

MINUTES

**UTAH
SUBSTANCE ABUSE COUNSELOR
LICENSING BOARD MEETING**

October 7, 2009

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

CONVENED: 9:07A.M.

ADJOURNED: 12:48 P.M.

**Bureau Manager:
Board Secretary:**

Richard J. Oborn
Lee Avery

Board Members Present:

Shawn M. McMillen, Chairperson
Stephen R. Sheppard, Ph.D.
Kelly J. Lundberg, Ph.D.
Marilyn Foster
Ronald K. Wilkey
Georgia Hare

Guests:

Jeremy Boberg, LSAC, A.U.S.A.P. President
Sirinda Leftwich
Dave Felt, DSAMH
Julie Mata, A.U.S.A.P. Board Member
Eric Paulson

DOPL Staff Present:

Mark B. Steinagel, Division Director
Susan Higgs, Compliance Specialist

**TOPICS FOR DISCUSSION
ADMINISTRATIVE BUSINESS:**

DECISIONS AND RECOMMENDATIONS

MINUTES:

The minutes for the July 8, 2009 Board meeting were reviewed. Dr. Lundberg motioned to approve the minutes, seconded by Dr. Sheppard. The motion carried unanimously.

COMPLIANCE REPORT:

Susan Higgs, Compliance Specialist

#1. Ms. Colette Nelson is in compliance with her stipulation. She was unable to complete the continuing education requirement on time due to finances. Would the Board be willing to extend her deadline to complete the CE requirement? The stipulation requires that Ms. Nelson complete ten (10)

hours of CE within twelve (12) months of signing the stipulation. She is no longer working at ACES. She started working at Steps Recovery Center in September 2009. The Board needs to approve Cory Ruward, LCSW as her supervisor.

#2. Mr. Michael Julian is in compliance with his stipulation. The Board will need to approve Paul Dymock as his new supervisor.

#3. Ms. Noelle Carter is in compliance with her stipulation. She has been consistently in compliance. The Board needs to approve Kristin Erskine, LPC, as her supervisor.

#4. Ms. Joanie Jones is in compliance with her stipulation.

#5. Mr. Chuck Robertson is in compliance with his stipulation. The Board will need to review his psychological evaluation. Mr. Robertson is still not working in the field.

Discussion:

Mr. Wilkey motioned to close the meeting at 9:22 A.M. to discuss Mr. Robertson's psychological evaluation, seconded by Ms. Hare. The motion carried. The meeting opened at 9:37 A.M.

#6. Mr. Aaron Bryant is in compliance with his stipulation. He is still in school and submitted his grades. He is submitting his employer reports.

Discussion:

The Board expressed concern that he is not attending support groups.

APPOINTMENTS:

Ms. Colette Nelson, probation interview

Ms. Nelson met with the Board for her probation interview. Mr. McMillen conducted the interview. Ms. Nelson requested that the deadline for completion of her CE be extended. She is having financial difficulties and has been unable to complete the last three and one half (3 1/2) hours. Ms. Hare motioned to extend the deadline for Ms. Nelson to complete the required continuing education to January 20, 2010, the date of the next Board meeting, seconded by Ms. Foster. The motion carried unanimously. Ms. Nelson stated she attends support meetings two (2) to three (3)

times a week. Her family and friends have been a good support system for her. Ms. Nelson stated that she is concerned about losing her job due to her criminal background. The Board approved Mr. Cory Ruward as Ms. Nelson's supervisor. The Board asked to see Ms. Nelson on January 20, 2009. **Ms. Nelson is in compliance with her stipulation.**

Mr. Michael Julian, probation interview

Mr. Julian met with the Board for his probation interview. Dr. Lundberg conducted the interview. Mr. Julian advised the Board that he has a new supervisor, Paul Dymock. They discuss the specific issues listed in his stipulation. His supervisor is also helping him in wording his notes and this has been very helpful to him. Mr. Julian advised the Board that he is completing his hours and hopes to have his LSAC license soon. Mr. Julian stated that he is active in a twelve (12)-step support group and he attends Professionals in Recovery (PIR) group. Mr. Julian talked with the Board about being released from his probation early. The Board encouraged Mr. Julian to submit his request in writing and obtain a letter from his employer and supervisor stating they support Mr. Julian being released early from his probation. Mr. Julian's probation is for three (3) years. It started December 17, 2007 and ends December 17, 2010. The Board asked to see Mr. Julian on January 20, 2010. **Mr. Julian is in compliance with the Board.**

Ms. Noelle Carter, probation interview

Ms. Carter met with the Board for her probation interview. Mr. McMillen conducted the interview. Ms. Carter stated that she continues working for the Salvation Army. Ms. Carter stated that she has a new supervisor, Ms. Kristin Erskine, LPC. Dr. Lundberg motioned to approve Ms. Erskine as Ms. Carter's supervisor, seconded by Mr. Wilkey. The motion carried unanimously. At 10:12 A.M. Dr. Lundberg motioned to close the meeting to discuss Ms. Carter's health. The meeting opened at 10:15 A.M. There are no written notes or recordings made. Ms. Carter stated that she is attending a twelve-step support group. Ms. Carter stated that she meets with her sponsor once a week and she keeps her meetings separate from her work. Dr. Lundberg motioned to move Ms. Carter's supervisor and employer reports to quarterly, seconded by Mr. Wilkey. The motion carried unanimously.

