

ALABAMA BOARD OF EXAMINERS IN COUNSELING

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MINUTES

Board Meeting
January 21, 2022

The Alabama Board of Examiners in Counseling (ABEC) held its regular meeting on Friday, January 21, 2022, to conduct business. The meeting was held at the Board's office located at 2777 Zelda Road in Montgomery, Alabama. Members in attendance were Dr. Latofia Parker (Board Chair attending virtually), Dr. Jennifer Brown (Board Vice Chair), Ms. Anna Barksdale (member), Dr. Debra Atchison (member), Dr. Sheila Webb (member attending virtually), Dr. Jessica Tyler (new member), Ms. DeAnne Tidwell (new member). Also in attendance were Dr. Keith Cates (Executive Director), Mrs. Hendon Coody (Legal Counsel), Mr. Keith Warren (Deputy Director), Mrs. Cindy Edgar (Assistant Director), Dr. Charlotte Daughhetee (Academic Reviewer), Ms. Latoya Vickers (administrative assistant) and Ms. Renee' Reames (recording secretary).

CALL TO ORDER: Dr. Parker, 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 official roll and a quorum of the members was in attendance. Mr. Warren read the Opening Statement regarding Roberts Rules of Order. Chairperson Parker welcomed attendees.

OATH OF OFFICE: Mr. Warren administered the oath of office to the new Board members, Dr. Jessica Tyler and Ms. DeAnne Tidwell, and they were welcomed by the other members.

BOARD ORIENTATION: Ms. Coody distributed to the members a copy of Governance Training prepared for the members. Ms. Coody reviewed the role of the members as set forth in their statute and Mission Statement. The following topics: fiduciary responsibility, board leadership and administrative management, board quorum authority, non-authority gatherings, penalties, statute authority and duties, appointed committees, Executive Sessions, Open Meetings Act and violations of Act, conflict of interest, public participation, and complaints, were a few of the subjects covered in the training. Mr. Warren reported that the Department of Examiners of Public Accounts offered Board training and he would advise them when the next required training was scheduled.

Dr. Brown reviewed with the members key parliamentary procedures under Robert's Rules of Order and a handout was provided, which would be available for reference at future Board meetings.

APPROVAL OF MEETING AGENDA: Chairperson Parker presented for the Board's approval the Board meeting agenda. A copy of the agenda was provided to the Board members prior to the meeting for their review. Ms. Barksdale made a motion to approve the agenda as presented. The motion was seconded by Chairperson Parker and unanimously approved by the Board.

APPROVAL OF MEETING MINUTES: Chairperson Parker presented the minutes from the November 10, 2021, regular meeting. Dr. Brown made a motion to approve the November meeting minutes as presented. The motion was seconded by Ms. Barksdale and unanimously approved by the Board.

UPDATE FROM iGOV ON LICENSEE DATABASE: Mr. Warren introduced Mr. Prasad Valay with iGOV. He reported on the migration of licensee data from the current databases and the plans for the information to be tested in March for licensees to use online applications.

EXECUTIVE DIRECTOR'S REPORT: Dr. Cates reported that a licensee wellness program was being developed with the Physician Health Program of the Alabama Medical Association and a contract for services would be prepared.

MANAGEMENT REPORT: Mr. Warren reported on the financial activities of the Board for the period ending December 31, 2021. He reported on licensure activities in FY 2022, along with the number of complaints received in FY 2019 through FY 2022 (report available in Official Book of Minutes). He gave an overview of the complaint process and the role of the Investigative Committee. He indicated that Dr. Parker would serve as the Board member on the Investigative Committee.

LEGAL COUNSEL REPORT: Ms. Coody reported that the Investigative Committee had met the day before the Board meeting to review complaints. Following a presentation by Mrs. Coody concerning complaint cases, the Board approved the following action:

Dr. Brown made a motion to approve the recommendation of the Investigative Committee in the matter of Board Cases 2020-04 and 2020-006, with the same respondent, due to no jurisdiction. The motion was seconded by Dr. Atchison and unanimously approved by the Board.

Dr. Brown made a motion to close Board Case 2020-008 due to no jurisdiction as recommendation from Ms. Coody. The motion was seconded by Dr. Webb and unanimously approved by the Board.

