

MINUTES

**UTAH
Professional Counselor Licensing Board
MEETING**

January 26, 2010

**Room 475 - 4th floor - 9:00 A.M.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 9:11 A.M.

ADJOURNED: 2:04 P.M.

Bureau Manager:
Board Secretary:

Richard Oborn
Lee Avery

Board Members Present:

Jason H. King, Chairperson
Dean Workman
Gloria Miley

Board Members Excused

Rodger Bischoff
Ruth A. Baxter

DOPL Staff Present:

Kent Barnes, Compliance Manager

Guests:

Whitney Hanson
Charles Westrich
Janie Ames
Emily Evans
Kristi Keding
Ben Reaves
Mitch Tscher
Heather Judd
Zach A.
Penny Dahlen, Argosy University
H. Gray Otis, UMHCA

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

MINUTES:

Approval of the minutes dated September 15, 2009 was tabled until the next Board meeting because there was not enough Board members that were present at that meeting who were present at this meeting.

The Board reviewed the minutes dated November 17, 2009. Mr. Workman motioned to approve the minutes, seconded by Ms. Miley. The motion carried unanimously.

COMPLIANCE REPORT

Kent Barnes, Compliance Manager

#1 Melanie Walters is not in compliance with her stipulation. This is the first time she has not been in compliance. The Division has not received her supervisor report. She has completed the ten (10) hours of continuing education.

#2. Lyle Cottle is in compliance with his stipulation. Mr. Cottle has completed all requirements listed in his stipulation. Mr. Cottle is due off probation on March 12, 2010. He has consistently been in compliance with his stipulation.

#3. Teresa Lloyd is in compliance with her stipulation. Her supervisor and employer reports have been received. Ms. Lloyd has been in compliance with her stipulation since the beginning of her probation.

#4. Richard Schuurman is in compliance with his stipulation. The Division received his supervisor report from Ms. Shelly Tanner. Mr. Schuurman submitted a letter requesting early termination of his probation. Half of his probation will have been completed in March 2010.

Discussion:

The Board briefly discussed releasing Mr. Schuurman from probation.

Preliminary review of Board business

Mr. Oborn reviewed additional education information regarding Ms. Esther Israel's application. A packet, prepared by Mr. Oborn, was distributed to Board members. The packet included the following documents:

Exhibit 1 – Ms. Israel's Summary of Reasons for Dismissal for U of U Psychology Doctorate Program
Exhibit 2 – University of Utah Psychology Doctorate Program letter to Ms. Israel dated June 5, 2009

informing her of decision to remove her from the program

Exhibit 3 – Ms. Israel’s July 8, 2009 letter to Dr. Berg appealing decision to dismiss her from University of Utah Psychology Doctorate program

Exhibit 4 – Dr. Donna Hawxhurst’s letter Dr. Berg, department chair

Ms. Israel has deficiencies in her education. Mr. Oborn asked the Board to review the above information and recommend if the dismissal should be part of the denial of her request for licensure. The Board questioned whether allegations about Ms. Israel not being receptive to supervision and her dismissal from the University of Utah Ph.D. program qualified as unprofessional conduct.

APPOINTMENTS:

Melanie Walters, probation interview

Ms. Walters met with the Board for her probation interview. Mr. Workman conducted the interview. Mr. Barnes introduced himself. The Board advised Ms. Walters that the Division has not received her supervisor report from Mr. Bowman. Ms. Walters stated that she talked with Mr. Bowman and he said that he already submitted it. Ms. Walters stated that her supervisor covers the topics of concern in detail and she has found this to be very helpful. Ms. Walters stated that things are going well for her. She is currently seeing six (6) to twelve (12) clients a day. She works part time at England Counseling. The Board noted that Ms. Walters has been in full compliance with her stipulation and willingly accepted the Board’s direction. Mr. Workman motioned to have Ms. Walters submit her supervisor’s report in four (4) days and the Board would consider her being in compliance with her stipulation. The motion was amended to allow Ms. Walters to submit her supervisor report by the end of business Thursday, January 28, 2010, seconded by Ms. Miley. The motion carried unanimously. **Ms. Walter’s supervisor report was received January 26, 2010. She is in compliance with her stipulation.**

