

**MINUTES**

**UTAH  
SUBSTANCE ABUSE COUNSELOR  
LICENSING BOARD MEETING**

**January 26, 2011**

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

**CONVENED:** 9:04 A.M.

**ADJOURNED:** 3:56 P.M.

**Bureau Manager:  
Board Secretary:**

Richard J. Oborn  
Lee Avery

**Board Members Present:**

Shawn M. McMillen, Chairperson  
Stephen R. Sheppard, Ph.D., Acting Chairperson  
Marilyn Foster  
Gloria Boberg  
Georgia Hare  
David Felt  
Pete Prazza

**Guests:**

Jeremy Boberg, AUSAP  
Michael Marble  
Mark Morgan  
Sirinda Leftwich

**DOPL Staff Present:**

Clyde K. Ormond, Bureau Manager  
Susan Higgs, Compliance Specialist  
Kent Barnes, Compliance Manager

**TOPICS FOR DISCUSSION**

**DECISIONS AND RECOMMENDATIONS**

**ADMINISTRATIVE BUSINESS:**

Minutes:

The Board reviewed the minutes from the October 27, 2010 Board meeting. Mr. Felt motioned to approve the minutes, seconded by Ms. Foster. The motion carried unanimously.

Updating of Board member contact information

Mr. Oborn asked the Board members to update their contact information.

Review psychological evaluation for Charmele Nish

The Board reviewed the psychological evaluation for Charmele Nish. Ms. Nish's initial evaluation had been completed by an LPC instead of a psychologist as required in the stipulation. The Board needs to decide if this evaluation is sufficient. Currently Ms. Nish is not working in the field. Ms. Hare motioned to close the meeting at 9:13 A.M. for discussion of the character, professional competence, or physical or mental health of an individual. The motion was seconded by Mr. Prazza. The motion carried unanimously. There were no written notes or recordings made at this time. The Board meeting opened at 9:20 A.M. Mr. Felt motioned to not accept the evaluation submitted by Ms. Nish, seconded by Ms. Foster. The motion carried unanimously.

**COMPLIANCE REPORT:**

Susan Higgs, Compliance Specialist

#1 Mr. Dee Marble is in compliance with his stipulation. Mr. Marble was pre-approved for CEs and submitted the certificate showing he completed 3 hours. Mr. Marble needs an additional 3 hours to complete this requirement of his stipulation. His supervisor reports have been excellent and he submitted his support group attendance documentation.

#2. Ms. Colette Nelson is in compliance with her stipulation. She is requesting early termination. She submitted letters of support for termination.

#3. Ms. Kristi Versteeg is in compliance with her stipulation. She requested early termination of her. She continues working at Clinical Consultants.

#4. Mr. Chuck Robertson is in compliance with his stipulation. His employer and supervisor reports are positive; however, 2 different people are signing his employer reports. One person should sign these. The Board needs to have him clarify which one will sign the reports.

#5. Ms. Noelle Carter is in compliance with her stipulation. She is asking to be released early from

probation. She has completed over 50% of her time, including the time she has been unemployed. Ms. Carter has a new counselor, Patrick Gooley, CSW. The Board will need to approve him as Ms. Carter's new therapist if the Board decides not to release Ms. Carter from probation. Ms. Carter stated that her health problems are getting better and she continues living with her mother.

#6. Mr. Green holds both a LCSW and LSAC license. He has been meeting with the Social Worker Licensing Board. The SW Board released him from probation on December 2, 2010. The Substance Abuse Counselor Licensing Board needs to determine if his LSAC license probation should be terminated early as well.

**Discussion:**

Mr. Oborn advised the Board that Mr. Green was on probation because he had a sexual relationship with a patient and helped the patient financially. He completed therapy and has been in compliance during probation. Mr. Green is moving forward with his life. The Board needs to make a formal recommendation for removal from probation.

#7. Ms. Rebecka McNeil is in compliance with her stipulation. Ms. McNeil has not missed calling for drug screens since informed of the issue at the last Board meeting. The Board may want to consider moving her to quarterly reports. Her monthly reports have been on time and positive. She continues working at Metamorphosis. Ms. McNeil has 7 hours of CE in ethics for the Board to review.

