ELECTRONIC MEETING MINUTES
UTAH CLINICAL MENTAL HEALTH COUNSELOR LICENSING BOARD

APRIL 6, 2023
HEBER M. WELLS BLDG.
ROOM 474 AND GOOGLE MEETS –9:00 AM
SALT LAKE CITY, UT 84114

CONVENED: 9:00 AM **ADJOURNED:** 2:29PM

Bureau Manager: Jana Johansen
Board Secretary: Bobbie Loy

BOARD MEMBERS PRESENT:
Alan Misbach
Richard Engar, DDS
Jared Ferguson
Marette Monson, *Chairperson*
Chelnecha Lowry

BOARD MEMBERS ABSENT:
Rachel Stoddard

GUESTS:
Helen De-Lovely Amber Anderson Marlin Andrus Jean Robles
Charles Andrews

DOPL STAFF PRESENT:
Larry Marx, Bureau Manager
Bobbie Loy, Board Secretary
Jenny Johnson, Compliance
Bernice Palama, Compliance

ADMINISTRATIVE BUSINESS: (0:02:32 *AUDIO 1*)
APPROVAL OF THE FEBRUARY 2, 2023, MEETING MINUTES
Dr. Engar made a motion to approve the February 2, 2023, meeting minutes as written. The motion, seconded by Mr. Ferguson, passed unanimously.

YEARLY CHAIRPERSON AND VICE CHAIRPERSON ELECTION
Mr. Ferguson nominated Ms. Monson to remain Board Chair. The nomination, seconded by Dr. Engar, passed unanimously.
Mr. Misbach nominated Mr. Ferguson as Vice Chair. The nomination, seconded by Dr. Engar, passed unanimously.

COMPLIANCE REPORT – JENNY JOHNSON & BERNICE PALAMA
Ms. Johnson and Ms. Palama reviewed compliance reports for each probationer at the beginning of their appointment with the Board.

INTERVIEWS:

HELEN DE-LOVELY – PROBATION REVIEW **(0:06:25** *AUDIO 1***)**

Ms. Johnson provided the Board with an update of Ms. De-Lovely's compliance since her last meeting with the Board. Ms. De-Lovely attended her appointment with the Board and her interview was conducted by Mr. Misbach. Ms. De-Lovely answered questions from Mr. Misbach and other Board members about her probation. Mr. Misbach stated that he cannot find Ms. De-Lovely in compliance today due to missing supervisor reports.

Mr. Ferguson made a motion to accept the continuing education and summaries. The motion, seconded by Ms. Monson, passed unanimously.

Ms. Monson expressed concerns over this non-compliance today. The Board discussed options for future violations of probation. Mr. Ferguson made a motion to issue Ms. De-Lovely a cease and desist due to non-compliance. The motion, seconded by Dr. Engar, passed unanimously.

Mr. Misbach made a statement to Ms. De-Lovely regarding the email the Board received from Ms. De-Lovely's supervisor speaking about the Board's approach with Ms. De-Lovely. Ms. De-Lovely gave a rebuttal to Mr. Misbach's statement.

Mr. Ferguson made a motion to invite Ms. De-Lovely's supervisor to the next meeting. The motion, seconded by Dr. Engar, passed unanimously.

AMBER ANDERSON – PROBATION REVIEW **(0:31:30** *AUDIO 1***)**

Ms. Johnson provided the Board with an update of Ms. Anderson's compliance since her last meeting with the Board. Ms. Loy informed the Board of a recent complaint received and the outcome of the complaint. Ms. Anderson asked to comment on the complaint that Ms. Loy discussed with the Board. Ms. Anderson answered questions from the Board regarding the recent complaint. Ms. Johnson expressed concerns that Ms. Anderson has not informed her of this new job and has not sent her the employer signed MOU.

Ms. Anderson attended her appointment with the Board and her interview was conducted by Ms. Lowry. Ms. Anderson answered questions from Ms. Lowry and other Board members about her probation and this recent complaint. The Board expressed grave concerns over this recent complaint and Ms. Anderson's new employer.
Ms. Monson made a motion to issue a $500 fine for two violations of her probation agreement and evidence of issues being remedied by the next meeting. The motion, seconded by Mr. Ferguson, passed unanimously. Mr. Ferguson requested Ms. Anderson attend the next meeting in person.

Ms. Lowry made a motion to approve the CEs completed by Ms. Anderson. The motion, seconded by Mr. Misbach, passed with 4 in favor and 1 opposing.

Ms. Lowery requested the supervisor attend the June meeting.

Mr. Ferguson made a motion to table the discussion for continued CEs until the June meeting. The motion, seconded by Dr. Engar, passed unanimously.

