

**MINUTES**

**UTAH  
Professional Counselor Licensing Board  
MEETING**

**June 15, 2010**

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

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

**ADJOURNED:** 12:10 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

Vacant

**DOPL Staff Present:**

Connie Call, Compliance Specialist

**Guests:**

Catherine Richardson

Colleen Sandor

Janine Wanlass

Stephanie Young

Diane Jackson, UMHCA

Jerri Sena, UMHCA

**TOPICS FOR DISCUSSION**

**DECISIONS AND RECOMMENDATIONS**

**ADMINISTRATIVE BUSINESS:**

**MINUTES:**

The Board reviewed the minutes dated March 16, 2010. Ms. Baxter motioned to approve the minutes with changes, seconded Mr. Bischoff. The motion carried unanimously.

**COMPLIANCE REPORT:**

Connie Call, Compliance Specialist

#1 Melanie Walters is in compliance with her stipulation. The Division received her supervisor report from Michael Bowman. Ms. Walters completed the additional ten (10) hours of continuing education.

**Discussion:**

The Board reviewed her supervisor's report. The

Preliminary review of Board business

Board noted that this report is very positive.

Mr. Oborn reviewed the agenda items with the Board:

1. Ms. Wanlass is the chair of the MSPC Program, Westminster College. She is meeting with the Board to clarify any questions regarding a course in the MSPC Program that is designed to satisfy both the ethics and professional roles course requirement.

2. Ms. Stephanie Young submitted an application for an Associate Professional Counselor License. The Division believes she is deficient in meeting the internship requirement. Her school is not CACREP accredited. Mr. Oborn requested the Board's assistance to ensure there are no additional deficiencies.

3. Ms. Diane Jackson is with the Utah Mental Health Counselors Association (UMHCA). She is proposing changes to the Professional Counselor Licensing Act Rule. The Board briefly reviewed the proposal.

**APPOINTMENTS:**

Melanie Walters, probation interview

Ms. Walters met with the Board for her probation interview. Mr. Bischoff conducted the interview. Ms. Walters stated she plans to take the ethics exam again and will schedule it soon. She attended a course regarding the NCE exam. She found this to be very helpful. Ms. Walters stated she meets weekly with her supervisor. He is very willing to talk about everything. They discuss boundary issues. She is learning to make sure everything is documented. Ms. Walters stated that her license being on probation is keeping her in line with the professional code of ethics. The Board noted that she has been on probation almost a year and if she continues staying in compliance with her probation, the Board may consider releasing her early from probation. The Board noted that she would need to submit a written request to the Board requesting early release from probation. The Board recommended that her supervisor include his support for her early release from probation in his next report to the Board and for her to have passed the ethics and NCE exams. The Board asked to see Ms. Walters on September 21, 2010. **Ms. Walters is in compliance with her**

Janinie Wanlass, Ph.D. Director, MSPC  
Program, Westminster College

**stipulation.**

Ms. Wanlass met with the Board. Ms. Wanlass stated she is meeting with the Board to clarify or answer any questions regarding the Westminster College's course content for MSPC 610. Ms. Wanlass stated that the class addressed both ethics and professional roles throughout, fulfilling both the LPC licensing requirements for Utah and the CACREP standards. The college administration made the decision to offer this as one class based on the philosophy that ethical and professional practice and professional roles are related. This also mirrors the way these areas are addressed by CACREP. Since the syllabus does not clearly articulate the professional roles content area, she has asked the course instructor to detail the specifics of her course instruction for Fall 2007. The Board reviewed the memorandum from Ms. Wanlass. The Board indicated that the course will meet the ethics and professional roles court requirements. They also recommended that the syllabus be modified to reference more topics relating to professional roles. The Board stated that once the syllabus better clarifies the professional roles it would be ok to continue keeping the course as one.

Stephanie Young, application review

Ms. Young met with the Board to review her application for Associate Certified Professional Counselor license. The Board reviewed the course content submitted with Ms. Young's application and noted that these courses look good. The Board recommended that her application be denied due to fact that she completed only 666 hours of internship. She must complete an additional internship course that allows her to gather at least 234 clock hours of experience. Documentation submitted in her file verifies that she completed over 360 hours of practice of mental health therapy. She may reapply after taking the course and completing the hours. When she reapplies, she will need to submit a new application, but she should not have to fill out all the education information again. Along with the application, she will have to submit a transcript showing completion of an additional internship course and she will need to submit documentation verifying completion of at least 234 clock hours of supervised experience.

**DISCUSSION ITEMS:**

1. Update on enforcement of changes to the Mental Health Professional Practice Act

Mr. Oborn stated that there were changes made in the Mental Health Professional Practice Act and to keep the rules in line with the statutes, there have been several proposed changes. Mr. Oborn reviewed the following changes with the Board:

1. Change “intern license” to “associate license.”
2. Change the quarter hours to the next full hour because courses are in full hours.
3. Add: a physician can supervise an associate (intern).

