

ALABAMA BOARD OF EXAMINERS IN COUNSELING

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MINUTES

Board Meeting
November 4, 2022

The Alabama Board of Examiners in Counseling (ABEC) held its regular meeting on Friday, November 4, 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), Dr. Jennifer Brown (Board Vice Chair arriving at 10:15 a.m.), Dr. Debra Atchison (member), Dr. Sheila Webb (member attending virtually at 9:09 a.m.), Dr. Jessica Tyler (member), Ms. DeAnna Tidwell (member) and Ms. Anna Barksdale (member). Also in attendance were Dr. Keith Cates (Executive Director), Ms. Hendon Coody (Board Legal Counsel), Mr. Keith Warren (Deputy Director), Mrs. Cindy Edgar (Assistant Director), Dr. Charlotte Daughhetee (Academic Reviewer), Ms. Karen Harlow (Legal Assistant), Ms. Sheila Dopson (Licensing Specialist) and Ms. Renee' Reames (Recording Secretary). Public guests were also present.

CALL TO ORDER

Dr. Parker, Board Chair, called the meeting to order at 9:01 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, and Chairperson Parker welcomed attendees.

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. Tidwell made a motion to approve the November 4, 2022 meeting agenda as presented. The motion was seconded by Dr. Atchison and unanimously approved by the Board.

APPROVAL OF MEETING MINUTES

Chairperson Parker presented the minutes from the September 23, 2022 regular meeting. Ms. Barksdale made a motion to approve the September meeting minutes as presented. The motion was seconded by Dr. Tyler and approved by the Board, with Dr. Atchison abstaining from vote.

OLD BUSINESS

Supervision Committee Report: Dr. Atchison reported that she had no new report at this time from the Supervision Committee.

Dr. Webb joined the meeting virtually at 9:09 a.m.

Proposed Statute Changes: Mrs. Coody presented a draft of proposed changes to the Board's statute, based on the comments she received from the Board members. Mrs. Coody reported that reference to private practice had been changed to professional practice. The Board made the following recommendations for additional changes to the draft statute changes:

34-8A-3(a)(1) – remove: licensed private employment agencies.

34-8A-4(f) changed to 34-8A-4(e) - modified to read: Physically absent from any three (3) consecutive meetings of the board within a calendar year, without cause, may be deemed cause for removal.

34-8A-5(b)(1) - modified to read: Conduct, or approve a third-party provider to conduct, examinations at least one each year to ascertain the qualifications and fitness of applicants for license to practice counseling.

34-8A-10 – add: any other nationally recognized exam approved by the Board.

34-8A-21 changed to 34-8A-19 - modified to read: Associate Licensed Counselor (ALC) rather than certified counselor associate.

The Board concluded discussions about proposed changes to the Board's statute and Mrs. Coody indicated that the proposed changes would be presented to the Legislative Services Agency (LSA) to prepare a draft of the proposed changes and presented for consideration at the January Board meeting.

LEGAL COUNSEL REPORT

Mrs. Coody presented the Administrative Law Judge Recommendation to revoke the license of the Respondent in the matter of Case 2022-018 and assess the Respondent the legal costs.

MOTION: Ms. Tidwell made the motion to accept the ALJ's recommendation to revoke the Respondent's license in Case 2022-018 and not assess the Respondent for the legal costs. The motion was seconded by Dr. Atchison and unanimously approved by the Board, with Dr. Webb abstaining from vote as not being present at the hearing.

Mr. James, Board Investigator, reported that the Investigative Committee had met to review complaints and he presented the following recommendations from the Investigative Committee for Board action:

- Case 2022-001 – Dr. Atchison made the motion to approve the recommendation of the Investigative Committee to continue the consent agreement regarding the treatment program. The motion was seconded by Ms. Barksdale and unanimously approved by the Board.
- Case 2022-047 and 2023-001 – Dr. Atchison made a motion to approve the recommendation of the Investigative Committee to administratively close the case. The motion was seconded by Ms. Barksdale and unanimously approved by the Board.
- Case 2022-052 - Dr. Atchison made the motion to approve the recommendation of the Investigative Committee to issue a cease and desist order to the Respondent in the case. The motion was seconded by Ms. Barksdale and unanimously approved by the Board.
- Case 2022-055 – Dr. Atchison made the motion to approve the recommendation of the Investigative Committee to issue a letter of concern to the Respondent in the case. The motion was seconded by Ms. Barksdale and unanimously approved by the Board.
- Case 2023-002 – Dr. Atchison made the motion to approve the recommendation of the Investigative Committee to close the case due to having no jurisdiction. The motion was seconded by Ms. Barksdale and unanimously approved by the Board.