The Board noted that the next report is due the first of January 2010. The Board asked to see Ms. Carter on January 20, 2010. **Ms. Carter is in compliance with her stipulation.**

Ms. Joanie Jones, probation interview

Ms. Jones met with the Board for her probation interview. Dr. Sheppard conducted the interview. Ms. Jones stated that things are going well. She is in her first internship class. Ms. Jones stated that she has a new supervisor, Dr. Ralph Grant. Dr. Grant is a licensed psychologist. The Board noted that her supervisor needs to sign the reports stating that he reviewed Ms. Jones' stipulation. Ms. Jones stated that she is attending NA meetings. Her sponsor moved and she is looking for another one. The Board asked to see Ms. Jones on January 20, 2010. **Ms. Jones is in compliance with her stipulation.**

Mr. Chuck Robertson, probation interview

Mr. Robertson met with the Board for his probation interview. Dr. Lundberg conducted the interview. Mr. Robertson stated that he has a job interview in Orem. He is having difficulty finding employment because his license is on probation. He is receiving partial retirement benefits and is working as a handyman until he finds employment as a LSAC. Mr. Robertson stated that he has a lot of support from his family and friends. Mr. Robertson stated that he has eighteen years of sobriety. Dr. Lundberg motioned to close the meeting at 10:46 A.M. is for the purpose of discussing Mr. Robertson's psychological evaluation, seconded by Dr. Sheppard. The meeting opened at 10:56 A.M. There were no written notes or recordings made. The Board asked to see Dr. Robertson on January 20, 2010. **Mr. Robertson is in compliance with his stipulation.**

Mr. Aaron Bryant, probation interview

Mr. Bryant met with the Board for his probation interview. Ms. Hare conducted the interview. Mr. Bryant stated that school is going well. He recently submitted his application to graduate school. Mr. Bryant stated that he is still employed at First Step House. He frequently attends a twelve-step program and received his four (4) year chip last weekend. Mr. Bryant stated that he also works out to help him maintain good health. Mr. Wilkey motioned to move Mr. Bryant's supervisor and employer reports to

quarterly, seconded by Dr. Lundberg. The motion carried unanimously. The Board asked to see Mr. Bryant on January 20, 2010. **Mr. Bryant is in compliance with his stipulation.**

Discussion regarding definition of unprofessional conduct in the Substance Abuse Counselor Act Rule and proposed changes

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 LSAC, the Mental Health Therapist (MHT) Supervisor and the agency owner under Utah law. Mr. Oborn reviewed some inherent risks of conflict of interest between the three roles when an Owner/LSAC holds supervisor control over the MHT supervisor and the MHT supervisor holds supervisory control over the Owner/LSAC. Mr. Oborn expressed concern regarding the following hypothetical situation: A licensed MHT supervisor provides supervision to an Owner/LSAC that is failing to provide competent substance abuse treatment services or the MHT. 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 in this hypothetical situation would be a risk to the public. The Board reviewed the Mental Health Professional Practice Act Rule and Substance Abuse Counselor Act Rule. Mr. Oborn stated that the Division believes the current Substance Abuse Counselor 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 until the January 20, 2010 Board meeting.

DISCUSSION ITEMS:

Social Service Worker scope of practice vs. LSAC scope of practice

Mr. Oborn advised the Board that the Division has received questions regarding the Social Service Worker (SSW) scope of practice and Licensed Substance Abuse Counselor (LSAC) scope of practice. Mr. Oborn noted that some of the modalities cross over and some modalities are different. Mr. Oborn stated that the NASW is hoping to run a bill during the upcoming legislative session that would redefine the scope of practice for the SSW's.

Governor's Ethics Policy for Executive Branch Employees

Mr. Oborn reviewed the Governor's Ethics Policy handout with the Board.

CORRESPONDENCE: None at this time.

Next Board Meeting: January 20, 2010

2010 Board meetings have been tentatively scheduled:
January 20, April 21, July 21, October 27

ADJOURN: The meeting adjourned at 12:48 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.

January 20, 2010
Date Approved

Shawn M. McMillen
Chairperson, Utah Substance Abuse Counselors
Licensing Board

December 29, 2009
Date Approved

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