

Agenda

MARRIAGE AND FAMILY THERAPIST LICENSING BOARD

March 15, 2013, 9:00 A.M. – 12:00 P.M.

Room 474 – 4th Floor
Heber M. Wells Building
160 E. 300 S. Salt Lake City, Utah

This agenda is subject to change up to 24 hours prior to the meeting.

ADMINISTRATIVE BUSINESS:

1. Call meeting to order
2. Sign per diem
3. Read and approve the minutes dated December 14, 2012
4. Compliance report
5. Preliminary review of discussion items

APPOINTMENTS:

- 9:40 A.M. – Lawrence Bradley, probationer interview
10:00 A.M. – Richard Passoth, probationer interview
10:30 A.M. – David Ridley, informal adjudicative proceeding

DISCUSSION ITEMS: 10:45 A.M. – 12:00 P.M.

1. Proposal from UAMFT to amend terms under which a LAMFT supervisee may practice
2. Update regarding bills passed during 2013 General Legislative Session
3. John Bagley, surrender of MFT license

2013 Board meetings tentatively scheduled:

June 14, September 13, December 13

NEXT SCHEDULED MEETING:

June 14, 2013

Note: In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify, Dave Taylor, ADA Coordinator, at least three working days prior to the meeting. Division of Occupational & Professional Licensing, 160 East 300 South, Salt Lake City, Utah 84115, 801-530-6628 or toll-free in Utah only 866-275-3675 posted to bulletin: 3/5/2013

MINUTES

**UTAH
MARRIAGE AND FAMILY THERAPIST
LICENSING BOARD MEETING**

March 15, 2013

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

CONVENED: 9:07 A.M.

ADJOURNED: 11:28 A.M.

Bureau Manager:
Board Secretary:

Richard J. Oborn
Lee Avery

Board Members Present:

Scot M. Allgood, Ph. D., Chairperson
Veon G. Smith, DSW, Acting Chairperson
Elaine Reintjes

Board Members Absent

Alan Springer, Ph.D.

Guests:

Kevin Barlow, UAMFT

DOPL Staff Present:

Susan Higgs, Compliance Specialist

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

MINUTES:

The Board reviewed the minutes dated December 14, 2012. Ms. Reintjes motioned to approve the minutes, seconded by Mr. Smith. The motion carried unanimously.

Compliance Report:

#1. Lawrence Bradley is not in compliance. He has not submitted supervisor reports for November, December, January and February. He did submit a report for March. He sent Mr. Oborn an email stating that the facility he is helping to establish received their NV license. He does not have his NV license and is not currently working in the field.

#2. Richard Passoth is not in compliance with his stipulation. He has not suggested a new supervisor.

He submitted an essay with request to terminate probation. The rest of his CEs are due November 2013. He may want to attend the annual conference in May 2013.

Discussion:

Mr. Oborn stated that Dr. Hale contacted him regarding supervision for Dr. Passoth. Mr. Oborn advised the Board that Dr. Hale is a psychologist. She is on the Psychology Licensing Board and has a well developed background in forensics and might be a good alternative since Dr. Passoth has not been able to find an AAMFT approved supervisor. The Board reviewed Dr. Hale's CV and discussed Mr. Passoth's supervision and work history. The Board noted that Dr. Passoth needs to propose a supervisor and have the proposed supervisor complete the supervisor form.

APPOINTMENTS:

Lawrence Bradley, probation interview

Mr. Bradley met with the Board. Mr. Allgood conducted the interview. Mr. Bradley gave the Board his essay regarding "Ethical Decision Making Model" "What Principles Do I think About When Forming Decisions." Mr. Bradley stated he has been busy opening the facility in NV. He met with his supervisor three times. He is not licensed in NV and is not seeing clients. When he met with his supervisor, they discussed the ethics class he just completed. His supervisor is Mark Whelchel and has a private practice in Las Vegas. Mr. Bradley stated that he is waiting for NV to complete his license application and hopes this will be done in about two months. The Board advised Mr. Bradley that he is out of compliance with his stipulation because he has not submitted his employer reports to the Division. Even though he is not working in the field, he still needs to submit these reports stating he is not working in the field. Mr. Bradley talked about the negative impact on his license this probation has caused, in his personal and professional life. The Board encouraged Mr. Bradley to stay in compliance with his stipulation. Mr. Oborn stated he could have the NV Board contact him regarding Mr. Bradley's probation and compliance. This may help relieve their concerns. The Board advised Mr. Bradley that he only needs to meet with his supervisor once a month when he is not treating clients. When he starts treating clients, then he needs to meet with his

supervisor once a week. Mr. Bradley was advised that he needs to meet physically with his supervisor at least one more time, to review any paperwork and then to clean up any loose ends and then he could meet telephonically with his supervisor until he starts seeing clients.