Lyle Cottle, probation interview

Mr. Cottle met with the Board for his probation interview. Ms. Miley conducted the interview. The Board noted that Mr. Cottle’s probation is scheduled to end on March 12, 2010. He will not need to meet

again with the Board. Mr. Cottle noted that it has been interesting coming to the Board meetings. He feels the Board has been helpful to him. He now realizes how careful a counselor needs to be when getting involved in legal proceedings. The Board noted that it talked about removing Mr. Cottle from probation at the January Board meeting. After further discussion, Ms. Miley motioned to remove Mr. Cottle from probation effective today, January 26, 2010, seconded by Mr. Workman. The motion carried unanimously. **Mr. Cottle is in compliance with his stipulation.**

Teresa Lloyd, probation interview

Ms. Lloyd met with the Board for her probation interview. Mr. Workman conducted the interview. Mr. Workman verified Ms. Lloyd's current address. The Board noted that her supervisor report from Lynn Dangerfield, states that she continues to be reliable and dependable. She shows consistency and integrity in her work and recommends that she be released from probation. Mr. Dangerfield noted that Ms. Lloyd has earned a clinical position. Ms. Lloyd stated that she continues working at Red Rock Residential; however, she will be working at a different facility. She will continue doing what she has been doing as well as drug and alcohol counseling and CD groups. The Board reviewed the letter submitted by Ms. Lloyd. The Board noted that Ms. Lloyd has consistently been in compliance with her stipulation. Mr. Workman motioned to release Ms. Lloyd early from probation, seconded by Ms. Miley. The motion carried unanimously. **Ms. Lloyd is in compliance with her stipulation.**

Richard Schuurman, probation interview

Mr. Schuurman met with the Board for his probation interview. Mr. King conducted the interview. Mr. Schuurman stated that he has a new position. He will have three (3) supervisors over him. He will be doing assessments, diagnostics, and interviews. Mr. Schuurman stated that his therapy and clinical supervision has been very helpful in helping work through the issues of his poor judgment. Mr. Schuurman stated that the continuing education courses also helped him learn a great deal regarding how to maintain appropriate boundaries in therapy. This supervision has also helped him get his life back on track. He still meets with his current supervisor

two (2) times a month. The Board reviewed Mr. Schuurman's request to be released early from his probation. The Board noted that Mr. Schuurman has been in compliance throughout his probation. Mr. Schuurman stated that he has been simplifying his life, paying closer attention and staying focused. The Board noted that Mr. Schuurman has obviously grown throughout this process. Mr. Workman motioned to recommend early termination of Mr. Schuurman's probation, contingent upon receiving the letter supporting early termination of probation from Mr. Schuurman's supervisor, Mr. Ron Stronberg. The motion was seconded by Ms. Miley. The motion carried unanimously. **Mr. Schuurman is in compliance with his stipulation.**

Esther Israel, CPCI or CPCE, application review

Ms. Israel met with the Board. Mr. Oborn reviewed additional information with the Board. Mr. Oborn noted the deficiencies the Board found in Ms. Israel's application were in Ethical Standards and Issues, Professional Roles and Standards of a Mental Health Counselor, Group Counseling Theory, and Career Development. The Board noted that based on the deficiencies listed, Ms. Israel does not qualify for an intern or an extern license. The intern license cannot be issued if there are any deficiencies and the extern license cannot be issued if there are more than three (3) deficiencies in coursework. After talking with Ms. Israel in detail the Board recommended denying Ms. Israel's application based upon the four deficiencies. Once she completes the ethics requirement she may reapply for the extern license which is good for three (3) years while she completes the additional coursework. Once she completes the additional coursework she would be able to apply for the intern license to gather her hours. The Board noted that Ms. Israel has already passed all three exams.

Scott Fisher, application interview for CPCI or CPCE

Mr. Fisher met with the Board. Mr. Fisher submitted an application for a CPCI or CPCE license. The Board reviewed Mr. Fisher's application and education. Mr. Fisher graduated from BYU in 1985 with a BS degree in Education/History/English, and earned a MS degree in 1961 in Guidance and Counseling/Psychology. Mr. Fisher also earned his Ed.D. at the University of California in 1966. In

Michigan from 1975 to 1995 he was licensed as an associate psychologist. The Board noted that Mr. Fisher's education has the following deficiencies to meet licensure in Utah: Ethical Standards and Issues, Professional Roles and Functions, Cultural Foundations, Psychopathology & DSM, Dysfunctional Behaviors, Advanced Assessment of Mental Status and Internship. The Board advised Mr. Fisher that an internship requires a student to be enrolled in a formal educational program if the internship hours are to be counted towards licensure in Utah. After further discussion, Mr. Workman motioned to deny Mr. Fisher's application based on the following deficiencies: Ethical Standards and Issues, Professional Roles and Functions, Cultural Foundations, Psychopathology & DSM, Dysfunctional Behaviors, Advanced Assessment of Mental Status and Internship. In addition, to accept his coursework in areas not mentioned. The motion was seconded by Ms. Miley. The motion carried unanimously.

