

MINUTES

**UTAH
Professional Counselor Licensing Board
MEETING**

September 21, 2010

**Room 474 - 4th floor - 9:00 A.M.
Heber M. Wells Building
Salt Lake City, UT 84111**

CONVENED: 9:04 A.M.

ADJOURNED: 12:40 P.M.

Bureau Manager:

Richard J. Oborn

Board Secretary:

Lee Avery

Board Members Present:

Jason H. King, Chairperson

Gloria Miley

Rodger Bischoff

Ruth A. Baxter

Jerri Sena

Dee Zarkos

DOPL Staff Present:

Kent Barnes, Compliance Manager

Guests:

Michelle Butterfield

Melissa Hamilton

Mandy Erickson

Epifanio J. Garcia

Clark L. Warne

Shari Elliott

Jared Beers

Eugene Wright

Shelley Mangum

Justin Olsen

Rita Butler

Rebecca Laws

Rick Burton

Jessie Shepherd

Sean Howard

Diane Jackson

Jesse Heaton

Jenny Lewis

Darren W. Adamson

Gary Leavitt

TOPICS FOR DISCUSSION

ADMINISTRATIVE BUSINESS:

Swear in new Board member Jerri Sena

Ms. Sena was sworn in as a new Board member.

Swear in new Board member Dee Zarkos

Ms. Zarkos was sworn in as a new Board member.

Consideration of option to elect a new Board Chair

The Board opted to maintain Jason King as the chairperson. Ms Sena motioned for Ms. Baxter to be the vice chairperson, seconded by Mr. Bischoff. The motion carried unanimously.

MINUTES:

The Board reviewed the minutes dated June 15, 2010. Ms. Baxter motioned to approve the minutes with changes, seconded by Ms. Sena. The motion carried unanimously.

COMPLIANCE REPORT:

Kent Barnes, Compliance Manager

#1. Melanie Walters is in compliance with her stipulation. She submitted a letter requesting early termination. Ms. Walters has completed all terms of her probation.

#2. Joanie Jones, new probation interview. Ms. Jones has been on probation with her substance abuse counselor license. She missed calling in for her drug screens and she failed to show up for a drug screen.

Discussion:

The Board noted that Ms. Jones has an extensive criminal history before she obtained her substance abuse counselor license. Part of her initial stipulation was for her to do drug testing. This requirement had been terminated because she had been staying clean. In May 2009, she was arrested for driving intoxicated and was convicted for impaired driving. She then entered into a new stipulation with the Division. In July 2010, Ms. Jones obtained her professional counselor license and will be meeting with this Board for the duration of her probation. Ms. Jones decided to keep both licenses active. She missed calling the drug screening facility on August 13, 24, 27 and September 8. On one of these days she was to report for a UA.

#3. Christy Peck Kane, new probation interview. Mr. Oborn advised the Board that in 2007 Ms Kane's license was placed on probation for two years. She continued to have a dual relationship with a former client. The Division held a hearing and the Board voted to find that she violated her Order. Ms. Kane's license was revoked in 2008. She went through an agency review and it was ruled that the Division could not stop her from seeing a client beyond two years after therapy stopped unless there was evidence that the former client was especially vulnerable. Currently Ms. Kane's probation is for one year. Before releasing Ms. Kane from probation, Ms. Kane must complete twenty hours of continuing education, write an essay and talk about the essay with the Board

APPOINTMENTS:

Melanie Walters, probation interview

Ms. Walters met with the Board for her probation interview. Mr. Bischoff conducted the interview. The new Board members were introduced to Ms. Walters. Ms. Walters stated that things are going well. She continues working at England Counseling. She plans to continue working there part-time. She continues working for State. Ms. Walters stated that she learned a lot throughout her probation with the Board. She feels she is a better clinician now. She learned to be more diligent with her note taking and documentation. She understands the need to provide the insurance providers with paperwork. She learned to contact other professionals for consultation. Ms. Walters stated she also learned to be patient and to address conflict with others, especially with a supervisor. Ms. Walters stated that she also learned the reasons why not to cross boundaries with clients. She learned how crossing boundaries has adverse impact with her clients, family, the professional work place, the professional standing in the community and she expressed how difficult it is to assess the impact of an inappropriate relationship with a client. The Board reviewed Ms. Walters' request for early termination of her probation. The Board noted how much Ms. Walters has grown and how diligent she has been in meeting the requirements of the stipulation. Mr. Bischoff noted that Ms. Walters has completed all requirements of her stipulation and motioned to

terminate Ms. Walters' probation, seconded by Ms. Baxter. The motion carried unanimously.

Joanie Jones, new probation interview

Ms. Jones met with the Board. Ms. Baxter conducted the interview. The Board members were introduced to Ms. Jones. The Board advised Ms. Jones that she has missed calling the drug screen facility on August 13, 24, 27 and September 8. Ms. Jones was advised that she was scheduled for a UA on one of these days. Because she failed to call, she is not in compliance with her stipulation. Ms. Senna motioned to close the Board meeting at 10:06 to discuss the character, professional competence, or physical or mental health of an individual, seconded by Mr. Bischoff. The Board meeting opened at 10:15 A.M. Ms. Jones stated that Patrick Gilmore, LCSW is her therapist. The Board noted that she is not required to submit therapy reports. Ms. Jones needs to submit documentation showing she is attending support groups at least two times a month. The Board encouraged her to attend more often when possible. Ms. Jones stated that her supervisor is Sylvia Wright, LPC. Ms. Jones was advised that her supervisor reports are due monthly for the first six months. The Board may consider changing this later. The Board asked to see Ms. Jones on December 21, 2010. Ms. Jones was advised that this Board meeting will start at 2:00 P.M. and her appointment will be set sometime after that. **Ms. Jones is not in compliance with her stipulation because of her failure showing up for a drug screen.**