Dr. Atchison made a motion to refer the Respondent in Case 2020-008 to the Board's wellness program as recommended by the Investigative Committee. The motion was seconded by Ms. Barksdale and unanimously approved by the Board.

Dr. Brown made a motion to approve the recommendation from Ms. Coody in the matter of Board Case 2022-003 that the case be closed with no probable cause found in the case. The motion was seconded by Ms. Tidwell and unanimously approved by the Board.

Dr. Brown made a motion to approve the recommendation from Ms. Coody in the matter of Board Cases 2022-013 and 2022-015, with the same Respondent, to close the cases due to no probable cause found in the cases. The motion was seconded by Dr. Atchison and unanimously approved by the Board.

Ms. Coody reported that the Investigative Committee recommended in the matter of Board Case 2022-005, that the Respondent be assessed a \$1,000 fine per year for non-licensure totaling \$5,000, having been a contract employee of ADHR and to request an AG's Opinion in this matter of licensure. Dr. Brown made the motion to approve the Investigative Committee's recommendation to authorize Ms. Coody to pursue an AG's Opinion before the Board took action on the case. The motion was seconded by Ms. Tidwell and unanimously approved by the Board.

Dr. Brown made a motion to close Board Case 2022-007 due to no jurisdiction as recommendation from Ms. Coody. The motion was seconded by Dr. Atchison and unanimously approved by the Board. The Board continued to discuss the circumstances of the Respondent's supervision and agreed to open a new complaint.

Ms. Coody reported that two Respondents were involved in Board Case 2022-010 for advertising violations. Dr. Brown made the motion to assess a \$500 fine to each Respondent in Board Case 2022-010 and a cease and desist letter be issued for illegal advertising. The motion was seconded by Dr. Atchison and unanimously approved by the Board.

Ms. Coody reported on Case 2022-011 concerning autism diagnosis; however, no violation to the Board's current rules. Dr. Brown made a motion to close Board Case 2022-011 due to no evidence of violations as recommended by Ms. Coody. The motion was seconded by Dr. Atchison and unanimously approved by the Board. The Board continued to discuss the circumstances of the Respondent and agreed that further consideration may be given to the Board's rules.

Chairperson Parker called a recess of the Board at 10:10 a.m. for 10 minutes.
Chairperson Parker reconvened the Board meeting at 10:20 a.m.

OLD BUSINESS: Approval of Final Rules was presented by Mr. Warren. He reminded the members of the 35-day publication period and January 4, 2022 deadline for public comments. Mr. Warren reported that public comments had been received and a copy of the comments were provided to the Board.

Dr. Cates reviewed recommendations for changes in the Final Rules:

- Remove CE waiver for Board members.
- ALC must maintain supervision.
- License lapse for 6 years, license becomes expired status.
- Change LPS-Supervisor allow CE hours be reduced to 5 hours from 10 hours.
- Audits of a LPC will affect LPC-Supervisor.
- Change ALC supervision time to receive supervision in-person to 2 hours per week per year and receive other supervision (not in-person) to 1 hour per week per year.
- Clear up terminology when referencing inactive and expired status.

The Board took the following action on the proposed published Rules:

Dr. Atchison made the motion to approve as Final Rule 255-X-1-.08 with no changes as published. The motion was seconded by Dr. Webb and unanimously approved by the Board.

Dr. Brown made the motion to approve as Final Rule 255-X-2 with revisions. The motion was seconded by Ms. Barksdale and unanimously approved by the Board.

Ms. Barksdale made the motion to approve as Final Rule 255-X-3 with revisions. The motion was seconded by Ms. Tidwell and unanimously approved by the Board.

Dr. Brown made the motion to approve as Final Rule 255-X-4 with revisions. The motion was seconded by Dr. Atchison and unanimously approved by the Board.

Dr. Webb made the motion to approve as Final Rule 255-X-5 with no changes as published. The motion was seconded by Ms. Barksdale and unanimously approved by the Board.

Dr. Brown made the motion to approve as Final Rule 255-X-6 with revisions. The motion was seconded by Ms. Barksdale and unanimously approved by the Board.

