

MINUTES

**UTAH
Clinical Mental Health Counselor Licensing Board
MEETING**

June 11, 2012

**Room 464 - 4th floor – 9:00 A.M.
Heber M. Wells Building
Salt Lake City, UT 84111**

CONVENED: 9:07 A.M.

ADJOURNED: 2:17 P.M.

Bureau Manager:

Richard J. Oborn

Board Secretary:

Lee Avery

Board Members Present:

Jason H. King, Ph.D. Chairperson
Ruth A. Baxter, Assistant Chairperson
Dee Zarkos

Board Members Absent:

Jerri Sena
Rodger Bischoff

DOPL Members present:

Connie Call, Compliance Specialist
Dee Thorell, DOPL Investigator

Guests:

Heather Ambrose, Argosy University
Cathy Connell
Janine Wanlass, Westminster College
Sarah Dehaan, University of Phoenix/UMHCA
Randy Buckner, University of Phoenix
Gray Otis, UMHCA

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

MINUTES:

The Board reviewed the minutes dated February 9, 2012. Ms. Baxter motioned to approve the minutes with changes, seconded by Ms. Zarkos. The motion carried unanimously

Compliance Report:

#1. Gregory Hood is in compliance with his stipulation. The Division received a positive employer report. He submitted a copy of a letter he sent to the Texas State Board of Examiners and Professional Counselors. He has not submitted verification of CE

yet. These are due October 2012.

Discussion:

The Board reviewed Mr. Hood's letter regarding the agreement with his supervisor.

#2. John Washington is in compliance with his stipulation. He submitted his therapy and employer reports. The Board reviewed his supervisor report.

Discussion:

The Board reviewed Mr. Washington's stipulation and the hours he is working. The Board expressed concern regarding comments made in his supervisor report and will review this with Mr. Washington.

#3. Jodi Hildebrandt is a new probationer. Ms. Hildebrandt submitted her probation plan.

Charges:

Ms. Hildebrandt began a clinical relationship with John and Jane Doe. Between April 2008 and March 2010 on multiple occasions, without having signed authorizations, she discussed sensitive private information and the Does with their clergy and two other mental health therapists. In March 2009 without having received signed authorizations from John Doe she disclosed sensitive confidential information including a medical diagnosis with administrators at the University in Utah. The disclosure was detrimental to John Doe. Between November 2009 and March 2010 while providing mental health therapy to Jane Doe, she permitted Jane Doe to perform a clinical practicum at the clinic she owned. She determined this arrangement would be beneficial to Jane Doe because Jane Doe had attended therapy groups and community support groups at the facility. Jane Doe was comfortable at the facility and was familiar with issues of the clients. She failed to document the information consent, benefits and risks of such relationship in Jane Doe's patient chart.

APPOINTMENTS:

Gregory Hood, probation interview

Out of order on the agenda:

Mr. Hood met with the Board. Mr. Hood's interview was conducted telephonically. Mr. King conducted the interview. The Board expressed concern that Mr.

Hood was not available when the Board attempted to contact him at 9:42 A.M. Mr. Hood's appointment was at 9:30 A.M. Mr. Hood stated he was busy with other things and forgot about his interview with the Board. Mr. Hood stated has been learning EMDR and receiving high marks in efficiency. He has been doing video reviews with this supervisor every week and setting clear guidelines. The Board asked Mr. Hood for the written agreement between him and Dr. Ferro regarding the conflict of interest discussed at the Board meeting December 2011. Mr. Hood stated the agreement between the two of them was written and signed; however, he did not realize the Board wanted to see it. The Board gave Mr. Hood 24 hours to submit this to Ms. Call. Mr. Hood stated he is seeing approximately 10 clients. He receives referrals from the courts and other therapists and vocational rehabilitation. The Board advised Mr. Hood that vocational rehabilitation usually does not refer clients to associate clinical mental health counselors. They may not realize that he is an associate and that his license is on probation. The Board asked Mr. Hood to obtain a letter from vocational rehabilitation counselor stating that they know he is an associate and that his license is on probation. The Board advised Mr. Hood to fax this to Ms. Call for the Board's review at the September Board meeting. The Board expressed concern that Mr. Hood is not taking his probation with the Board seriously and the Board asked to physically see Mr. Hood on September 18, 2012. **Mr. Hood is not in compliance with his stipulation because he missed the time of appointment that was scheduled earlier in the meeting.**

