours of cultural competency continuing education (CE). It removes the five-year supervisor registry renewal requirement, and instead implements a CE requirement of three clock hours of supervision-related training for supervisors. A streamlined statewide uniform fitness determination process and criminal records administrative rules will be implemented, as mandated by recent legislation. The proposal clarifies the examination requirements, deadlines, and consequences for failure to comply, and allows the Board to grant good-cause extensions. Additionally, it clarifies processes for rulemaking, contested case hearings, application and reapplication, information to be provided to the Board, examination, CE, and investigations.

Proposed Rulemaking #1: Application methods and requirements, inactive status, examination, general licensure provisions, fees, supervision, and continuing education. Mr. Thomson moved and Ms. Anctil seconded a motion to file a notice of proposed rulemaking hearing. The motion passed unanimously. (5-0)

Proposed Rulemaking #2: Definitions, rulemaking procedures, contested case hearings, investigations and failure to cooperate, and criminal history checks. Ms. Anctil moved and Mr. Lai seconded a motion to file a notice of proposed rulemaking hearing. The motion passed unanimously. (5-0)

The Board will review public comments received, and determine at the August meeting whether to adopt the proposed rulemakings.

LICENSURE EXEMPTION WORKGROUP UPDATE

Mr. Thomson updated the Board on the Workgroup’s progress. The Committee conducted outreach and collected feedback regarding the draft legislative concept that will remove the “counselor education exemption” from ORS 675.825(4)(a). The proposed language would allow the Board to enforce its practice act. Detailed information has been posted on the boards’ websites, and inquiries have been directed there. Potential stakeholders, including licensees, interns, alternative providers, and leadership from ORCA and OAMFT were invited to attend the April 27, 2016 meeting. Conversation included potential courses of action to provide for oversight and structure for consumer protection. Different parties were able to air their concerns and understand each other.

Additionally, there are currently discussions regarding regulating Qualified Mental Health Professionals (QMHPs) and Qualified Mental Health Associates (QMHAAs) individually, and creating a registry for unlicensed practitioners similar to an existing structure in the State of Vermont. Existing boards have expertise in this area and may have the opportunity to influence how this regulation is crafted. Justin Hopkins from Oregon Health Authority (OHA) has been tasked with presenting options and reporting to Senator Elizabeth Steiner-Hayward. Board members expressed some concern about being required to absorb individuals who do not meet the qualifications for LPC or LMFT. In general, legislators are opposed to creating new boards; however, an argument can be made that one new, well-contained board might stave off the development of several smaller, fragmented boards.

Next steps: The Workgroup will meet again on June 9, 2016 to discuss stakeholder feedback, and staff members will meet with OHA representatives on June 27, 2016.

EDUCATION COMMITTEE

Dr. Michaels was appointed to the Education Committee.

LAWS AND RULES COMMITTEE

The Committee is currently working to form a Rules Advisory Committee, which will meet on July 19, 2016 to discuss potential rulemaking amendments to the Code of Ethics, OAR Chapter 833, Division 100. The Committee will also be looking into possible revisions to Distance Counseling, OAR Chapter 833, Division 90. Other professions have compacts that allow for portability, which is an advantage to licensees. A potential concern is whether member states are equally vigilant in licensing, including conducting background checks. Ms. McGrath will attend a National Conference on Telehealth in September. The next Committee meeting is June 20, 2016.

ADJOURNMENT

Chair Lindsay McGrath adjourned the meeting at 2:35 p.m.