Dr. Brown made the motion to approve as Final Rule 255-X-7 with revisions. The motion was seconded by Ms. Barksdale and unanimously approved by the Board.

Dr. Brown made the motion to approve as Final Rule 255-X-10 with revisions. The motion was seconded by Ms. Barksdale and unanimously approved by the Board.

Mr. Warren explained that Final Rules would be published in February for public notice and the effective date would be 45 days later. Dr. Cates recommended that the changes in the Final Rules not become effective until the July 2022 renewal of licenses and the Board concurred.

NEW BUSINESS: CE Provider information was presented by Dr. Cates and he recommended that list of acceptable continuing education for licensure renewal be modified by removing various organizations and institutions. He recommended that the National Association of Alcohol and Drug Addiction Counselors, the American School Counselor Association and the State of Alabama Department of Mental Health remain on the list. Dr. Brown made the motion to make the changes as recommended by Dr. Cates. The motion was seconded by Ms. Barksdale. The motion was approved by the majority of voting members, with Dr. Atchison abstaining from vote. Dr. Brown made the motion that the changes in CE Providers become effective August 1, 2022. The motion was seconded by Ms. Barksdale and unanimously approved by the Board.

Supervision Committee: Dr. Cates requested that a supervision subcommittee be established to explore better oversight and tracking of the supervisory process in licensure. Chairperson Parker indicated that she would follow-up with Dr. Cates in appointing a member(s) to the committee.

COVID Discussion: Dr. Cates reported that the Board has had requests to waive the CE interactive requirements and requests for all virtual supervision. He asked the Board to consider an emergency rule to modify the supervision rule due to the COVID pandemic, and discuss whether to adopt a Final Rule with the same modifications to the CE rule. Following discussion by the Board, no further action was taken on the matter.

Proposed 2022 Board Meeting Calendar: A proposed list of meeting dates was presented to the Board by Mr. Warren. Ms. Barksdale made the motion to approve the following 2022 dates for the Board to conduct meetings: March 11, May 13, July 22, September 23 and November 4, 2022. The motion was seconded by Ms. Tidwell and unanimously approved by the Board.

Licensure Requests: The following requests concerning licensure were presented by Dr. Cates. It was agreed that the initials of the individuals would be used during the discussions.

The Board considered a request from a LPC-S applicant-LG, who had 5 years of clinical practice as a LPC out-of-state. The Board discussed the implications of the rule specific to an Alabama practice and it was stated that all Board rules imply Alabama. Dr. Brown made the motion to deny the request and no exception to the rule. The motion was seconded by Ms. Barksdale. The motion was approved by the majority of the Board, with Dr. Webb opposing the motion.

Dr. Brown made a motion to allow the ALC-HC to continue to do all virtual supervision due to health reasons. The motion was seconded by Ms. Barksdale and the motion failed to pass with the Board voting unanimously in opposition of the motion.

Dr. Brown made a motion to waive the NCE (exam) requirements for applicant-CMJ due to health reasons. The motion was seconded by Ms. Barksdale and the motion failed to pass with the Board voting unanimously in opposition of the motion.

Ms. Barksdale made the motion to approve the request to waive the 48-hour requirement from ALC applicant-EDB. The motion was seconded by Ms. Tidwell and the motion failed to pass with the majority of the Board voting in opposition to the motion and Dr. Webb voting in favor of the motion.

Dr. Atchison made the motion to accept the added program hours as requested by ALC applicant-AM. The motion was seconded by Dr. Brown and the motion failed to pass with the Board voting unanimously in opposition of the motion.

Dr. Atchison made the motion to approve the ADA accommodation for ALC-AMK by waiving face-to-face supervision for ALC-AMK. The motion was seconded by Ms. Tidwell and the motion failed to pass with the majority of the Board voting in opposition of the motion and Dr. Webb abstaining from vote. The Board discussed the supervisor traveling to the supervisee or making the accommodations to assist the supervisee.

Dr. Atchison made the motion to approve the NEC accommodation for MHC. The motion was seconded by Ms. Barksdale and unanimously approved by the Board.

