

ALABAMA BOARD OF EXAMINERS IN COUNSELING

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MINUTES

Board Meeting
July 21, 2023

The Alabama Board of Examiners in Counseling (ABEC) held its regular meeting on Friday, July 21, 2023, to conduct business. The meeting was held at the Board's office located at 2777 Zelda Road in Montgomery, Alabama. Members in attendance were Ms. DeAnna Tidwell (Board Chair), Dr. Debra Atchison (Board Vice Chair attending virtually), Dr. Sheila Webb (member attending virtually), Ms. Anjanette Robinson (member), Dr. Glenn Hollingsworth (member) and Ms. Jessie Bowie (member). Board member absent was Dr. Sherrionda Crawford (member). Also in attendance were Mr. Keith Warren (Acting Executive Director), Mrs. Hendon Coody (Board Legal Counsel), Ms. Cindy Edgar (Assistant Director), Dr. Charlotte Daughetee (Academic Reviewer), Ms. Karen Harlow (Legal Assistant), Ms. Sheila Dopson (Licensing Specialist), Mr. Mike James (Investigator), Ms. Lora Evans (Executive Assistant) and Ms. Renee' Reames (Recording Secretary). Public guests were also present: Ms. Necoal Driver with the Alabama Counseling Association, Dr. Latofia Parker, Board liaison with the Counseling Compact (virtually), and other public members attending virtually.

CALL TO ORDER

Ms. Tidwell, Board Chair, called the meeting to order at 9:03 a.m. The regularly scheduled meeting was advertised to the public on the Board's website, (www.abec.alabama.gov), as well as the Secretary of State's website, (www.sos.alabama.gov), in accordance with the Alabama Open Meetings Act. Mr. Warren called the official member roll, and a quorum of the members was in attendance. Mr. Warren read the Opening Statement regarding Robert's Rules of Order, and Chairperson Tidwell welcomed attendees.

APPROVAL OF MEETING AGENDA

Chairperson Tidwell presented the Board meeting agenda for the Board's approval. A copy of the agenda was provided to the Board members prior to the meeting for their review.

MOTION: Dr. Atchison made a motion to approve the July 21, 2023 meeting agenda as presented. The motion was seconded by Dr. Bowie and unanimously approved by the Board.

APPROVAL OF MEETING MINUTES

Chairperson Tidwell presented the minutes from the May 19, 2023, regular meeting.

MOTION: Ms. Bowie made a motion to approve the May meeting minutes as presented. The motion was seconded by Ms. Robinson and unanimously approved by the Board.

EXECUTIVE DIRECTOR REPORT

Mr. Warren presented the Executive Director report to include financial activities of the Board for the period ending June 30, 2023. He reported that revenue was expected to increase, and renewal of licenses was underway. He reported that as of FY 2024, personnel and benefit expenses would be removed from the current line item, with personnel cost falling with the management contract. Mr. Warren also reported on licensing activities during the current fiscal year and reported on the number of licensees (report available in Official Book of Minutes). Mr. Warren reported on complaints received in FY 2023, along with a recap of complaints processed since the beginning of the management contract with Smith Warren Management Services. He reported that the Wellness Program statistics would also be added in the future to the report, along with any modifications to the report following the Board meeting with the Sunset Committee.

MOTION: Dr. Atchison moved that the financial report be accepted. The motion was seconded by Ms. Bowie and unanimously approved by the Board.

Mr. Warren reported that Dr. Charlotte Daughhette's contract as Academic Review was scheduled to expire September 30, 2023. He reported that he recommended continuation of the contract and Dr. Daughhette was amenable to the continuation of the same terms.

MOTION: Dr. Atchison made the motion to approve the Academic Reviewer contract with the same terms for an additional two (2) years. The motion was seconded by Ms. Robinson and unanimously approved by the Board.

The Board discussed meeting with the Sunset Committee on July 20, 2023, and the harsh comments by some of the Committee members.

Mr. Warren reported that he was coordinating with the Alabama Counseling Association regarding board member nominations to comply with the congressional district requirements. Ms. Driver, with the Association, commented on the Association's efforts to identify qualified candidates and negative feedback regarding time-constraints, travel to meetings and time missed from work, and in some cases receiving no response from candidates. The Board discussed whether to contact Legislators for recommendations regarding candidates, since other efforts had failed in identifying qualified candidates.

LEGAL COUNSEL REPORT

Ms. Coody reported that the Investigative Committee (IC) had met to review complaint cases. Mr. James reported on 21 cases and a list of the cases was provided to the Board.

MOTION: Dr. Hollingsworth made the motion to approve the IC's recommendation to close BEC cases 2023-027, 2023-031, BEC-038, 2023-039 and 2023-040 due to no jurisdiction. The motion was seconded by Dr. Webb and unanimously approved by the Board, with Ms. Tidwell abstaining as a member of the committee.