#7. Ms. Janice AuBuchon is in compliance with her stipulation. Her interview will be via telephone. Ms. AuBuchon resubmitted her essay but it was not much better than her first one. Her CE hours are due at the end of March 2011. She is doing well according to her supervisor reports.

#8. Ms. Paula Bruce is not in compliance with her

stipulation. Her paperwork was late. Her latest supervisor report does not have a supervisor signature; however, she included a log of her work. Ms. Bruce is doing well.

#9. Michael Garrett, new probationer. Mr. Garrett is on top of everything. He spent a lot of time at Odyssey House. He was a client there at one time. Mr. Garrett already submitted his employer report and written plan.

Preliminary review of Board business

Mr. Oborn reviewed Mr. Dwayne Lee's application with the Board. Mr. Lee's education is in criminal justice only and he has not obtained education in substance abuse counseling.

Mr. Oborn advised the Board that there has been a conflict of interest with individuals holding both a private probation provider and LSAC license.

Mr. Oborn advised the Board of 2 bills coming before legislature that will affect LSACs.

Mr. Oborn advised the Board that there may be one more bill moving forward in legislation. If passed, this bill will provide psychologists limited prescription authority if they meet specific certification requirements.

**APPOINTMENTS:**

Mr. Dee Marble, probation interview

Mr. Marble met with the Board for his probation interview. Ms. Boberg conducted the interview. Mr. Marble stated he is doing well. The 2<sup>nd</sup> opinion the Board asked him to obtain is being completed by Dr. Michael Crookston and will be submitted soon. Dr. Crookston will submit information justifying the medication Mr. Marble is taking. The Board advised Mr. Marble that he needs to obtain 3 more CE hours. The Board noted that NAADAC CEs are Board approved. Mr. Marble stated that he has been attending support group meetings. Mr. Marble asked if his supervisor reports could be submitted quarterly

instead of monthly. Ms. Boberg motioned to have reports go to quarterly, seconded by Mr. Felt. The motion carried unanimously. The Board asked to see Mr. Marble on April 27, 2011. **Mr. Marble is in compliance with his stipulation.**

Ms. Colette Nelson, probation interview

Ms. Nelson met with the Board for her probation interview. Ms. Hare conducted the interview. Ms. Nelson advised the Board that she is doing okay. She has some health problems, but may soon have surgery to resolve this. Mr. Felt motioned to close the meeting at 10:21 A.M. for discussion of the character, professional competence, or physical or mental health of an individual. The motion was seconded by Mr. Prazza. The motion carried unanimously. There were no written notes or recordings made at this time. The Board meeting opened at 10:29 A.M. Ms. Nelson stated that she attends support groups and her physicians are aware of her probation with the Board. Ms. Nelson stated that she completed her criminal probation in August 2010. Ms. Nelson stated that she now sets strong boundaries with patients. She works on herself in recovery. Ms. Nelson noted that she has people around her who respect what she is doing with her life. The Board noted that initially Ms. Nelson was denied a license because she was still on criminal probation. She came back and gave more information to the Board. The Board made it clear that probation would not be easy. It is a privilege to have a license. Ms. Hare motioned to deny Ms. Nelson's request for early termination, seconded by Ms. Boberg. The motion carried unanimously. The Board advised Ms. Nelson that it would reconsider her request for early termination of her probation at the next meeting. The Board asked to see Ms. Nelson in April 27, 2011. **Ms. Nelson is in compliance with her stipulation.**

Ms. Kristi Versteeg, probation interview

Ms. Versteeg met with the Board for her probation interview. Mr. Prazza conducted the interview. Ms. Versteeg stated that things are going well. She is a full time employee now and is enjoying her work. She sees Linda Steele once a month and plans to continue turning to her for guidance. Ms. Versteeg stated that she continues looking for a womens' support group. Ms. Versteeg submitted a letter requesting early release of probation. She has been on probation since

11/3/2009, a little over 1 year of a 2 year probation. Ms. Hare motioned to continue probation for the next 3 months because of the sobriety anniversary date. After some discussion, Ms. Hare removed the motion from consideration. Ms. Hare then motioned to recommend the Division remove Ms. Versteeg from probation after the Division receives letters from her supervisor and therapist in support of terminating Ms. Versteeg's probation, seconded by Mr. Prazza. The motion carried unanimously. Mr. Oborn will submit the letter to the Board for review.