MANAGEMENT REPORT

Mr. Warren presented financial activities of the Board for the period ending September 30, 2022, as well as during the first month of FY 2023. A line-item report of expenditures was also presented for this same periods. The Board discussed the current balance of Board funds and using the funds to benefit licensees, such as funding educational programs for licensees. Mr. Warren reported that he would present some recommendations for the Board's future consideration.

MOTION: Dr. Atchison made the motion to accept the financial report as presented by Mr. Warren. The motion was seconded by Dr. Tyler and unanimously approved by the Board.

Mr. Warren reported on the number of licensees and the number of complaints received, investigated and closed in FY 2022 and to-date in FY 2023. He also reported on other activities under review, which included meeting with a vendor to develop a better system in scanning and electronic filing of licensee files, continue improvements to the licensee database, consider a new document program to establish a library of files which would be for general document storage and for Board meetings, at an estimated cost of \$4,500 per year.

Chairperson Parker called a recess of the Board at 9:58 a.m. for 10 minutes.
Chairperson Parker reconvened the Board at 10:10 a.m.

Dr. Cates introduced Dr. Z.W. Higgins who had requested an appeal of the Board's decision to deny an ALC waiver of requirements request.

Dr. Brown arrived at 10:15 a.m.

Dr. Higgins reviewed her educational background. Following further reconsideration of Dr. Higgins appeal, Dr. Parker called for a motion.

MOTION: Ms. Tidwell made the motion to approve the request for an ALC waiver of academic requirements. The motion was seconded by Ms. Barksdale and following a vote of the Board, the motion was denied by the Board, with Dr. Tyler abstaining from voting.

EXECUTIVE DIRECTOR'S REPORT

Dr. Cates reported on the following licensure requests for Board approval.

Waiver of Requirements

D.J.S. Appeal Request for Waiver of Academic Requirements: Dr. Cates presented a summary of the applicant's appeal for reconsideration for an ALC license.

MOTION: Dr. Brown made the motion to approve D.J.S.'s request for ALC waiver of academic requirements. The motion was seconded by Dr. Tyler and following a vote of the Board, the motion was denied by the Board.

L.F.W. Waiver Request: Dr. Cates presented the letter from L.F.W. requesting LPC waiver of requirements.

MOTION: Dr. Brown made the motion to deny L.F.W.'s request for waiver of LPC requirements. The motion was seconded by Dr. Atchison and unanimously approved by the Board.

A. S. Waiver Request for Audit Extension: Dr. Cates presented the letters of communication regarding A.S.'s request for an extension of time to comply with the audit of CE hours.

MOTION: Dr. Brown made a motion to deny A.S.'s request. The motion was seconded by Dr. Tyler, and unanimously approved by the Board.

D.S Continuing Education Waiver Request: Dr. Cates presented the email communications regarding D.S's request for re-evaluation of CE requirements.

MOTION: Dr. Brown made the motion to deny D.S's request to change CE requirements. The motion was seconded by Ms. Barksdale and unanimously approved by the Board.

K.J Supervision Waiver Request: Dr. Cates presented the letter from K.J. requesting to continue supervision through a virtual platform only.

MOTION: Dr. Brown made a motion to deny the request for only virtual supervision. The motion was seconded by Ms. Barksdale and unanimously approved by the Board. Ms. Coody recommended that K.J. be notified of the Board's requirements for licensure.

UWA Waiver Request: Representatives of UWA appeared before the Board to request a waiver to the Board's rule 255-X-3-.01 extending the time to July 31, 2026. Dr. Cates presented the letter from UWA for the Board's further consideration.

MOTION: Ms. Tidwell made the motion to approve the waiver request for extension to July 31, 2026, for UWA's clinical mental health program and counseling program. The motion was seconded by Ms. Barksdale and, following a vote of the Board, the motion failed with 3 ayes and 5 nays.

Provisional to LPC

A.M.A. Request: Dr. Cates presented the LPC application from A.M.A.

MOTION: Dr. Brown made the motion to approve the A.M.A.'s application from Provisional to LPC. The motion was seconded by Ms. Tidwell and unanimously approved by the Board.

M.S.C. Request: Dr. Cates presented the LPC application from M.S.C.

MOTION: Dr. Webb made the motion to approve M.S.C.'s application from Provisional to LPC. The motion was seconded by Dr. Atchison and unanimously approved by the Board.