Mr. Smith motioned to approve Mr. Bradley's essay, seconded by Ms. Reintjes. The motion carried unanimously. The Board reminded Mr. Bradley that the six hours of CEs he received in Nevada is approved and he still needs an additional four hours. The Board advised Mr. Bradley that the June Board meeting will be moved to a different date and he will be notified once that date has been determined. The Board felt that as long as Mr. Bradley stays in compliance with his stipulation, the Board would conduct his interview telephonically. **Mr. Bradley is in compliance with his stipulation upon receipt of note confirming that he was not in practice in February 2013.**

Richard Passoth, new probationer

Mr. Passoth met with the Board. Mr. Smith conducted the interview. The Board reviewed Mr. Passoth's essay. Mr. Passoth submitted an addition to his essay to address principals from the AAMFT Code of Ethics. The Board advised Mr. Passoth that the course he completed was for six hours of ethics and he needs to complete an additional four hours. The Board advised Mr. Passoth that the continuing education course he took before he first met with the Board was not approved by the Board and cannot be used towards the hours required in his stipulation. This course was not specific to the practice of marriage and family therapy. The Board noted that these hours may be used toward the renewal of his license. The Board advised Mr. Passoth that his essay points to a problem in the profession without a solution and it does not include how he is going to apply this to his practice. Mr. Passoth stated his solution is to no longer appear in court. The Board advised Mr. Passoth that a function of a marriage and family therapist is to, at times, interface with courts. Mr. Passoth stated he plans to attend the UAMFT meeting regarding in May. The Board advised Mr. Passoth that Dr. Valerie Hale contacted Mr. Oborn regarding her becoming his supervisor. Dr. Hale stated she would be willing to

help him. Mr. Passoth stated he has been on probation since November 2012. The impact of his license on probation has impacted him financially and personally. He was removed from several insurance panels and has lost clients. Mr. Passoth requested to be removed from probation. The Board noted that this is his second meeting with the Board. His probation is not scheduled to end until November 7, 2015. Mr. Smith motioned to not terminate Mr. Passoth's probation and to accept Dr. Hale as his supervisor, seconded by Ms. Reintjes. The motion carried unanimously. Mr. Passoth became argumentative and left the meeting. **Mr. Passoth is in compliance with his stipulation.**

David Ridley, informal adjudicative proceeding

The Board reviewed the notice of agency action regarding David Ridley. Mr. Ridley voluntary surrender his Idaho marriage and family therapist license to the Idaho Licensing Board. Mr. Oborn advised the Board that the Division is requesting that Mr. Ridley surrender his Utah license; however, Mr. Ridley has failed to contact the Division. The Board reviewed the Findings of Fact, Conclusions of Law and Final Order established by the Idaho State Licensing Board. Mr. Smith motioned that based on the information submitted by the Division, the Board recommends the Division move toward revocation of Mr. Ridley's Utah marriage and family therapist license. The motion was seconded by Ms. Reintjes and carried unanimously.

DISCUSSION:

1. Proposal from UAMFT to amend terms under which a LAMFT supervise may practice

Mr. Barlow met with the Board regarding a proposal form UAMFT to amend terms under which a LAMFT supervise may practice. Mr. Barlow noted that with the passing of HB 56, Behavioral Health Care Workforce Amendments, some in the marriage and family therapy profession are looking at remote therapy instead of face to face. Mr. Barlow advised the Board that AMFT believes the best form of supervision and therapy are face to face. Remote therapy should be used only as a tool under specific circumstances and not to become the norm. Mr. Barlow suggested the Board remove the reference to the IRS under the definition of an employee in R156-60. The Board advised Mr. Barlow that the Board and Division needs to write the rule regarding HB 56,

noting that this bill references all mental health professions. The Marriage and Family Therapist Board will be working with the other mental health professions and the Division to establish rule.

The Board reviewed R156-60-102 Definitions:

(3) "Employee" means an individual who is or should be treated as a W-2 employee by the Internal Revenue Service.

Mr. Oborn advised Mr. Barlow that this was clarified in the rule because the associate license is a training license and licensees holding the associate license cannot be an independent contractor. Mr. Oborn noted that the basis of this wording is to maintain consistence with federal tax law.

The Board suggested they look at changing the language in the definition of unprofessional conduct to include when doing remote therapy and supervision and failure to train. Mr. Oborn encouraged Mr. Barlow and Board members to send suggested language to him.

2. Update regarding bills passed during 2013 General Legislative Session

Mr. Oborn reviewed the following bills passed during the 2013 General Legislative Session: H.B. 56, H.B. 244, and H.B. 51.

3. John Bagley, surrender of MFT license

Mr. Oborn advised the Board that John Bagley surrendered his license because he engaged in an inappropriate relationship with clients and he failed to keep clinical records confidential.

CORRESPONDENCE:

None at this time.

NEXT MEETING SCHEDULED FOR:

The Board next meeting is scheduled for May 31, 2013.

2013 Board meetings tentatively scheduled

June 14 moved to May 31, September 13.

The Board will discuss rescheduling the December 13, 2013 Board meeting at a later date.

ADJOURN:

The Board adjourned at 11:28 A.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.

5-31-13

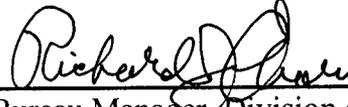
Date Approved

6/4/13

Date Approved



Chairperson, Utah Marriage and Family Therapist
Licensing Board



Bureau Manager, Division of Occupational &
Professional Licensing