Mr. Oborn stated that the associate license is not a license that is renewed. It will remain active until the license expires or until the licensee requests an extension and the extension is granted.

2. Proposed changes to the Professional Counselor Licensing Act Rule

Mr. Oborn reviewed proposed changes to the Professional Counselor Licensing Act Rule with the Board to include:

1. Eliminate the Utah Professional Counselor Law, Rules and Ethics examination
2. Replace the ACA Code of Ethics with the AMHCA Code of Ethics.

3. AMHCA Code of Ethics

The Board reviewed a proposal to adopt the American Mental Health Counselors Association (AMHCA) Code of Ethics in the Professional Counselor Licensing Act Rule. Ms. Jackson stated that the UMHCA is supporting this proposal. The proposal noted that the AMHCA focuses more on mental health therapy than the currently recognized ACA. The AMHCA contains all of the core ethical values and principals of the ACA Code of Ethics. AMHCA also contains a section on client’s rights. The Board discussed referencing both codes; however, they decided that this could create a conflict, i.e. when there is a difference between the two, which one would take precedence? The Board discussed the benefits of having a local association for members to contact. Mr. Oborn reviewed a survey he conducted with the other states, noting that many states have not responded to the survey or had not been contacted yet. Mr. Oborn stated he would do more research. Ms. Baxter motioned to replace the ACA Code of Ethics with the AMHCA Code of Ethics, because the AMHCA focuses more on mental health counselor practice, seconded by Mr. Bischoff. The motion carried

unanimously.

4. Utah Professional Counselor Law Rules,  
and Ethics Examination

Ms. Diane Jackson, UMHCA and Ms. Jerri Sena, UMHCA met with the Board to discuss the Utah Professional Counselor Law, Rules, and Ethics Exam. Ms. Jackson advised the Board that the Utah Mental Health Counselors Association Board voted to support eliminating of the exam. The UMHCA feels that the recent change in the continuing education requirement to now require six (6) hours in ethics and law, every renewal term, should be sufficient to keep the counselors current in all areas of ethics and law. This Board feels it is better to review the code of ethics with the counselors throughout their career, instead of passing one exam at the beginning of their career. Ms. Jackson stated that the UMHCA has already established workshops and consultation for one on one regarding ethical questions. Mr. Oborn reviewed statistics with the Board regarding the ethics and law exam: Ms. Miley motioned to eliminate the requirement for an applicant for the LPC license to pass the Utah Professional Counselor Law Rule and Ethics Exam, and that there be a section added to the LPC application requiring an associate to fill out to represent completion of the 40 hours of continuing education courses with 6 hours in ethics and law during the two year period from when they first received their license. Ms. Baxter seconded the motion. The motion carried unanimously.

5. Definition of “employee” and “public or private agency” in Mental Health Professional Practice Act Rule

The Board reviewed the following definition of an ‘employee’ as outlined in R156-60-102 (3):  
*R156-60-102 (3)(3) "Employee" means an individual who is working or providing services for compensation paid in the form of wages or salary from which there is withheld or should be withheld income taxes or social security taxes under applicable law; or who meets any other definition of an employee established by the Labor Commission of the State of Utah or the Internal Revenue Service of the United States Government.*  
The Board discussed the difference between a W-2 employee and a 1099 contract employee. The Board noted that an associate license requires supervision. A 1099 contract employee is an individual who works independently. The Board noted that there are a lot of agencies moving towards the 1099 employee because of budget concerns. The Board expressed concern that

the associate may not receive adequate supervision while working as a 1099 employee, citing that the associate needs to learn how to be a practitioner, not an independent employee. The contract employee structure is not conducive to getting adequate supervision. The Board expressed an interest in not modifying the current wording at this time. This topic discussion is tabled for a future Board meeting.

6. Walden University MS in Mental Health Counseling Program

Mr. Oborn advised the Board that Walden University is an online program with a MS in Mental Health Counseling Program. They are CACREP accredited. The Division has not received an application from a graduate from Waldon yet.

**Not on the Agenda:**

Mr. Oborn advised the Board that Mr. King will be attending the NBCC convention.

7. Board member vacancy

The Board noted that Ms. Miley's term with the Board will ended as of June 30, 2010. The Board thanked Ms. Miley for her dedication and contributions to the public and profession.

**BOARD MEETINGS:**

**2010 Board Meetings Scheduled:**

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

**NOTE\* 2011 Board meetings have been tentatively scheduled:**

March 15, June 21, and September 20, December 20.

Motion to adjourn at 12:10 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.*

September 21, 2010

Date Approved

(ss) Jason King

Chairperson, Utah Professional Counselor Licensing Board

September 21, 2010

Date Approved

(ss) Richard J. Oborn

Bureau Manager, Division of Occupational & Professional Licensing