John Washington, probation interview

Mr. Washington met with the Board for his probation interview. Ms. Sena conducted the interview. Mr. Washington stated things are going well. He has already registered himself to take the NCE exam on September 6, and plans to have the NCMHCE exam scheduled for October. Because of changes in the facility, he may be doing more evaluations. His is working a little under 20 hours a week. The Board noted that his supervisor stated in her review that he has improved regarding his expectations requiring an instant response from others. Mr. Washington stated he has been trying to approach other therapists for

input in a more timely manner, according to their schedules. Mr. Washington stated that his wife has some health issues that caused some stress in the family. He continues to attend 2 SA meetings a week and individual therapy once a week. Mr. Washington stated that his therapy is going great. He is getting Neurofeedback and may be able to reduce his medications, noting that his memory is getting a little better. The Board encouraged Mr. Washington to review the study guide from NBCC before taking the exams. Mr. Washington states that he has provided some assessments for clients with substance abuse addictions and some with sexual addictions. The Board expressed concern regarding counter transference with clients regarding sexual addictions, noting that this may be problematic. The results could be called into question because of his background. The Board encouraged Mr. Washington to discuss this with his employer so he does not have to do these kinds of assessments in the future. The Board reminded Mr. Washington that his supervisor reports are quarterly. His next report is due by September 1, 2012. The Board asked to see Mr. Washington on September 18, 2012. **Mr. Washington is in compliance with his stipulation.**

Jodi Hildebrandt, new probation interview

Ms. Hildebrandt met with the Board. Mr. King conducted the interview. At 10:15 A.M., Ms. Baxter motioned to close the Board meeting to discuss the character, professional competence, or physical or mental health of an individual, seconded by Ms. Zarkos. There were no written notes taken. A recording was not made. The Board meeting opened at 11:01 A.M. The Board encouraged Ms. Hildebrandt to contact UMHCA or her attorney with questions or clarifications. Ms. Hildebrandt submitted a resume for Karen DeBirk, LPC, her proposed supervisor. Ms. Hildebrandt stated she got to know Ms. DeBirk when she worked at Cirque Lodge. They were both in the same master's program; however, they had only one class together. Ms. DeBirk graduated before Ms. Hildebrandt. The Board expressed some concern about approving Ms. DeBirk as her supervisor because of a possible dual relationship. Ms. Hildebrandt stated she does not have another supervisor in mind to propose. Ms. Hildebrandt stated her relationship with

Ms. DeBirk has only been professional. Ms. Zarkos motioned to approve Ms. DeBirk as Ms. Hildebrandt's supervisor and have Ms. DeBirk meet with the Board in September. The Board will share the Board's expectations with Ms. DeBirk at that time. Ms. Baxter seconded the motion. The Board noted that meeting with Ms. DeBirk may be telephonic. The Board advised Ms. Hildebrandt that she would need to meet with her supervisor every other week. Payment between her and her supervisor is between and her supervisor. She needs to send a copy of her stipulation to the company and have them submit notification of receiving her stipulation. Her continuing education hours should include at least 4 hours in HIPAA, confidentiality, dual relationships and duty to warn. The continuing education courses she wants to attend needs to be pre-approved by the Board. She may submit information regarding these courses to Ms. Higgs or Mr. Oborn before the Board meetings. The Board noted that they do not feel she needs to complete a psychological evaluation at this time. The Board approved her probation plan. The Board asked to see Ms. Hildebrandt September 18, 2012. **Ms. Hildebrandt is in compliance with her stipulation.**

Laura Fullmer, applicant for relicensure interview

Taken out of order on the agenda:

Ms. Fullmer met with the Board. The Board reviewed her application for reinstatement for relicensure. Mr. Oborn noted that Ms. Fullmer's license was disciplined in 2008. In 2007-2008 she had a dual relationship with a client. Her license was on probation until February 2009, when she surrendered her license and admitted to an inappropriate relationship with Jane Doe. She admitted that she violated terms of her order by continuing the dual relationship. In her surrender Order, Ms. Fullmer agreed to not reapply for a license for 3 years after she surrendered her license. Mr. Oborn advised the Board that there is no obligation to issue her a license at this time. The Division wants to see the following documentation from Ms. Fullmer before considering relicensure:

1. Letters from her acknowledging her misconduct and outlining specific steps taken to rehabilitate herself;
2. Letter of support from therapists that have

- treated her;
3. Copies of mental health or psychological evaluations from psychologists used by DOPL in the past;
 4. Letters of support from supervisors and or co-workers; and
 5. Documents that verify completion of at least 40 hrs of CE in the practice of MHT counseling completed since the surrender of her license.

The Board reviewed documentation submitted by Ms. Fullmer. Ms. Fullmer stated that she made a mistake and has been working on dealing with the shame caused by her mistake with her therapist. Ms. Fullmer stated she developed a red flag list and has set professional boundaries. At 1:13 P.M., Ms. Baxter motioned to close the Board meeting to discuss the character, professional competence, or physical or mental health of an individual, seconded by Ms. Zarkos. There were no written notes. There was no recording made. The Board meeting opened at 1:29 P.M. Ms. Baxter motioned to recommend that Ms. Fullmer obtain a current psychological evaluation prior to the Board meeting on September 18, and that the evaluation address personality, biographical and psycho-social history and MMPI testing and an extensive summary report. The motion was seconded by Ms. Sena. The motion carried unanimously. The Board will review the evaluation and other additional documentation at the September Board meeting. The Board noted that her interview in September may be via telephone. Mr. Oborn stated her application will remain in pending status until after the Board meeting in September.

