

MINUTES

**UTAH
Professional Counselor Licensing Board
MEETING**

December 7, 2011

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

CONVENED: 9: 05 A.M.

ADJOURNED: 12:50 P.M.

**Bureau Manager:
Board Secretary:**

Richard J. Oborn
Lee Avery

Board Members Present:

Jason H. King, Chairperson
Ruth A. Baxter
Jerri Sena

Board Members Absent:

Dee Zarkos
Rodger Bischoff

Guests:

Paul Carver, President, UMHCA
Julie Anderson
Diane Jackson, UMHCA

DOPL Staff Present:

Debra Troxel, Compliance Specialist

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

MINUTES:

The Board reviewed the minutes dated September 20, 2011. Ms. Baxter motioned to approve the minutes with changes, seconded by Ms. Sena. The motion carried unanimously.

Compliance Report:

Debra Troxel, Compliance Specialist

#1. Gregory Hood, new probation. Mr. Hood submitted his probation plan that was due prior to his first meeting with the Board. He proposed James Ferro, Ph.D, as his supervisor. Dr. Ferro's CV was received including a note stating he read Mr. Hood's stipulation. Mr. Hood's violations included the following: Between September 2009 and April 2010, he failed to set and maintain appropriate boundaries and entered into an inappropriate dual relationship

with a client. This relationship included exchanges of e-mail and text messages and accepting gifts from the client including a ring, wallet and a digital photo frame.

#2. John Washington is in compliance with his stipulation. The Division received his supervisor, employer and therapy reports. His supervisor and employer want to know if the Board still wants monthly evaluations.

Discussion:

The Board decided to maintain monthly reports until further notice.

APPOINTMENTS:

Gregory Hood, new probation interview

Out of order on the agenda:

Mr. Hood met with the Board. Mr. King conducted the interview. Mr. Hood advised the Board that he has an office in Moab and has one client. He is subletting with his supervisor, James A. Ferro, Ph.D. Mr. Hood stated he knew Dr. Ferro via his reputation and from being one of the few psychologists in Moab. Mr. Hood stated he has a license in Texas and there are 2 complaints against it, one for a dual relationship and one for breaking confidentiality. Mr. Hood stated he made some errors, admitted to the charges and learned a lot from the process. Mr. Hood stated he is more careful regarding boundaries. He will not engage with a client outside the office environment. He wants to maintain his Texas license. He signed a contract with the Texas Licensing Board and signed the stipulation with the Utah Board. Mr. Hood stated that the stipulation and contract with Texas and Utah is the same thing and many of the specific requirements are similar; therefore, he will not be doing a lot of double work. The Board expressed concern that Dr. Ferro will be Mr. Hood's supervisor and Mr. Hood is renting space from Dr. Ferro. The Board reviewed R156-60c-302b. Qualifications for Licensure - Experience Requirements. The Board requested a statement from Dr. Ferro regarding this as a possible conflict of interest and for him to clarify how they will resolve this to keep Mr. Hood from having control over Dr. Ferro. Mr. Oborn will e-mail Dr. Ferro specific Board concerns. Ms. Baxter motioned to approve Dr. Ferro as Mr. Hood's supervisor condition upon the receipt of

a letter that addresses how the rule will apply, seconded by Ms. Sena. The motion carried unanimously. The Board asked to do a phone interview with Mr. Hood on March 20, 2012 as long as he is in compliance with his stipulation. **Mr. Hood is in compliance with his stipulation.**

John Washington, probation interview

Out of order on the agenda:

Mr. Washington met with the Board for his probation interview. Ms. Sena conducted the interview. Mr. Washington advised the Board that he is not working full-time yet. Because he is on social security disability, he can only earn so much money. He continues to work with the courts a couple days a week. He conducts 4 groups and he teaches prime for life. Mr. Washington advised the Board that he attends therapy every week. He is doing well physically and hopes to have the NCE and NCMHCE exams completed by March 2012. He may need to request that his associate license be extended. The Board advised Mr. Washington that his supervisor reports need to continue to be submitted monthly. The Board will revisit this at another Board meeting. The Board noted that his supervisor is providing enough information to be helpful to the Board. The Board asked to see Mr. Washington on March 20, 2012. **Mr. Washington is in compliance with his stipulation.**

DISCUSSION ITEMS:

1. Application review

Ms. Julie Lynn Anderson met with the Board. The Board reviewed the application and education documentation submitted by Ms. Anderson. Ms. Anderson has a Masters of Science of Education. Her undergraduate degree is from Washington. The Board reviewed Ms. Anderson's education documentation. Ms. Sena motioned to recommend that this Division issue Ms. Anderson an associate professional counselor license, seconded by Ms. Baxter. The motion carried unanimously.

2. Proposal to amend experience requirement to allow for 100 hours of face to face supervision to be completed via distance methods

The Board reviewed a proposal to amend the Mental Health Professional Practice Act Rule to allow CSWs, LAPC, and LAMFTs to gather some of the 100 hours of direct personal face to face supervision via live video conference. There is a question of whether this requirement should be further defined in rule so as to allow LAPCs to complete at least some of the hours of

supervision via live videoconference in cases approved on a case by case basis by the Board and Division as long as certain criteria are met. The Board reviewed information regarding the Massachusetts policy on distance, online and other electronically assisted counseling and the standards for the practice of clinical mental health counseling. The Board noted that this could be very helpful to applicants as long as certain criteria are met. The suggested criteria could include having a contract in place between the supervisor, employer, and supervisee. The supervisee must practice in a geographic area where there is a shortage of qualified mental health therapists available to provide supervision. The contract should address the question of how confidentiality will be handled between the supervisor and client. The supervisee must submit a written request to the Division to be able to do any portion of the 100 hours of supervision via live video conference. The supervisor must physically visit the site where the supervisee practices on a quarterly basis during the term of supervision and not less than 2 times a year. Mr. Oborn noted that he would consult with the other mental health professions to keep the criteria universal. Mr. Oborn will research the issue and report to the Board regarding how other states handle this issue.