Mr. Chuck Robertson, probation interview

Mr. Robertson met with the Board for his probation interview. Dr. Sheppard conducted the interview. Mr. Robertson advised the Board that his employment is going well. He is staying active in church, his home life is going well. He attends AA meetings. Mr. Robertson stated that he currently is the IOP Director at Turning Point, and is enjoying putting the IOP programs together. Mr. Robertson stated that he is going to attend the University of Phoenix for his BA in human services. The Board advised Mr. Robertson that he needs to have the same person sign the employer reports each time. The Board asked to see Mr. Robertson on April 27, 2011. **Mr. Robertson is in compliance with his stipulation.**

Ms. Noelle Carter, probation interview

Ms. Carter met with the Board for her probation interview. Dr. Sheppard conducted the interview. Ms. Carter stated that she is still not working, but is trying to get into college. She is working with her therapist, Patrick Gooley, CSW. Ms. Hare motioned to accept Mr. Patrick Gooley as Ms. Carter's therapist, seconded by Ms. Foster. The motion carried unanimously. The Board advised Ms. Carter that Vocational Rehabilitation might help with the financial costs of continuing education hours. The Board advised Ms. Carter that because she is not employed in the field, her time does not count towards her probation. The Board declined to consider Ms. Carter's request for early termination of her probation at this time. The Board asked to see Ms. Carter on April 27, 2011. **Ms. Carter is in compliance with her stipulation.**

Mr. William Green, probation interview

Mr. Green met with the Board for his probation interview. Mr. Green noted that his LCSW license

was removed from probation with the Social Worker Licensing Board on December 2, 2010. Mr. Felt motioned to recommend the Division release Mr. Green from probation. Ms. Hare seconded the motion. The motion carried unanimously.

Ms. Rebecca McNeil, probation interview

Ms. McNeil met with the Board for her probation interview. Dr. Sheppard conducted the interview. Ms. McNeil stated things are going well. Her workload includes 60 case management clients, some individual counseling, life skills classes, intakes, orientation, and treatment plans. Ms. McNeil advised the Board that she attends support groups 2 times a month. Ms. McNeil stated she does yoga and breathing to help her with anxiety. Ms. McNeil requested the Board move her reports to quarterly. Ms. Foster motioned to move Ms. McNeil's supervisor reports to quarterly, seconded by Mr. Prazza. The motion carried unanimously. Ms. McNeil was advised that her first report will be due on April 10, 2011. Ms. McNeil stated she will fax her essay to Ms. Higgs as soon as possible. The Board asked to see Ms. McNeil on April 27, 2011. **Ms. McNeil is in compliance with her stipulation.**

Ms. Janice AuBuchon, probation interview

Ms. AuBuchon met with the Board for her probation interview. Ms. AuBuchon's interview was via telephone. Ms. Foster conducted the interview. Ms. AuBuchon stated she just got married and things are going well. Ms. AuBuchon stated she completed the additional CE and thought she submitted them. The Board encouraged Ms. AuBuchon to submit this documentation to the Board. The Board reminded Ms. AuBuchon that the CE course needs to be in ethics relating to substance abuse counseling. The Board advised Ms. AuBuchon that she should expand her essay and include a personal application of how she will use the code of ethics. Ms. AuBuchon was advised that courses sponsored by NAADAC are approved and NAADAC has more courses geared towards substance abuse counselors. Ms. AuBuchon stated that her married name is Lohrmeyer and she will be submitting her name change document soon. The Board asked to see Ms. AuBuchon on April 27, 2011. **Ms. AuBuchon is in compliance with her stipulation.**

Paula Bruce, probation interview

Ms. Bruce met with the Board for her probation interview. Ms. Foster conducted the interview. Ms. Bruce is doing well. She started masters in social work program at USC. This is an on line program. Ms. Bruce stated that she is currently working with the Veterans and is enjoying it. Ms. Bruce stated that she attends 1 or 2 support group meetings a week. The Board advised Ms. Bruce that her paperwork is due by the 10<sup>th</sup> of every month. Ms. Bruce stated that her supervisor, Jason Webb, is compiling his resume and that he will submit it soon. Ms. Bruce was reminded that her essay is due July 27, 2011. The Board asked to see Ms. Bruce on April 27, 2011. **Ms. Bruce is in compliance with her stipulation.**

