

MINUTES

**UTAH
Clinical Mental Health Counselor Licensing Board
MEETING**

**June 22, 2016
Room 474 - 4th floor – 9:00 A.M.
Heber M. Wells Building
Salt Lake City, UT 84111**

CONVENED: 9:18 A.M.

ADJOURNED: 2:58 P.M.

Bureau Manager:
Board Secretary:

Dane Ishihara
Lee Avery

Board Members Present:

Ruth Baxter, Chairperson
Travis Manning, Vice Chairperson
Jason H. King, Ph.D.
Kenneth Roach

Board Members Absent:

Jerri Sena

DOPL Staff:

Brandi Rigby, Compliance Specialist
Ben Baker, DOPL Investigator
Ron Kunzler, Attorney General's Office

Guests:

Steven Proctor, CSW
Uma Dorn, U of U

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

MINUTES:

The Board reviewed the minutes dated March 16, 2016. Mr. Roach made a motion to approve the minutes with Ms. Baxter seconded the motion. The motion passed unanimously.

The Board reviewed the Board Member Training minutes dated May 9, 2016. Dr. King made a motion to approve the minutes with changes. Mr. Roach seconded the motion. The motion passed unanimously.

The Board reviewed the Board Member Training minutes dated May 19, 2015. Dr. King made a motion

to approve the minutes with changes. Mr. Roach seconded the motion. The motion passed unanimously.

Probation Report:

Ms. Rigby, Compliance Specialist

Ms. Rigby reviewed the probation report with the Board.

APPOINTMENTS:

Russell Peterson, informal hearing

Mr. Peterson met with the Board regarding his informal hearing. Mr. Steven Proctor, friend was with him. Mr. Peterson's Utah CMHC license was issued October 23, 2012 and expires September 30, 2016.

Mr. Kunzler reviewed the informal hearing process with the Board.

Mr. Kunzler stated that the reason for this informal hearing is due to the adverse licensing action taken against Mr. Peterson in Idaho. His Idaho professional counselor license expired in 2014. Mr. Peterson entered into stipulation with the Idaho Board with the following conditions:

1. He relinquished all rights to his license
2. He agrees to not reapply for his license in Idaho for five years.
3. He agrees to pay the fees established
4. Violations of any of the terms of this stipulation may warrant further action by the Board.

Mr. Kunzler cited Utah law 58-1-501(2)(a) and (d) that indicates it is unprofessional conduct if disciplinary or adverse action is taken against a professional license in any other state. Mr. Peterson reviewed the circumstances with the Board and reviewed additional documents he submitted.

Mr. Ishihara advised the Board that the Board has one of the following actions:

1. Recommend no change in his current Utah license;
2. Recommend a letter of concern;
3. Recommend a public reprimand;
4. Recommend a probation license; or
5. Recommend his Utah license be revoked.

The Board advised Mr. Peterson that due to the timeframe, the Board will deliberate and make a decision after the other Board business is completed.

At 2:15 P.M. Mr. Roach made a motion to close the Board meeting to discuss the character, professional competence, or physical or mental health of an individual. The motion was seconded by Mr. Manning. The motion carried unanimously. The Board meeting opened at 2:47 P.M. Mr. Manning made a motion to recommend Mr. Peterson be issued a public reprimand with the following conditions:

1. He completes a thinking errors class
2. He writes an essay to summarize the following:
 - a. What he has learned and how he will move forward;
 - b. How he would counsel someone in his place;
 - c. He shows accountability and responsibility;
 - d. How he is going to use counseling theories to help inform his decisions;
 - e. Proper ethical decision making;
 - f. This essay needs to be a minimum of 500 words; and
 - g. He submits the essay to the Division by December 1, 2016 and he meets with the Board December 7, 2016 to review the essay.

Dr. King seconded the motion. The motion carried.

Niki Wolfe, telephone probation interview

Ms. Wolfe met with the Board. Mr. Manning conducted the interview via telephone. Ms. Wolfe stated she continues working two jobs. She will be taking the ethics CE class June 28, 2016. The Board has already pre-approved this. The Board asked Ms. Wolfe to write the essay after she has completed all CE courses and to include what she has learned in the essay. Ms. Wolfe advised the Board that she plans to take the test in July and have all supervised hours completed by the end of 2016. She will then submit her application for the CMHC. Ms. Wolfe asked about her probation term ending early. The Board noted that her probation just started January 28, 2016 – January 28, 2019, noting that it is too soon to inquire about early termination of probation. The Board asked to physically see Ms. Wolfe September 21, 2016.

Aaron Gardner, probation interview

Mr. Gardner met with the Board regarding his probation interview. Mr. Roach conducted the

interview. Mr. Gardner stated that he has not completed the ethics courses the Board approved. He plans to have them finished in the next few weeks. These courses are through the APA website that the Board has already approved. The Board noted that Mr. Gardner continues to be defensive in his interactions with the Board. He needs to recognize his thinking errors as it is up to him to grow from this process. The Board asked to see Mr. Gardner September 21, 2016.

Sandy Brooke, probation interview

Ms. Brooke failed to keep her appointment with the Board. Mr. Baker reviewed a letter of recommendation that Ms. Brooke wrote the courts. This letter was written two months after she signed her stipulation placing her license on probation for the same thing. The Board expressed concerns that Ms. Brooke is not setting boundaries and she is not raising her awareness regarding her violations. Dr. King made a motion to recommend that Ms. Brooke be issued a citation for the violation of her stipulation and order. Mr. Manning seconded the motion. The motion carried unanimously. Mr. Ishihara advised the Board that with this citation on record, if she continues to violate the terms of her probation, the Division will be able to take further action against her license.

