

**MINUTES**

**UTAH  
PROFESSIONAL COUNSELOR  
LICENSING BOARD MEETING**

**November 17, 2009**

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

**CONVENED:** 9:03 A.M.

**ADJOURNED:** 1:04 P.M.

**Bureau Manager:**  
**Board Secretary:**

Richard J. Oborn  
Lee Avery

**Board Members Present:**

Dean Workman, Acting Chairperson  
Ruth K. Baxter  
Gloria Miley  
Rodger Bischoff

**Members Excused:**

Jason H. King, Chairperson

**DOPL Staff Present:**

Mark B. Steinagel, Division Director  
Connie Call, Compliance Specialist

**Guests:**

Zach Abend

**TOPICS FOR DISCUSSION**

**DECISIONS AND RECOMMENDATIONS**

**ADMINISTRATIVE BUSINESS:**

**MINUTES:**

The Board reviewed the minutes dated July 28, 2009. Mr. Bischoff motioned to approve the minutes with changes, seconded by Ms Baxter. The motion carried unanimously.

The Board was unable to approve the minutes dated September 15, 2009 because there was not a quorum of Board members present.

Preliminary review of Board business

Mr. Oborn reviewed the applications submitted by Esther Israel and Anita Sanders with Board.

**COMPLIANCE REPORT**

Connie Call, Compliance Specialist

#1 Melanie Walters is in compliance with her stipulation. The Division received her supervisor report. Her supervisor comments were positive. Ms. Walters submitted new proposed continuing education courses. These courses were approved by Mr. Oborn.

#2. Lyle Cottle is in compliance with his stipulation. Mr. Cottle has completed everything required in his stipulation with the Board.

#### **APPOINTMENTS:**

Melanie Walters, probation interview

Ms. Walters met with the Board for her probation interview. Mr. Workman conducted the interview. Ms. Walters gave the Board the following copies of the continuing education hours she completed.

1. What Should I do? Ethical Risks, Making Decision and Taking Action. This course is NBCC certified for three (3) credit hours.
2. Boundaries in Psychotherapy and Counseling. This course is NBCC certified for two (2) credit hours.
3. Dual Relationship: the Ethical Way. This course is NBCC certified for six (6) credit hours.

She has completed eleven (11) hours. She is required to complete ten (10) hours. The Board reviewed the details of the continuing education courses Ms. Walters completed. The Board talked with Ms. Walters about dual relationships. The Board stated that it feels Ms. Walters has learned a lot from the courses she completed. Ms. Walters stated that she is planning to take the NCE and NCMHCE exams in January 2010. The Board asked to see Ms. Walters on January 26, 2010. **Ms. Walters is in compliance with her stipulation.**

Esther Israel, applicant interview

Ms. Israel presented herself to the Board. Mr. Workman conducted the interview. Mr. Oborn reviewed the letter and application submitted by Ms. Israel. Ms. Israel reviewed the circumstances regarding her dismissal from the University of Utah Psychology Doctorate program. The Board reviewed Ms. Israel's application and determined the following deficiencies in education:

- A. *Ethical Standards and Issues, Behavior and Decision Making - 2 semester hours.*  
*The Board requested she complete a course with instruction on the Code of Ethics for the ACA or AMHCA or NBCC.*
- B. *Professional Roles and standards of a Mental Health Counselor - 2 semester hours.*
- C. *Group Counseling Theory - 2 semester hours.*
- D. *Career Development - 3 semester hours*

The Board requested that Ms. Israel submit additional information regarding her dismissal from the psychology program. The Board encouraged Ms. Israel to complete the deficiency in ethical standards and submit an application for an extern. This will allow her to work under supervision to complete her education. This license is for three (3) years. Mr. Oborn advised Ms. Israel that the Division will keep her application pending. The decision regarding her application would be tabled until a future Board meeting.

Lyle Cottle, probation interview

Dr. Cottle presented himself to the Board. Mr. Bischoff conducted the interview. Dr. Cottle stated that he has a private practice and sees about a dozen clients. He has completed the essay and the continuing education requirements. The Board noted that Dr. Cottle has completed eight months of his one (1) year probation. Dr. Cottle's probation expires March 12, 2010. After a brief discussion, Mr. Bischoff motioned to meet with Dr. Cottle in January 2010 to discuss early termination of his probation, seconded by Ms. Baxter. The motion carried unanimously. The Board asked to see Dr. Cottle at the January 26, 2010. **Mr. Cottle is in compliance with his stipulation.**

Anita Sanders, application interview, telephonic

Ms. Sanders was introduced to the Board. Mr. Oborn reviewed Ms. Sanders' application and education with the Board. Upon review of her application, the Board determined that Ms. Sanders' education at Capella was deficient in the subject of Advanced Assessment of Mental Status. Mr. Oborn stated that the Board will keep her application pending for another thirty (30) days to obtain a clarification regarding the advanced assessment of mental status course completed at Capella University. The Board noted that she needs to

complete the NCE, NCHCME and Utah Law exams. Mr. Oborn advised Ms. Sanders that she must re-submit her transcripts showing the additional courses once she is completed. Mr. Oborn stated that he would contact Capella and CACREP to research questions regarding accreditation.