Dwayne Lee, applicant interview

Mr. Lee met with the Board. The Board introduced itself to Mr. Lee. Mr. Oborn advised the Board that Mr. Lee has the ICRC certification. The ICRC certificate requires 1500 hours of one on one counseling, a 4 year degree, and passing an exam. Mr. Lee's education is in criminal justice, with a minor in Spanish. The Board noted that the ICRC certification is international and recognized in 18 states in the US. To maintain the certification he needs to complete 40 hours of CEs every 2 years, 8 hours needs to be in ethics. The Board reviewed Mr. Lee's documentation. Mr. Lee was advised that the Board could not count hours he earned before February 2010. The Board encouraged Mr. Lee to seek a SSW license.

Michael Garrett, new probation interview

Mr. Garrett met with the Board. Mr. McMillen reviewed the role the Board will have while his license is on probation. The Board introduced itself to Mr. Garrett. Mr. Felt conducted the interview. Mr. Garrett has already submitted 2 supervisor reports and his practice plan. Mr. Garrett stated that he has support from his family, friends, and the facility, noting that he also an Odyssey House graduate. He is involved in some sports, attends his church, and enjoys doing activities in the community. Mr. Garrett stated he has not attended 12 step programs in the past but will be attending them in the future. Mr. Felt motioned to accept Ms. Candy Clark as Mr. Garrett's supervisor, seconded by Ms. Hare. The motion carried unanimously. The Board asked to see Mr. Garrett on

April 27, 2011. **Mr. Garrett is in compliance with his stipulation.**

1. Conflict of interest between providing of private probation and substance abuse treatment services

Mr. Ormond met with the Board. Mr. Ormond advised the Board that he is the Bureau Manager over the private probation provider (PPP) licensees. He has received complaints regarding individuals holding both a private probation provider license and a substance abuse counselor (LSAC) license who are requiring court ordered probationer/individual to complete only their programs. The PPP and LSAC professions work close together; however, they both have a different scope of practice. Mr. Ormond believes this may be a conflict of interest. The complaints received are when the PPP requires the probationer/individual to complete the program the PPP offers under their LSAC license and threatens to send the probationer back to jail if the probationer does not comply. Mr. Ormond noted that the PPP statutes indicate that it is a conflict of interest to have a financial interest that affects the individual. The Board discussed the possibility that the Judges may not realize the conflict of interest; however, ultimately it is the LSAC's professional responsibility to know their conflicts of interest. The Board discussed educating the judges, and the individuals holding both licenses, and clarifying the conflict of interest in rule. Mr. Ormond will work with Mr. Boberg to advise the judicial agencies and licensees. Mr. Oborn will put some language together for the Board to review at the next meeting in April.

2. Upcoming legislative session

Mr. Oborn reviewed HB 224, Online Mental Health Therapy with the Board. Mr. Oborn noted that line 124 clarifies that a mental health therapist practicing remotely may be subject to the jurisdiction and laws of other states.

Mr. Oborn reviewed HB 229, Mental Health Professional Practice Act with the Board. Mr. Oborn noted that line 153 clarifies that not more than 50% of the total hours of supervision or training required under any section of this chapter may be conducted online. Mr. Oborn noted that students completing their education programs are exempt from licensure,

but still need supervision. With the change in HB 229, the CSWs, Associate Prof. Counselors, MFTs, and CSACs can earn hours as an independent contractor. The Board discussed changing the statute to include “paid employees or supervised volunteers.” Mr. Oborn stated he would contact the other mental health professions to obtain their input.

**Not on the agenda**

Mr. Oborn noted that individuals with criminal histories are sometimes issued a restricted license under a Memorandum of Understanding (MOU). Mr. Oborn asked the Board if these individuals should be required to complete additional CEs or should the Division have them verify that they are completing the 6 hours of CEs in ethics and make completing additional CEs an option for the Board and Division. The Board tabled this discussion until the next Board meeting.

**CORRESPONDENCE:**

None at this time

Next Board Meeting:

April 27, 2011

**2011 Board Meetings have been tentatively scheduled:**  
April 27, July 27, October 27

**ADJOURN:**

The meeting adjourned at 3:56 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 27, 2011  
Date Approved

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

February 15, 2011  
Date Approved

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