DISCUSSION ITEMS:

1. Argosy University Ed.D. in Counseling Psychology Program

The Board talked with Ms. Penny Dahlen, Chair of Counseling Programs from Argosy University. Ms. Dahlen advised the Board that Argosy had students who started the EdD in counseling Psychology program but transferred into the MA in Mental Health Counseling program. These students must take an ethics course that provides review of the ACA Code of Ethics. Ms. Dahlen asked whether the ethics course could be a more of a workshop. The Board and Division stated that it must be a two (2) semester credit hour, graduate level course. After further discussion, Ms. Dahlen stated that she would advise students that they will need to take the additional required courses.

2. License by endorsement requirement in Mental Health Professional Practice Act and upcoming legislative session

Mr. Oborn advised the Board that the bill to change the license by endorsement requirement in the Mental Health Professional Practice Act is being reviewed at this legislative session. The proposal requires that a licensed Marriage and Family Therapist, Licensed Clinical Social Worker, and a Licensed Professional Counselor verify current license in another state in good standing and four thousand (4,000) hours of experience in the profession including at least 1,000

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

hours of mental health therapy. Under this proposal, there is not a time frame within which the hours must be completed. Mr. Oborn stated that he expects this bill to pass.

Mr. Oborn noted that in past meetings the Board discussed the need to clarify the meaning of unprofessional conduct in the Professional Counselor Licensing Act Rule and Mental Health Professional Practice Act Rule. Mr. Oborn reviewed a draft of the proposed changes to R156-60c-502, Professional Counselor Licensing Act Rule. Mr. Oborn stated that the Division would like to delete section R156-60-502 Unprofessional Conduct. The Division feels unprofessional conduct could be better defined under each profession's practice act rule. The Board reviewed the information and noted that the suggested change simplifies the conflict between the Mental Health Professional Practice Act Rule and the standard within each profession's industry. This change would also allow each Board to draft their respective rule to be consistent with the national professional associations code of ethics. The Board noted that it wants to continue researching appropriate language to be used. Mr. Oborn stated that the other mental health Boards are in favor of the change or are still reviewing the proposal.

4. Review of Professional Counselor Law Rules and Ethics Examination

Mr. Oborn advised the Board that the committee reviewed the law rule and ethics exam. They discovered that some reference material is not listed in the exam bulletin. For this reason, exam candidates could not bring some reference material with them in to the exam although they were being tested on the material. The committee deleted questions and made recommendations for additional questions. Mr. Oborn stated that the committee would meet one more time to review the outcome of their recommendations. The Board discussed the possibility of including the law exam in the license application rather than administering a formal exam. The Board agreed to discuss this idea at the next Board meeting. The Board asked Mr. Oborn to provide statistics regarding violations of licenses, the number of complaints and types of complaints failed against mental health professionals at the Board meeting on March 16, 2010.

5. Update regarding NCE and NCMHCE exams

Taken out of order on the agenda:

Mr. Oborn advised the Board that NBCC owns the NCE and NCMHCE exams and in the past PSI administered these exams. NBCC has migrated to a computer based exam. The Division has been working with them to transition to a computer based exam as soon as possible. One of the advantages is that the exam will be offered monthly. The applicant will sign up for the exams through NBCC. Once the exams have been passed, individuals will verify satisfaction of all other LPC license requirements and after apply for the LPC license. Passing the exams does not guarantee a LPC license. The Board reviewed the Candidate Handbook for State Credentialing for the NCE and NCMHCE exams.

6. Application review

There are no additional applications to review at this time.

Potential of meeting less frequently

Mr. Oborn advised the Board that the Division is looking to cut costs where possible. One way to cut costs is to decrease the frequency of Board meetings. The Board discussed the possibility of meeting quarterly rather than bimonthly, but still fulfill its purpose of protecting the public. Mr. Oborn stated that he would get information to Board members before meetings. This way they would be better prepared to discuss and make recommendations at the Board meeting. The Board decided that because of the proposed rule changes, it is important to meet on March 16, 2010. The Board would then revisit the proposal to move its meetings to quarterly.

BOARD MEETINGS:

2010 Board Meetings Tentatively Scheduled:

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

Motion to adjourn at 2:04 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.

March 16, 2010
Date Approved

(ss) Jason King
Chairperson, Utah Professional Counselor Licensing

Board

March 16, 2010
Date Approved

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