Jenny Taylor, new probation interview

Ms. Taylor met with the Board regarding her probation. Ms. Taylor stated she is before the Board because she made poor decisions and had been arrested on two separate occasions for DUI. She submitted a positive letter from her probation officer. A letter from the court system indicating she completed her therapy and prime for license class. She submitted a letter from her employer. The Board encouraged Ms. Taylor to set up a weekly supervision schedule with her supervisor and forward a copy to Ms. Avery. These appointments should be the same day and time every week. Ms. Taylor submitted her plan to stay in compliance with her stipulation. Ms. Taylor stated she is doing random UAs with the courts. The Board advised Ms. Taylor that if she violates her court probation, it will affect her probation with the Board. The Board wants to see her supervisor's CV. The Board would like Ms. Taylor to obtain CEs in code of ethics and submit a 500 word

essay by September 15, 2016. The essay should include what she is learning regarding how her behaviors are changing, justifications and rationalizations. The Board asked to see Ms. Taylor September 21, 2016.

Lauren Hansen, request for remote supervision, telephone interview

Ms. Hansen met with the Board regarding her request for remote supervision. Her interview was conducted via telephone. The Board reviewed Ms. Hansen's supervision agreement with Ms. Harter for remote supervision and after talking with Ms. Hansen, the Board expressed concerns including:

1. In person supervision happening quarterly;
2. Frequency in reviewing client records;
3. Ms. Hansen to contact Ms. Harter, if face to face supervision is needed;
4. They have not set up a method of video, taping or recording sessions with clients; and
6. They have not established a secure method of remote contact between them. The Board encouraged Ms. Hansen to consider Cisco Web-ex, or another program that is HIPAA compliant.

The Board advised Ms. Hansen that ACMHC's are under supervision because it is assumed they have the competencies and skills to learn once they have completed the educational program. Direct supervision and reviewing sessions with clients or sitting in on sessions with clients helps the associate's judgement with appropriate feedback. The Board noted that counselors are at risk for boundary and/or ethical violations when they do not have proper support from their supervisor.

The Board asked Ms. Hansen to revise her contract with Ms. Harter addressing the above concerns, including establishing a set day in the week and time for supervision. The Board also wants to see Ms. Harter's CV, including supervision experience, if she has provided remote supervision before, or if this is a new role for her, will she have a consultative network to support her. The Board asked to see Ms. Hansen September 21, 2016 with her amended contract.

7/22/16 received an email from Ms. Hansen and after talking with her supervisor, she is withdrawing her request for remote supervision.

Michelle Glover, review reinstatement of

Ms. Glover met with the Board regarding

surrendered license

reinstatement of her CMHC license. The Board reviewed the essay Ms. Glover completed. Ms. Glover stated she realizes she may have been trying to connect with clients personally instead of professionally. The Board advised Ms. Glover that her essay demonstrates a lot of reflection, accountability and ownership. Mr. Manning made a motion to recommend amending her stipulation to shorten the timeframe of her stipulation and reinstate her license. Mr. Roach seconded the motion. The motion carried unanimously.

Gayle Vanderlaan, CMHC application review

Ms. Vanderlaan met with the Board. Ms. Vanderlaan stated she just completed her Ph.D. program and moved to Utah for family issues. She stated that she has been unable to obtain information from the Texas Licensing Board or her attorney regarding possible charges of ethical violations. The Board expressed concern in approved Ms. Vanderlaan's CMHC license without knowing the outcome regarding the Texas Board. Mr. Ishihara noted that he Division has a concern in issuing a license when there is an open case in another state. The Board asked Ms. Vanderlaan to contact the Texas Board for a letter regarding the charges and the Texas Boards decision regarding these violations.

DISCUSSION ITEMS:

Supervision Standards

Discussion tabled

Not on the agenda:

Mr. Ishihara reviewed R156-60-102 Mental Health Professional Practice Act Rule, definitions - #6 and noted that the language states the 45 day exemption from licensure starts immediately upon completion of all courses required for graduation.

Continuing Education Standards

Mr. Ishihara reviewed the proposed changes regarding continuing education and the CE requirements with all of the mental health professions as discussed in the Board member training. He is trying to make the formatting standard between all of the mental health professions. Some changes would include online, real-time and interactive webinars. He will draft language for the Boards to review.

Education Requirements

Discussed above.

Suggested changes to the ACMHC/CMHC application form, Dr. King

The Board reviewed the proposed changes to the ACMHC/CMHC application. Mr. Ishihara noted that the Division is making some internal changes including online submission of an application. He will make the proposed changes as soon as possible. However, this may take some time.

MPCAC Accreditation Dr. King

Out of order on the agenda:

The Board reviewed the comparison between CACREP and MPCAC standards and how they may fit in with current license rules and protect the public. Ms. Dorn stated she would like to submit additional information to the Board. The Board tabled this discussion to another Board meeting

BOARD MEETINGS:

The next Board meeting is scheduled for September 21, 2016

2016 Board meetings tentatively scheduled:

September 21, December 7

Motion to adjourn at 2:58 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.

9-21-16

Date Approved

(ss) Rush Bayler
Chairperson, Utah Clinical Mental Health Counselor
Licensing Board

September 21, 2016

Date Approved

(ss) DJH
Bureau Manager, Division of Occupational &
Professional Licensing