Janis Kirkland, applicant of licensure interview

Ms. Kirkland had a family emergency and was unable to keep her appointment with the Board.

DISCUSSION ITEMS:

1. Consideration of Sylvia Weight request for approval to supervise 5 LACMHCs

Take out of order on the agenda:

Mr. Oborn reviewed Ms. Weight's request for approval to supervise 5 LACMHCs. Ms. Weight currently supervises 3 associates and 2 students, students do not count towards the supervisee requirement under the CMHC rule. Ms. Weight is requesting permission to supervise 2 additional

associates. Ms. Baxter motioned to approve Ms. Weight's request for approval to supervise 5 full time associate clinical mental health counselors, conditioned upon receipt of the following information:

1. The number of clients is she seeing per week;
2. Her model on how to conduct supervision that includes supervision guidelines,

The Board requested a copy of supervision contract. The motion was seconded by Ms. Zarkos. The motion carried unanimously.

2. Enforcement of bills passed during legislative session that impact practice of clinical mental health counseling

Out of order on the agenda:

The Board discussed the enforcement of bills passed during legislative session that impact practice of clinical mental health counseling. Mr. Oborn noted that the bill created different titles and levels of licensure for the substance abuse counselors. The title of the license is now substance use disorder counselor.

3. Continued consideration of amendments to Utah Admin. Code R156-60c

Mr. Oborn reviewed proposed amendments to Utah Admin. Code R156-60c with the Board and the following representatives from Utah schools: Paul Gore, U of U; Colleen Sander, Westminster College; Janine Wanlass, Westminster College; Heather Ambrose, Argosy University; Sara DeHaan, University of Phoenix; and Randy Buckner, University of Phoenix. The Board and representatives from Utah school discussed proposed changes to the education requirement and the continuing education requirement. In regard to the education requirement, the Board discussed creating two education tracks to licensure: (1) doctorate or master's degree in clinical mental health counseling from a CACREP accredited program; and (2) doctorate or master's degree in clinical mental health counseling or an equivalent field from a program affiliated with an institution recognized by CHEA that includes completion of coursework as defined in rule. The Board expressed support for the following proposals: (1) rewording of course titles to be more consistent with titles used in the CACREP 2009 Standards; (2) removal of professional roles course requirement; (3) combining of practicum and internship course requirements; (4) removal of lists of examples of possible topics to be covered in courses; (5) consolidation of the internship and practicum requirements into one requirement of

completion of 1,000 hours of supervised clinical practice; and (6) increase in the number of counseling related course work due to a decrease in the number of subjects specific course work. The Board expressed support for limiting issuance of the extern licenses to applicants with deficiencies in less than 3 subjects and those deficiencies cannot include the following: (1) ethics (2) assessment of mental status; and (3) internship or practicum if missing 400 or more hours of supervised clinical training.

4. Proposal to amend definitions of "employee" and "unprofessional conduct" in Utah Admin. Code R156-60

Mr. Oborn shared a proposal to amend definitions of "employee" and "unprofessional conduct" as used in Utah Admin. Code R156-60. In R156-60-102, the proposal is to add "Employee means a W-2 employee as defined by the Internal Revenue Service of the United States Government," and to remove the rest of the paragraph. In R156-60-502, the proposal is to remove this entire section because each of the mental health professions has its own definition of unprofessional conduct outlined in their specific rule. The Board expressed no concern with this proposal.

5. Proposal to increase number of contact hrs of continuing education completed via distance methods that licensees may count toward biannual CE requirement

Taken out of order on the agenda:
The Board expressed support for a rule amendment to allow the Division to approve licensees, on a case-by-case basis, to complete more than 10 contact hours of CE completed via distance learning methods and count them toward the total CE requirement of 40 contact hours of CE. This proposed change is intended to benefit licensees in rural areas of Utah who struggle to travel to CE in courses. Ms. Baxter motioned to approve the changes as discussed by the Board, seconded by Ms. Zarkos. The motion carried unanimously.

6. Behavioral Healthcare Workforce Workgroup study of proposed statutory amendments to clarify practice of online therapy and supervision

Mr. Oborn advised the Board that a group of therapists is developing language to propose to clarify the practice of remote therapy and remote supervision.

7. Upcoming NBCC Annual Meeting, August 9-10, 2012

Mr. Oborn advised the Board that Rodger Bischoff will attend the upcoming NBCC Annual Meeting, August 9-10, 2012.

8. Open and Public Meetings Act Training

Mr. Oborn reviewed the Open and Public Meeting Act

training with the Board.

BOARD MEETINGS:

The next Board meeting is September 18, 2012.

2012 Board meetings have been scheduled:

September 18, December 18

Motion to adjourn at 2:17 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.

October 15, 2012

Date Approved

(ss) Jason King Ph.D.

Chairperson, Utah Professional Counselor Licensing Board

October 15, 2012

Date Approved

(ss) Richard J. Oborn

Bureau Manager, Division of Occupational & Professional Licensing