MOTION: Dr. Hollingsworth made the motion to approve the IC's recommendation to issue a letter of concern to BEC cases 2023-014, 2023-015.01, 2023-015.02, 2023-021.01, 2023-024BR, 2023-026BR, 2023-028 and 2023-032BR. The motion was seconded by Dr. Webb and unanimously approved by the Board, with Ms. Tidwell abstaining as a member of the committee.

MOTION: Dr. Hollingsworth made the motion to approve the IC's recommendation to close BEC cases 2023-021.02, 2023-022, 2023-023, 2023-033BR, 2023-035, and 2023-036 as unfounded. The motion was seconded by Dr. Webb and unanimously approved by the Board, with Ms. Tidwell abstained as a member of the committee.

MOTION: Dr. Hollingsworth made the motion to approve the IC's recommendation in the BEC case of 2023-025BR as founded with violations. The motion was seconded by Dr. Webb and unanimously approved by the Board, with Ms. Tidwell abstaining as a member of the committee.

MOTION: Dr. Hollingsworth made the motion to approve the IC's recommendation to offer a consent agreement in case 2023-037 to attend the Wellness Program when established. The motion was seconded by Dr. Webb and unanimously approved by the Board, with Ms. Tidwell abstaining as a member of the committee.

Ms. Coody reported on an on-going criminal case involving a LPC-supervisor related to a death. She reported that she had issued an emergency suspension of license to the LPC and recommended an Administrative Hearing.

Ms. Coody reported that LPC's shall be notified that they cannot practice without an LPC-supervisor of record and without on-going supervision. The Board also discussed notification to licensees about the Board's rule requiring that arrests be reported to the Board.

The Board discussed an inquiry about whether a counselor could pay an intern while in an academic practicum. Although not in the Board's jurisdiction, the Board did comment that the academic institution may prohibit students receiving compensation for practicum-related work.

Ms. Coody reported on a case where an ALC had submitted an LPC license and while pending approval, she had represented herself as an LPC without being licensed and had no supervision between licenses. She had also billed a client an excessive amount for a copy of the client's record. Ms. Coody reported that the LPC license has been issued. The Board discussed disciplining the respondent in this case, as well as disciplining the previous supervisor for not following up with the respondent between the time that the ALC was seeking a LPC license.

The Board discussed a request for the Board's consideration to allow temporary coverage for the gap of time between a student's supervision and acquiring their LPC license, citing concerns about continuity of patient care during the time, along with non-abandonment of clients. Ms. Coody indicated that she would consider the matter further and make a recommendation to the Board regarding any rule changes.

The Board discussed preparing a letter to the Department of Education about DOE's requirement that teachers performing school counseling roles take the NCE exam. These DOE candidates must apply to the Board for authorization to take the exam, and some candidates do not meet the Board's academic requirements, although the candidates do not intend on becoming LPCs.

Counseling Compact Licensing Report: Dr. Latofia Parker reported on the progress being made by the Counseling Compact, indicating that 28 states had joined the Compact and some staff positions had been filled.

Supervision Committee Report: Dr. Atchison reported that the Committee had met and she reported on discussions that included recommending a board-sponsored fall seminar for licensees on Board rules that would provide CE credits, jurisdiction to provide grant funding, changes to the board's rules regarding supervision, leniency when self-reporting violations, creating a do's and don't list for new LPCs, ethics seminars and results of the survey conducted by the committee. A copy of the survey and results would be provided to the Executive Director.

Academic Rules Review Committee Report: Committee Chairman Hollingsworth reported that this matter would be discussed later in the meeting as a separate agenda item.

NEW BUSINESS

Proposed Wellness Program Consultation Agreement: Mr. Warren presented a copy of the proposed Licensed Counselor Wellness Program Consultation Agreement between the Board and Medical Association of the State of Alabama, for the Board's approval (copy on file in official Book of Minutes).

MOTION: Dr. Atchison made the motion to accept the proposed Contract, with the revision to the date of enactment, and empower the Board's Chair to sign the contract. The motion was seconded by Ms. Robinson and unanimously approved by the Board.

Mrs. Coody reported that the board-approved Wellness Contract would be considered at the Contract Review Committee meeting scheduled for September 7, 2023, at the Alabama State House in Montgomery. She reported that she would be out of town and unable to attend the meeting. The Board members discussed attending the meeting to support approval of the contract.

Discussion of Reporting Arrests – Application Questions: Mrs. Coody reviewed Board Rule 255-X-2-.09 and proposed adding a question to the licensure applications. Following recommendations by the Board, Mrs. Coody indicated that she would present a draft at the next Board meeting. The Board also discussed streamlining the application to a one-page application.