Ms. Barksdale made the motion to approve the request for NEC accommodation requested by the LPC on behalf of the individual-MM. The motion was seconded by Dr. Atchison and the motion failed to pass with the majority of the Board voting in opposition of the motion, with Dr. Atchison and Dr. Webb abstaining from vote.

Dr. Brown made the motion to approve the request for full virtual supervision while the ALC-RG was deployed, due to military exception. The motion was seconded by Ms. Barksdale and the motion was approved by the majority of the Board, with Dr. Atchison opposing the motion. Mr. Warren explained that the Board could include in the approval letter any concerns that the Board may have regarding client privacy and issuing a copy of the letter to the supervisor.

The Board considered a reinstatement request of LPC license and supervisor license for VW who surrendered his license following an arrest and, later, conviction. The Board reviewed the statute on this matter allowing reapplication after 3 years. Dr. Tyler made the motion to approve the request to apply to the Board. The motion was seconded by Dr. Brown and the motion failed to pass with the Board voting unanimously in opposition of the motion.

Ms. Barksdale made a motion that a Board policy be established requiring applicants whose license had been revoked must appear before the Board before consideration of licensure. The motion was seconded by Dr. Atchison and was unanimously approved by the Board. Chairperson Parker requested that a letter be sent to the applicant-VW inviting him to appear before the Board.

Dr. Atchison made the motion to accept TLM-ALC application for licensure and to practice without restrictions having met the disciplinary conditions of the Consent Agreement. The motion was seconded by Dr. Webb and unanimously approved by the Board.

Dr. Atchison made the motion to accept the request from POF to place their ALC license on inactive status. The motion was seconded by Dr. Brown and unanimously approved by the Board.

APPLICATION REVIEW: Dr. Cates presented applications for the Board's approval:

Initial ALCs: Ms. Barksdale made the motion to approve the initial ALC applications as recommended by Dr. Cates. The motion was seconded by Dr. Webb and unanimously approved by the Board.

ALC to LPC: Dr. Webb made the motion to approve the ALC to LPC requests as recommended by Dr. Cates. The motion was seconded by Ms. Barksdale and unanimously approved by the Board.

LPC Endorsement: Ms. Tidwell made the motion to approve the LPC Endorsement applications as recommended by Dr. Cates. The motion was seconded by Ms. Barksdale and unanimously approved by the Board.

Inactive Status Request: Dr. Atchison made the motion to approve the request for Inactive Status of their license as recommended by Dr. Cates. The motion was seconded by Dr. Tyler and unanimously approved by the Board.

Reactivation: Dr. Tyler made the motion to approve the reactivation request of license as recommended by Dr. Cates. The motion was seconded by Ms. Tidwell and unanimously approved by the Board.

LPC Supervisor: Dr. Atchison made the motion the approve the LPC Supervisor requests as recommended by Dr. Cates. The motion was seconded by Dr. Webb and unanimously approved by the Board.

Chairperson Parker called a recess of the Board at 12:22 p.m. for 5 minutes.
Chairperson Parker reconvened the Board meeting at 12:30 p.m.

Dr. Cates presented information concerning proposed legislation to support a compact for interstate licensing. He reported that currently the proposed legislation is on the agenda for the 2022 Legislative session. He reviewed various aspect of the proposed legislation to include an explanation of home-state licensing and other affects in licensure when a member of a compact. The Board discussed placing a copy of the proposed legislation on the Board's website. Chairperson Parker asked that the discussion be tabled to a future meeting.

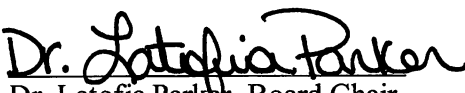
OTHER BUSINESS AND ANNOUNCEMENTS: Chairperson. Parker reminded the Board that the next regularly scheduled meeting was March 11, 2022 at 9:00 a.m.

There being no further business of the Board, Dr. Brown made a motion that the meeting be adjourned. The motion was seconded by Dr. Atchison and unanimously approved by the Board. Chairperson Parker adjourned the meeting at 1:01p.m.

Respectfully Submitted,



Renee' Reames, Recording Secretary



Dr. Latofia Parker, Board Chair

Approved on: 3-11-2022 /tr