

MINUTES

**UTAH
SUBSTANCE ABUSE COUNSELOR
LICENSING BOARD MEETING**

January 20, 2010

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

As amended at the August 4, 2010 Board meeting

CONVENED: 9:03 A.M.

ADJOURNED: 2:13 P.M.

Bureau Manager:

Richard J. Oborn

Board Secretary:

Lee Avery

Board Members Present:

Shawn M. McMillen, Chairperson

Kelly J. Lundberg, Ph.D.

Marilyn Foster

Ronald K. Wilkey

Members Excused:

Stephen R. Sheppard, Ph.D.

Georgia Hare

Guests:

Eric Poulson, Court Supportive Services

Gloria Boberg, AUSAP

Dave Cox, AUSAP, President Elect

Lewis Galway

Kristi Erskine, Clinical Director at Salvation Army

Sirinda Leftwich

Vicky Westmoreland

Sylvia Weight

DOPL Staff Present:

Kent Barnes, Compliance Manager

Susan Higgs, Compliance Specialist

TOPICS FOR DISCUSSION

ADMINISTRATIVE BUSINESS:

Swear in a new Board member Pete Prazza

Mr. Pete Prazza was sworn in as a new Board member.

MINUTES:

The minutes for the October 7, 2009 Board meeting were reviewed. Mr. Wilkey motioned to approve the minutes, seconded by Ms. Foster. The motion carried unanimously.

COMPLIANCE REPORT:

DECISIONS AND RECOMMENDATIONS

Susan Higgs, Compliance Specialist

#1. Ms. Colette Nelson is not in compliance with her stipulation. Ms. Nelson relapsed at a social/business function. She has not been able to complete CE because of finances and unavailability of classes. She submitted an alternative for review. Ms. Nelson is seeing a therapist once a month. She says her meetings with her sponsor are more helpful. Her employer reports have been very positive. The Board needs to approve Dr. Robert Simmons, a psychologist, as her supervisor.

#2. Mr. Michael Julian is in compliance with his stipulation. The Board received his employer and supervisor reports.

#3. Ms. Noelle Carter is in compliance with her stipulation. The Division has received her employer reports.

#4. Ms. Joanie Jones is not in compliance with her stipulation. Ms. Jones relapsed.

#5. Mr. Chuck Robertson is in compliance with his stipulation. The Board needs to approve his supervisor, Mike Marble, LSAC. He is bringing Mr. Marble's resume. The Board needs to approve his therapist, Mike Negrette, MFT.

#6. Mr. Aaron Bryant is in compliance with his stipulation. He continues attending school. His supervisor reports have been positive.

#7. Ms. Kristi Versteeg is a new probationer. Ms. Versteeg was recently fired from Odyssey House.

Discussion:

The Board reviewed Ms. Versteeg's stipulation. The Board noted that her probation is for two (2) years. The Board will need to decide if she is to do drug screens.

Ms. Higgs stated that there is additional information she needs to advise the Board of regarding two (2) probationers. Due to the content of this information, the Board meeting needs to be closed to the public at this time. Mr. Prazza motioned to close the meeting at 9:19 A.M. to discuss the character of two probationers: Collette Nelson and Joanie Jones, seconded by Dr. Lundberg. There were no written notes or recordings taken during this time. The meeting opened at 9:49 A.M..

APPOINTMENTS:

Ms. Colette Nelson, probation interview

Ms. Nelson met with the Board for her probation interview. Mr. McMillen conducted the interview. Ms. Nelson requested the meeting be closed. Ms. Foster motioned to close the meeting at 9:57 A.M. to discuss the character of Ms. Nelson, seconded by Dr. Lundberg. The meeting opened at 10:15 A.M. The Board requested that Ms. Nelson write her essay with reference to more recent literature. After further discussion, Dr. Lundberg motioned to extend the written CE deadline to be completed and submitted to the Board by April 1, 2010, seconded by Mr. Wilkey. The motion carried unanimously. Ms. Nelson submitted a request to allow her to work more closely with her sponsor and stop seeing the therapist. The Board requested that Ms. Nelson obtain a letter from her therapist supporting her request. Ms. Nelson is currently employed by Discovery House. The Board asked to see Ms. Nelson on April 21, 2010. **Ms. Nelson is not in compliance with the Board because she relapsed by drinking an alcoholic beverage on one occasion.**