Licensure Deadline for Board Meetings: Mr. Warren reported that the deadline for receiving applications and licensure requests would be two weeks before the Board meeting.

Proposed Change to Rule 255-X-6-.01: Mr. Warren presented proposed change to Rule 255-X-6-.01 regarding changes in a licensee’s legal name. The Board agreed to a 30-business day notification to the Board by the licensee.

MOTION: Mr. Hollingsworth made the motion to approve the rule change as presented to include the 30-day revision. The motion was seconded by Ms. Robinson and unanimously approved by the Board.

Proposed Changes to Rule 255-X-1-.05: Mr. Warren presented the proposed changes to Rule 255-X-1-.05 Election of Board Officials and Appointment of Board Employees regarding electing a Counseling Compact Administrator to serve as the Board’s delegate to the Interstate Counseling Compact.

MOTION: Dr. Hollingsworth made the motion to approve the rule change as presented. The motion was seconded by Ms. Robinson and unanimously approved by the Board.

The Board discussed the expenses that were covered by the Interstate Compact and no compensation by the Board for the delegate.

MOTION: Dr. Atchison made the motion that Dr. Latofia Parker continue to serve as the Board’s delegate to the Interstate Compact. The motion was seconded by Ms. Robinson and unanimously approved by the Board.

Use of LPC/ALC on Letterhead: Ms. Coody reported that a non-licensee had presented himself as an LPC and included the designation on their letterhead. The Board discussed modifying the Board’s rule to address this matter and Chairperson Tidwell deferred further discussion of the matter to allow time for Ms. Coody to review the matter and make a recommendation to the Board.

Chairperson Tidwell called a recess of the Board meeting at 11:12 a.m. for 20 minutes.
Chairperson Tidwell reconvened the Board meeting at 11:31 a.m.

Proposed Changes to Rule 255-X-3-.01: Dr. Hollingsworth presented changes to Rule 255-X-3-.01 regarding educational requirements for licensure as an LPC. A copy of the proposed rule change was provided to the members. Following a discussion about allowing applicants to continue to acquire hours after a master’s degree had been conferred, the Board agreed to remove the word “single” conferred degree. MOTION: Dr. Hollingsworth made the motion to remove the word “single” as a conferred/awarded master’s degree in Rule 255-X-3-.01(2)(a) and consistently throughout the proposed rule. The motion was seconded by Dr. Atchison and unanimously approved by the Board.

Mr. Warren commented on the Governor’s Executive Order regarding Red Tape as it relates to barriers in licensure.

NEW BUSINESS

Review of Applications and License Requests: Mr. Warren presented applications for the following designations for the Board’s approval (report available in the Official Book of Minutes):

Initial ALC: Dr. Webb made the motion to approve the ALC requests for initial issuance of license. The motion was seconded by Ms. Bowie and unanimously approved by the Board.

ALC to LPC: Ms. Bowie made the motion to approve the ALC requests to become an LPC. The motion was seconded by Dr. Webb and unanimously approved by the Board.

LPC-Supervisor: Dr. Hollingsworth made the motion to approve the eleven (11) LPC-Supervisor requests for licensure. The motion was seconded by Ms. Robinson and unanimously approved by the Board.

LPC by Endorsement: Ms. Robinson made the motion to approve the nine (9) LPC applications by endorsement requests. The motion was seconded by Dr. Hollingsworth and unanimously approved by the Board.

Inactive Status: Requests from eleven (11) licensees for license to be placed on inactive status was reviewed. Dr. Hollingsworth made the motion to approve the requests for inactive status. The motion was seconded by Dr. Webb and unanimously approved by the Board.

Reactivation Requests: Three (3) requests received to reactive a license. Dr. Atchison made the motion to reactive the licenses as requested. The motion was seconded by Ms. Robinson and unanimously approved by the Board.

NEC Accommodation: Ms. Edgar presented requests from two (2) applicants requesting NEC accommodation. Ms. Robinson made the motion to approve the NEC accommodation requests. The motion was seconded by Ms. Bowie and unanimously approved by the Board.

Other Licensure Reviews:

Request from KES regarding KY hours toward LPC Licensure: Ms. Edgar presented the request to consider KY supervision hours for LPC licensure. Dr. Hollingsworth made the motion to approve KES request as presented. The motion was seconded by Dr. Webb and unanimously approved by the Board.

Request from MEC for CE Extension – Ms. Edgar presented the request for CE extension. She reported that the licensee currently had 18 CE hours and license would expire July 31, 2023. Dr. Hollingsworth made the motion to approve the renewal with an automatic audit of the CE hours. The motion was seconded by Ms. Robinson and unanimously approved by the Board.