Provisional ALC

C.E.J. Request: Dr. Cates presented the ALC application from C.E.J.

MOTION: Dr. Webb made the motion to approve C.E.J.'s application for Provisional ALC. The motion was seconded by Dr. Brown and unanimously approved by the Board with Dr. Atchison and Ms. Barksdale abstaining from voting.

Inactive Status

M.S. Request: Dr. Cates presented the email from M.S. requesting inactive status of license.

MOTION: Dr. Atchison made the motion to approve M.S. request for inactive status of license. The motion was seconded by Ms. Barksdale and unanimously approved by the Board.

Approval of Applications –Dr. Cates presented applications for the Board's approval:

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

ALC to LPC - MOTION: Dr. Atchison 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 – MOTION: Ms. Barksdale made the motion to approve the LPC Endorsement applications as recommended by Dr. Cates. The motion was seconded by Dr. Brown and unanimously approved by the Board.

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

OTHER BUSINESS AND ANNOUNCEMENTS

Election of Board Officers – Chairperson Parker reported that election of Board officers was due.

BOARD CHAIR: Chairperson Parker nominated Ms. Tidwell as Board Chair. The nomination was seconded by Dr. Atchison and Ms. Tidwell was unanimously approved by the Board.

BOARD VICE CHAIR: Chairperson Parker nominated Dr. Atchison as Board Vice Chair. The nomination was seconded by Dr. Brown and Dr. Atchison was unanimously approved by the Board.

Proposed 2023 Board Meeting Calendar – Chairperson Parker presented a list of proposed Board meeting dates in 2023 for the Board’s approval. The Board discussed a possible conflict with the proposed November date and Chairperson Parker tabled the approval of the meeting calendar until the next Board meeting. It was the consensus of the Board to meet on January 13, 2023.

New Board Member Appointments: Dr. Cates reported that the following new Board members had been appointed by Governor Ivey for the terms ending December 31, 2022, held by Dr. Parker, Dr. Brown, Ms. Barksdale, as well as for Dr. Tyler’s term ending December 31, 2026:

Jessie Bowie
Sherrionda Crawford
Anjanette B. Robinson
William-Glenn Hollingsworth

Performance Evaluation Committee Report:

MOTION: Dr. Brown made the motion that the Board adjourn to Executive Session for approximately 40 minutes for the purpose of discussing the job performance of the staff member to be evaluated. The motion was seconded by Ms. Barksdale. Ms. Coody certified that the Executive Session could be called for this purpose. Following a roll call vote, the motion to enter Executive Session was unanimously approved by all members present.

Taking note of the clock, Chairperson Parker announced that the virtual meeting would end, and the Executive Session would begin at 11:00 a.m. and last approximately 40 minutes, i.e., 11:40 a.m. Chairperson Parker then called the meeting into Executive Session at 11:00 a.m.

Ms. Barksdale made the motion to adjourn the Executive Session and reconvene the regular session of the Board. The motion was seconded by Dr. Tyler and following a roll call vote, the motion was unanimously approved. Chairperson Parker reconvened the Board into regular session at 11:40 a.m.

Dr. Cates reported that he had resigned his position of Executive Director effective November 15, 2022, and it had been accepted by Dr. Parker. The Board thanked Dr. Cates for his service.

Dr. Cates reported that Ms. Cindy Edgar had been requested by the Alabama Counseling Association (ALCA) to present at the Association’s annual meeting in November. It was the consensus of the Board to approve the travel of Ms. Edgar to be a presenter at the ALCA annual meeting.

MOTION: Ms. Tidwell made the motion to approve Mr. Keith Warren as Acting Executive Director until such time as determined by the new Board. The motion was seconded by Dr. Atchison and unanimously approved by the Board.

Mr. Warren reported that Dr. Webb had left the meeting at 11:00 a.m. and did not rejoin the meeting.

Next Board Meeting: Chairperson Parker reminded the members that the next regularly scheduled meeting of the Board was January 13, 2023, at 9:00 a.m.


ADJOURNMENT

There being no further business of the Board, Dr. Brown made a motion that the meeting be adjourned. The motion was seconded by Ms. Tidwell and unanimously approved by the Board. Chairperson Parker adjourned the meeting at 11:44a.m.

Respectfully Submitted,

DeAnna Tidwell

DeAnna Tidwell
Board Chair


Keith E. Warren
Acting Executive Director

Approved on: January 13, 2023 / RE/rr
Date Initials