3. Proposal to amend experience requirement to allow gathering of over 2,000 hours of supervised experience during a one year period.

Mr. Oborn advised the Board that there is a question regarding an applicant being able to gather over 2,000 hours of supervised experience during a one year period. The Board reviewed the current Professional Counselor Licensing Act Rule, R156-60c-302 which reads as follows:

(1) The professional counselor and mental health therapy training qualifying an applicant for licensure as a professional counselor under Subsections 58-60-405(1)(e) and (f) shall:

(a) be completed in not less than two years;

(b) be completed while the applicant is licensed as a licensed associate professional counselor or licensed associate professional counselor extern;

(c) be completed while the applicant is an employee, as defined in Subsection R156-60-102(3), of a public or private agency engaged in mental health therapy under the supervision of a qualified professional

*counselor, psychiatrist, psychologist, clinical social worker, registered psychiatric mental health nurse specialist, physician, or marriage and family therapist; and
(c) be completed under a program of supervision by a mental health therapist meeting the requirements under Sections R156-60c-401 and R156-60c-402.*

Mr. Oborn noted that often the Division does not know if the applicant has gathered more than 2,000 hours in one year. This becomes an issue when the applicant has more than one supervisor. The Board noted that employees are not paid for every hour on the job. For example, they may not receive compensation for certain services such as staff meetings; writing case notes; and attending conferences, etc. Ms. Sena motioned to recommend that the Division maintain the position that unpaid work not count toward the 4,000 hours of training requirement. The motion was seconded by Ms. Baxter. The motion passed unanimously.

4. Proposal to amend education requirement such that number of semester/quarter credit hours required in some subject is decreased

The Board considered an amendment to the education requirement to the number the semester/quarter credit hours required to obtain a LAPC and LPC license. Mr. Oborn noted that the goal is to go from 3 to 2 semester or 4 to 2 quarter hours and to combine the ethical standards and professional roles course requirements. Mr. Oborn noted that these changes would better reflect what the approved programs are currently providing.

5. Proposal to combine ethical standards and professional roles course requirements

Discussed above.

6. Proposal to allow issuance of extern license in cases of deficient internship and practicum

Mr. Oborn shared with the Board a proposal to allow an extern license be issued when there is a deficiency in an internship and practicum. Mr. Oborn noted that currently extern licenses are issued only when there is a deficiency in education courses only, not including the core courses. Some individuals obtaining a Utah license by endorsement often have a deficiency in ethics and practicum and/or internships hours. Issuing an extern license will allow the applicant to work, while they complete the hours needed. Ms. Baxter motioned to change the rule to allow an extern license

be issued when the deficiency is in ethics or practicum or internship, seconded by Ms. Sena.

7. Proposal to remove definition of unprofessional conduct from Mental Health Professional Practice Act Rule

Mr. Oborn advised the Board that the definition of unprofessional conduct is under the Mental Health Professional Practice Act and the Professional Counselor Practice Act Rule. Mr. Oborn recommended this definition in the Mental Health Professional Practice Act Rule be removed. Ms. Sena motioned to remove the definition of unprofessional conduct from the Mental Health Professional Practice Act Rule, seconded by Ms. Baxter. The motion carried unanimously.

8. UMHCA proposal to change license title and to add definition to Utah statute

Taken out of order on the agenda:

Mr. Paul Carver, President, UMHCA, Grey Otis, past president of UMHCA, and Ms. Diane Jackson, met with the Board. Mr. Otis stated that UMHCA is proposing to change the professional counselor title to “Licensed Clinical Mental Health Counselor (LCMHC)” and to add the definition to the Utah statute. Mr. Otis noted that there are 6 other titles and definitions across the nation for professional counselors and LPC’s in Utah have a very specific role including provide mental health therapy. This profession is becoming more and more skilled and national standards in education, supervised experience and examination should be established to better meet this need. UMHCA is recommending that the education be standardized and obtained from a CACREP accredited program. Mr. Otis advised the Board that the Utah Mental Health Professional Practice Act may be opened up for the 2012 legislation. The UMHCA would like to include a title change and definition of a mental health therapist as part of those considerations. Mr. Otis noted that they wanted input from the Board and will approach the UMHCA membership and hopefully get a legislator to support the idea. The Board reviewed the definition of a mental health therapist for LPCs, LCSWs and MFTs. The Board recommended that UMHCA consider recommending the title change only at this time and address the definition of a mental health therapist at another time. Mr. Oborn noted that the Division would be neutral regarding any legislation.

Not on the agenda:

Mr. Oborn shared with the Board that biofeedback is being used by LPCs and LCSWs; however, it is not currently clear whether this practice falls within the definition of the practice of mental health therapy found in the Mental Health Professional Practice Act (Utah Code 58-60). The Division is requesting legal advice on this and may not enforce the position until a decision has been made or until the statute has been changed to clarify the practice.

9. Review 2012 Board meeting schedule

The Board reviewed the 2012 Board meeting schedule and had no concerns regarding the dates tentatively scheduled.

BOARD MEETINGS:

The next Board meeting is March 20, 2012.

2012 Board meetings have been scheduled:

March 20, June 19, September 18, December 18

Motion to adjourn at 12:50 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.

February 9, 2012
Date Approved

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

February 9, 2012
Date Approved

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