Christy Peck Kane, new probation interview

Ms. Kane met with the Board. Mr. King conducted the interview. The new Board members were introduced to Ms. Kane. She gave the Board her essay. Ms. Kane stated that she completed twelve hours of continuing education she is required to complete under the terms of her stipulation. She is still looking for other courses to propose for completion of the additional eight contact hours of continuing education. The Board reviewed Ms. Kane's stipulation and the essay she submitted. The Board noted that her essay should not just quote provisions of law and the Code of Ethics. It must also discuss the risk of harm to clients, former clients, and the therapist when the therapist engages in multiple

relationships with clients or former clients. This is missing from the essay that she submitted. The Board advised Ms. Kane that if she gets her essay completed and it reflects the content required in the stipulation, Mr. Oborn would consult with the Board members regarding the essay before the next Board meeting. If the Board believes there is more information that needs to be shared, she would need to meet with the Board on December 21, 2010. The Board noted that this Board meeting starts at 2:00 P.M.

Lori Bagley, potential applicant

Ms. Bagley met with the Board. Ms. Bagley stated she is before the Board to ask the Board to consider allowing her to count the hours that she gains as an extern towards her LPC license. The Board noted that the intern license is issued to gather hours and pass the exams. The extern license is issued to an applicant, who does not meet the experience requirement under the endorsement subsection and is deficient in some education courses. The Board noted that to obtain an extern license, the deficient courses cannot include any of the core courses. The extern license allows the applicant to work, under supervision, while completing the additional education requirement. The Board reviewed the Professional Counselor Licensing Act Rule and the Mental Health Professional Practice Act. The Board noted that if the hours are accepted during the three (3) years the extern license is issued, then the applicant could apply for the professional counselor license and the intern license would not be needed. The Board noted that the rules are not clear and would need to be modified. Ms. Zarkos motioned to allow Mr. Oborn to modify R156-609 C 302 (1)(b) so as to allow for gathering of the 4,000 hours of training while licensed as an extern. The motion was seconded by Ms. Baxter. The motion carried unanimously.

DISCUSSION ITEMS:

1. Possible inclusion of definition of “electronic communication” in the Mental Health Professional Practice Act

Mr. Gary Leavitt and Mr. Darren Adamson met with the Board. Mr. Leavitt advised the Board that he and Mr. Adamson are currently working with a legislator who is sponsoring a bill that would clarify the use of online therapy in Utah. The bill would clarify jurisdiction when Utah mental health therapists provide online counseling to out-of-state clients. When

therapy takes place between a Utah mental health therapist physically located in Utah and a client physically located outside of Utah the therapy will be considered to have taken place in Utah and regulated by Utah's laws, rules, and regulations. However, the laws of the state where the clients physically present may also apply. Mr. Leavitt is currently establishing an Online Counseling Association as a resource for Utah therapists practicing online therapy to track the legislation nationwide and keep abreast of relevant issues. The Board emphasized the importance of Utah therapists practicing online therapy being aware of statutes in the jurisdictions where their patients are physically located. The Board encouraged Mr. Leavitt to discuss the potential language of the bill with associations representing professionals in related mental health fields such as professional counseling, social work, substance abuse counseling, and psychology. Mr. Leavitt stated that feedback from all related mental health fields and any areas of concern would be worked out in the final version of the bill. Information will be posted online at [www www.onlinecounselingassociation.org](http://www.onlinecounselingassociation.org)

Requirement to complete all 4,000 hours of training while licensed as an Associate Professional Counselor

This discussion took place during Ms. Bagley's interview.

2. Update regarding upcoming changes to the Professional Counselor Licensing Act Rule

Mr. Oborn noted that the Board approved the changes to the Professional Counselor Licensing Act Rule during the last meeting. Mr. Oborn stated that he will to modify the change to include a reference to the ability of a licensee to gather hours of training needed for the LPC license while licensed as an extern.

3. Continuing education requirement

Mr. Oborn stated that he was asked to have the Board consider increasing how many hours of continuing education may be obtained online, especially for those living in rural areas. The Board noted that it could not specify that those living in rural areas could obtain continuing education hours online and those living in the larger cities need to attend conferences. The Board discussed the benefits of completing continuing education courses online vs. attending a conference, citing time, travel, financial benefits as well as the fact that the course may be completed at one's leisure.

The Board noted that one of the major benefits of attending a conference is professional networking with others in the field. Ms. Baxter motioned to modify R156-60c-304(5)(c) such that the current 6 contact hour limit on clinical readings or internet-based courses is increased to 10, seconded by Ms. Sena. The motion carried unanimously.

4. 100 hours of supervision requirement for LPC license

The Board reviewed the 100 hours of supervision requirement for licensed professional counselors in the Mental Health Professional Practice Act. The Board discussed changing this requirement. Mr. Oborn noted that this is a statutory requirement and changing would require passing of a bill by the Legislature. Mr. Oborn stated the requirement could then be clarified in the Licensed Professional Counselor Act Rule.

5. Report regarding NBCC Biannual Meeting, Jason King

Mr. King reported on the NBCC Biannual Meeting he attended in August regarding training and education. Mr. King left this material with the Division.

BOARD MEETINGS:

2010 Board Meetings Scheduled:

December 21 at 2:00 P.M for the December meeting only.

2011 Board meetings have been tentatively scheduled:

March 15, June 21, September 20, December 20

Motion to adjourn at 12:41 P.M.

Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.

December 22, 2010

Date Approved

(ss) Jason H. King

Chairperson, Utah Professional Counselor Licensing Board

December 22, 2010

Date Approved

(ss) Richard J. Oborn

Bureau Manager, Division of Occupational & Professional Licensing