Mr. Michael Julian, probation interview

Mr. Julian met with the Board for his probation interview. Dr. Lundberg conducted the interview. Mr. Julian stated he is doing well. His facility has been reviewing safety procedures because one resident died and another one overdosed. He was not on duty at the time of incident. Mr. Julian stated he needs to learn how to leave work problems at work and home problems at home. He continues attending support meetings. He signed up for an ethics course. This will complete the continuing education requirement for his license renewal. Mr. Julian stated that he has almost completed his probation term and would like to

petition the Board to consider releasing him early from probation. The Board noted that his probation term is December 17, 2007 to December 17, 2010. The Board encouraged Mr. Julian to submit his request in writing and to obtain letters from his employer and supervisor stating they support him being released early from probation. The Board asked to see Mr. Julian on April 21, 2010. **Mr. Julian is in compliance with his probation.**

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 has been working through anxiety attacks that affect her driving. Ms. Carter stated that she is in constant contact with her employer. In addition, she enjoys her job. She has become more confident with her abilities. The Board noted that Ms. Erskine gives good feedback in her reports. Ms. Carter stated that she continues attending a twelve (12) step women's support meeting. She works to keep her employment separate from her personal life. Ms. Carter stated that she is not on any medications. The Board asked to see Ms. Carter on April 21, 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. Lundberg conducted the interview. Mr. Wilkey motioned to close the meeting at 10:56 A.M. to discuss the character of Ms. Jones who was recently was arrested for a DUI, seconded by Dr. Lundberg. There were no written notes or recordings taken during this time. The meeting opened at 11:32 A.M. Mr. Oborn will develop a new MOU for Ms. Jones to review. The Board asked to see Ms. Jones on April 21, 2010. **Ms. Jones' compliance with her stipulation is in question because she was charged with a DUI.**

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 started working for Discovery House in Orem, Utah. Mr. Robertson's reports have been very positive, noting that he has been very responsive to directions. He advised the Board that he is completing a BA in Human Services.

Mr. Robertson stated that his current case load is sixty-five (65) clients. The Board noted that Mr. Robertson's demeanor now is more positive than during his previous meetings with the Board. Mr. Robertson's therapist is Michael Negrette, LMFT. The Board advised Mr. Robertson that reports from his new employer are due monthly, for the next 6 months. Dr. Lundberg motioned to approve the supervisor, Michael Marble, LSAC, and therapist, Michael Negrette, MFT, seconded by Mr. McMillen. The motion carried unanimously. The Board asked to see Mr. Robertson on April 21, 2010. **Mr. Robertson is in compliance with his stipulation.**

Mr. Aaron Bryant, probation interview

Mr. Bryant met with the Board for his probation interview. Mr. Prazza conducted the interview. Mr. Bryant advised the Board that he has not attended a support group for two (2) months because of his current schedule. He continues exercising and working out at the gym. Things have been going well. He is writing a book. Mr. Bryant stated that he is expecting a letter regarding his acceptance in the MSW program at the University of Utah. The Board noted that Mr. Bryant has been in full compliance with his stipulation since the beginning and is due off probation on February 9, 2010. He will not be meeting with the Board again. **Mr. Bryant is in compliance with his stipulation.**

Ms. Kristi Versteeg, new probation interview

Ms. Versteeg met with the Board for her probationary interview. Mr. Prazza conducted the interview. Mr. McMillen advised the Board that he knows Ms. Versteeg. The Board introduced itself. Ms. Versteeg advised the Board that her license is on probation because of her criminal history. It has been six (6) years since her last conviction. She graduated drug court in 2006. Ms. Versteeg stated that she has been sober five (5) and ten (10) months. Ms. Versteeg states that she attends support groups. Sometimes she attends a twelve (12) step and sometimes a graduates group at Odyssey House. Ms. Versteeg stated that she is seeking a therapist. She is looking to work with a female therapist at this time. The Board asked Ms. Versteeg to have her therapist established by the time the Board meets on April 21, 2010. The Board reviewed Ms. Versteeg written probation plan and

noted that it is very well written. Dr. Lundberg motioned to accept the continuing education hours completed in 2009 seconded by Mr. Prazza. The motion carried unanimously. The Board stated that the practice plan she submitted looks good. Mr. McMillen motioned to have Ms. Versteeg submit to random urine analysis (UA). The Board will revisit this issue at the April 21, 2010, seconded by Mr. Wilkey. The motion carried. The Board asked to see Ms. Versteeg on April 21, 2010. **Ms. Versteeg is in compliance with her stipulation.**

DISCUSSION ITEMS:

1. Addressing LSAC/Owner conflict of interest in the Substance Abuse Counselor Act Rule

Mr. Oborn introduced everyone in attendance. Mr. Oborn stated that the concern is a LSAC who is an owner of an agency and who has authority over their mental health therapist supervisor. LSACs are required to be supervised by a mental health therapist. The Division desires to obtain input from the Substance Abuse Counselor Licensing Board and the public regarding the question of whether a Licensed Substance Abuse Counselor (LSAC) can have supervisory control over their mental health therapist supervisor. Based on a review of the applicable laws and comments submitted by various parties regarding this issue, the Division is currently in the process of reevaluating its position. 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. The Board discussed a few proposed options and expressed support for an option that would not prohibit practicing LSACs from also operating as owners or executive directors of an agency. Board members, representatives from AUSAP, and meeting visitors recommended that the Division draft rule language that would amend the Substance Abuse Counselor Act Rule, R156-60d-502. Participants in the meeting recommended that this section of the rule be amended to include the following under the definition of unprofessional conduct:

- 1) exercising undue influence over the clinical judgment of a supervisor over whom the licensee has administrative control.
- 2) if licensed as a licensed substance abuse counselor (LSAC), acting as a supervisor of a

certified substance abuse counselor or a certified substance abuse counselor intern who has any supervisory control over the LSAC; and

- 3) directing one's mental health therapist supervisor to engage in a practice that would violate any statute, rule, or generally accepted professional or ethical standard of the supervisor's profession.

The Board recommended that these provisions be added to the current definition of unprofessional conduct in the rule that already includes any violation of the "Ethical Standards of Alcoholism and Drug Abuse Counselors" established by the NAADAC, December 8, 2004 edition. Mr. Oborn will prepare the rule change and the Board will take a formal vote to approve the change at the next Board meeting. Mr. Oborn stated that the current requirement will not be enforced because the Division is reevaluating its position.

2. Licensing Statistics

Mr. Oborn reviewed the following statistics regarding current Utah licenses as of January 4, 2010:

LSAC – 388

CSAC – 37

CSAC Intern – 6

CSAC Extern - 2

3. Update regarding legislative session

Mr. Oborn informed the Board that Senate Bill 90: Mental Health Professional Practice Act Amendments will be considered by legislators during the upcoming legislative session. Although the current version of this bill does not modify any provision of Part 5, the Substance Abuse Counselor Act, AUSAP is hoping that the sponsor will agree to include an amendment that would grant the Division and Board authority to extend the period that a Certified Substance Abuse Counselor has to complete the LSAC license experience requirement. The amendment would authorize the Division and Board to approve extensions of the time period after consideration of an applicant's extenuating circumstances.

4. Code of conduct for DOPL Investigations, Audits and Examinations

Mr. Oborn reviewed the Code of Conduct for DOPL Investigations, Audits and Examinations with the Board. Mr. Oborn encouraged the Board to contact

5. Yuri Herna Perez-Alvarez, surrender of LSAC license

him with any questions.

Mr. Oborn advised the Board that Ms. Yuri Herna Perez-Alvarez, surrendered his LSAC license. He practiced mental health therapy without a license. He may not reapply for a LSAC license within the next two (2) years.

6. Carol Ann Tuitavuki, surrender of LSAC license

Mr. Oborn advised the Board that Carol Ann Tuitavuki, surrendered her LSAC license. She may not reapply for a LSAC license within the next five (5) years.

7. Update regarding status of the University of Utah College of Social Work's Alcohol and Drug Abuse Treatment Certificate Program rural delivery system

The Board reviewed a letter dated December 22, 2009 regarding the status of the University of Utah College of Social Work's Alcohol and Drug Abuse Treatment Training Certificate Program rural delivery system. In July 2007, the Utah College of Social Work entered into an agreement with the University of Nevada/Reno for an online program, which was approved by the Board to be equivalent to the University of Utah's onsite treatment training program. The Social Work program is currently running a pilot program for three (3) students on the Ute Ouray Reservation in Fort Duchesne, Utah. In addition, they plan to select two (2) to three (3) additional sites for incoming cohort in August 2010. The contract with the University of Nevada/Reno will terminate with graduation in December 2011 of the current cohort. Any students who have failed a class during their four semesters will have to register directly with UNR and provide proof they have successfully completed the delinquent course at which time the University of Utah will issue the certificate of completion.

8. Open and Public Meetings Act training

Mr. Oborn reviewed the Open and Public Meetings Act training and encouraged the Board to contact him with any questions.

CORRESPONDENCE:

None at this time.

Next Board Meeting:

April 21, 2010

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

ADJOURN: The meeting adjourned at 2:13 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.

April 21, 2010
Date Approved

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

February 26, 2010
Date Approved

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