MARLIN V ANDRUS – PROBATION REVIEW **(1:20:45** *AUDIO 1*)
Ms. Palama provided the Board with an initial probation report for Mr. Andrus. Mr. Andrus attended his appointment with the Board and his interview was conducted by Ms. Monson. Mr. Andrus answered questions from Ms. Monson and other Board members about his probation. Mr. Andrus' probation is tolling due to not having employment currently. Mr. Andrus will need to come back to the Board once he obtains employment.

JEAN ROBLES – SUPERVISOR REPORT **(1:30:51** *AUDIO 1*)
Jean "Ani" Robles attended their interview with the Board and Dr. Engar conducted this interview. Ani answered questions from Dr. Engar and other Board members regarding their pending LCSW application, supervision hours, and criminal history.

Mr. Ferguson made a motion to not allow the hours of supervision from Provo Canyon. The motion, seconded by Mr. Misbach, passed unanimously.

Dr. Engar made a motion to deny the application due to factors discussed. The motion, seconded by Ms. Monson, passed unanimously.

CHARLES ANDREWS – REINSTATEMENT APPLICATION **(1:54:32** *AUDIO 1*)
Mr. Andrews attended his interview with the Board and Mr. Ferguson conducted this interview. Mr. Andrews answered questions from Mr. Ferguson and other Board members regarding his pending LCSW application and criminal history.

Mr. Misbach made a motion to deny reinstatement application. The motion, seconded by Mr. Ferguson, passed with 4 in favor and 1 opposed.

LUNCH 11:15 AM UNTIL 11:47 PM

DISCUSSION & ACTION ITEMS:
LEGISLATIVE UPDATE **(0:00:12** *AUDIO 2*)
Ms. Loy discussed changes to the profession based on HB250 and HB166 that will take effect on May 3, 2023. Mr. Marx discussed HB159, HB228, HB288, HB312, SB16, SB35, SB36, SB171, and SB197 with the Board. Ms. Loy and Mr. Marx answered questions from the Board regarding the Legislative updates.

Mr. Misbach would like the Division to discontinue telling callers that they may take the exam if they like.

RULE REVISION **(0:40:40** *AUDIO 2*)
The Board started to review the proposed rule revision. Mr. Ferguson made a motion to table rule revision until a future date. The motion, seconded by Dr. Engar, passed unanimously.

ASWB ANNUAL MEETING DELEGATE (**2:08:30** *AUDIO 2*)
Ms. Loy informed the Board that ASWB is asking the Division to submit the name of our delegate for the annual November meeting. Mr. Misbach would like to be the delegate if he is able to attend.

ASWB EXAM UPDATE
This was discussed during the Legislative Update topic. Ms. Loy informed the Board that Ms. Johansen met with ASWB recently. ASWB will still allow Utah candidates to take the ASWB bachelor's and ASWB master's exam if they would like to do so. The pre-approval process will continue as it is currently in place.

POTENTIAL AUGUST DISCIPLINARY HEARING (**2:10:40** *AUDIO 2*)
The Board has a hearing on August 31st, where a quorum is necessary. August 3rd will remain on the schedule with the option to cancel or reschedule if no quorum is available.

ROBERTS RULES TRAINING (**2:17:40** *AUDIO 2*)
Ms. Loy reviewed the Roberts Rules handout that was provided to the Board. Ms. Loy reminded the Board that the Division loosely follows Roberts' Rules.

VICTIM IMPACT – ALAN MISBACH (**2:19:35** *AUDIO 2*)
Mr. Misbach read a statement he prepared regarding victim impact.
Ms. Loy reminded the Board that this topic was discussed during the February 3, 2022, meeting. Ms. Loy read an email from Ben Baker regarding that February 3, 2022, meeting. Mr. Marx will talk with Ms. Johansen and set up a meeting with Chief Furlong regarding possible reports for the Board.

VIDEO RECORDED MEETINGS (**2:35:23** *AUDIO 2*)
Mr. Misbach read a statement he prepared regarding video recordings.
Ms. Loy informed the Board that Director Steinagel suggested the Bureau reach out to DTS through the public notice website to see if video recordings can be placed on the website. As of today, we have not heard back from DTS, and the Division has no control over the public notice website. Mr. Marx commented on digital storage space as well. Mr. Marx will inquire about video recordings.

ADJOURN:
Motion to adjourn at 2:29 PM

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.

6/1/23
Date Approved

Marette Monson, LCSW
Chairperson, Social Work Licensing Board

6/1/23
Date Approved

Bureau Manager, Division of Occupational & Professional Licensing