Request from TBD for acceptance of supervision log: Ms. Edgar presented the circumstances regarding the supervisor's log concerning TBD. The licensee was now under new supervision. Ms. Robinson made the motion to approve TBD request to approve the supervisor's log of hours as presented. The motion was seconded by Dr. Atchison and unanimously approved by the Board.

Request from SFT as Military Exemption: Ms. Edgar presented a request under military exemption. Dr. Webb made the motion to accept the post-master's hours under the military exemption. The motion was seconded by Ms. Bowie and unanimously approved by the Board.

Request from KV regarding supervision: Ms. Edgar presented the request regarding difficulty in conducting live supervision while on active-duty deployment and requested asynchronous supervision instead. Dr. Hollingsworth made the motion to approve KV's supervision request. The motion was seconded by Dr. Atchison and unanimously approved by the Board.

Request from EFG to reconsider denial of academics and conferred degree: Ms. Edgar presented a review of the coursework and degree in Counseling in Psychology. Dr. Daughhettee commented on the mix of coursework being CACREP equivalent courses. Dr. Hollingsworth made the motion to approve EFG for licensure based on academic content equivalency. The motion was seconded by Ms. Robinson and unanimously approved by the Board.

The Board discussed changing the Board's rule regarding Counseling conferred degrees and academic equivalency. It was the consensus of the Board that no further changes to the rule were needed, and the case-by-case reviews would be tracked.

Ms. Coody reminded the Board that they previously approved 25 in-person direct supervision hours and 75 supervision hours in other settings of which could be virtual. Dr. Atchison made the motion to make this rule consistent throughout the Board rules. The motion was seconded by Ms. Bowie and unanimously approved by the Board.

Discussion of Legal Counsel Report, continued:

The Board continued discussion of the ALC licensee who charged an excessive fee to the client for copying the client's record and practicing without a license and not being supervised while transitioning from ALC to LPC. The Board discussed issuing a letter of concern to the supervisor and requiring additional continuing education (CE) hours regarding supervisor responsibilities. It was recommended that six additional CE hours be completed on supervision and completed within 6 months along with proof of completion be provided to the Board.

The Board also agreed that a consent agreement would be offered to the respondent to include violations of no supervision after March 13th before being approved for LPC license, respondent to notify any insurance carrier and patients if billing of services was involved and respondent not allowed to accept any funds during the unlicensed period, along with respondent notifying patients that she was not licensed during a period of time and require the respondent to take additional continuing education (CE) hours in Ethics and the CE hours be accomplished within six (6) months and the Board provide proof of completion.

Request for Proposals:

Mrs. Coody reported that the specifications for administrative services contract had been released and proposals requested.

Mr. Warren and other staff left the meeting at 12:54 p.m.

Ms. Coody reported that one proposal had been received and she presented the proposal for administrative services from Smith Warren Management Services. Following a review of the proposal, the Board met with Mr. Warren to discuss services and proposal amount. Mr. Warren adjusted his proposal to a lower rate of \$35,000 per month.

MOTION: Ms. Bowie made the motion to accept the proposal for administrative services from Smith Warren Management Services at an amended rate. The motion was seconded by Dr. Atchison and unanimously approved by the Board.

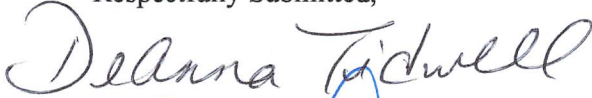
Next Board Meeting: Chairperson Tidwell reminded the members that the next regularly scheduled meeting of the Board was September 15, 2023, at 9:00 a.m.

Contract Review Meeting: Chairperson Tidwell reminded the members that the Contract Review Committee was scheduled to meet on September 7, 2023 and they were encouraged to attend.

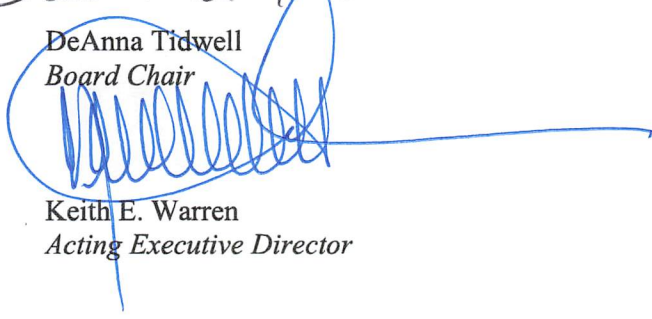
ADJOURNMENT

There being no further business, Ms. Bowie made a motion that the meeting be adjourned. The motion was seconded by Ms. Robinson and unanimously approved by the Board. Chairperson Tidwell adjourned the meeting at 1:39 p.m.

Respectfully Submitted,



DeAnna Tidwell
Board Chair



Keith E. Warren
Acting Executive Director

Approved on: September 15, 2023 (KE) /rr
Date Initials