## **DISCUSSION ITEMS:**

License by endorsement requirement in Mental Health Professional Practice Act

Mr. Oborn reviewed information regarding the licensure by endorsement requirement in the Mental Health Professionals Practice Act (Utah Code, Title 58, chapter 60). Mr. Oborn noted that this requirement is the same for all mental health professionals except psychologists who have their own requirement in the Psychology Licensing Act. Mr. Oborn stated that the concern is regarding licensed Professional Counselors, holding licenses in other states, who work part time or are retired. The current statute makes it very difficult for these individuals to gain licensure in Utah. The Board discussed the concerns in detail. Mr. Oborn noted that the current requirement does not require that the national exam needs to be passed in the other state. Mr. Oborn will continue researching this issue and will obtain feedback from the associations. The Board will revisit this issue at a future Board meeting.

Potential changes to the definition of unprofessional conduct in the Professional Counselor Licensing Act Rule and Mental Health Professional Practice Act Rule

Mr. Oborn will send information to the Board for discussion at the Board meeting scheduled for January 26, 2010.

Conversion of semester to quarter hours in the education requirement

Mr. Oborn reviewed the quarter credit hour education requirement in the Professional Counselor Licensing Act Rule, 156-60c-302a. The Board supported changing the course category requirements as long as the total number of hours remains at 90. Ms. Miley motioned to make the following changes:

1. *Human Growth & Development from 4.5 quarter hours to 4 quarter hours.*
2. *Career Development from 4.5 quarter hours to 4 quarter hours.*
3. *Cultural Foundations from 4.5 quarter hours to 4 quarter hours.*
4. *Therapeutic Methods and Interventions from 9 quarter hours to 8 quarter hours.*
5. *Research and Evaluation from 4.5 quarter*

- hours to 4 quarter hours.*
6. *Practicum from 4.5 quarter hours to 4 quarter hours.*
  7. *Other Behavior Sciences from 25.5 quarter hours to 30 quarter hours*
  8. *Internship: From 9 quarter hours to 8 quarter hours.*

Ms. Baxter seconded the motion. The motion carried unanimously.

Potential changes to the Substance Abuse Counselor Licensing Act Rule that would impact Professional Counselors

Mr. Oborn reviewed information regarding the definition of unprofessional conduct in the Substance Abuse Counselor Act Rule and the proposed changes. Mr. Oborn noted the duties of the LPC, the Mental Health Therapist (MHT) Supervisor and the agency owner under Utah law. Mr. Oborn reviewed concerns regarding a conflict of interest between the three roles when an Owner/LPC holds supervisor control over the MHT supervisor and the MHT supervisor holds supervisory control over the Owner/LPC. Mr. Oborn expressed concern regarding the following: A licensed MHT supervisor provides supervision to an Owner/LSAC that is failing to provide competent substance abuse treatment services. The MHT supervisor fears that the Owner/LSAC will take disciplinary action against him or her. As a result, the MHT supervisor decides to not correct the LSAC. The conflict of interest would be a risk to public safety. The Board reviewed the Mental Health Professional Practice Act and Professional Counselor Licensing Act Rule. Mr. Oborn stated that the Division believes the current Professional Counselor Licensing Act Rule and the Mental Health Professional Practice Act Rule should be amended to clarify the issue. After further discussion, the Board tabled this discussion to a future meeting.

Professional Counselor Law Rules and Ethics Examination

The Board discussed meeting on January 23 or January 30<sup>th</sup> to review the Professional Counselor Law Rules and Ethics Examination. Mr. Oborn will present the above options to PSI for their input.

NCE and NCMHCE exam update

Mr. Oborn stated the exams would be administered by PSI until January when NBCC will begin to administer them. Both the NCE and NCMHCE exams will be administered at one site and they will be

computer-based.

Open and Public Meetings Act Training

Mr. Oborn gave the Board information regarding the Open and Public Meetings Act.

Application Review:  
Dez Keene, Certified Professional Counselor  
Extern

The Board reviewed Mr. Keene's application for licensure as a Certified Professional Counselor Extern. The Board noted the following deficiencies:

- A. *Ethical Standards & Issues – 2 semester hours.*
- B. *Prof. Roles and Standards of a Mental Health Counselor – 2 semester hours*
- D. *Group Counseling Theory – 2 semester hours*
- H. *Therapeutic Methods & Interventions – 6 semester hours*
- I. *Psychopathology & Multi-Axial Diagnosis DSM classification – 2 semester hours*
- J. *Dysfunctional Behaviors – 2 semester hours*
- L. *Advanced Assessment of Mental Status – 2 semester hours*
- M. *Research and Evaluation – 3 semester hours*
- O. *Internship – 6 semester hours*
- P. *Other Behavior Sciences – several general semester hours*

The Board noted that Mr. Keene's undergraduate work does not count for any classes. After further discussion, Ms. Baxter motioned to deny the application, according to the deficiencies discussed, seconded by Ms. Miley. The motion carried unanimously.

**BOARD MEETINGS:**

**2010 Board Meetings Tentatively Scheduled:**

January 26, March 16, May 18, July 20, September 21, and November 16.

Motion to adjourn at 1:04 PM

*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.*

January 26, 2010  
Date Approved

(ss) Jason King  
Chairperson, Utah Professional Counselor Licensing  
Board

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January 16, 2010  
Date Approved

(ss) Richard J. Oborn  
Richard Oborn, Bureau Manager, Division of  
Occupational & Professional Licensing