

# ALABAMA BOARD OF EXAMINERS IN COUNSELING

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## MINUTES

Board Meeting  
March 11, 2022

The Alabama Board of Examiners in Counseling (ABEC) held its regular meeting on Friday, March 11, 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), Dr. Debra Atchison (member), Dr. Sheila Webb (member attending virtually), Dr. Jessica Tyler (member), Ms. DeAnna Tidwell (member). Member absent was Ms. Anna Barksdale (member). Also in attendance were Dr. Keith Cates (Executive Director), Mrs. Hendon Coody (Legal Counsel attending virtually), Mr. Keith Warren (Deputy Director), Mrs. Cindy Edgar (Assistant Director), Dr. Charlotte Daughhettee (Academic Reviewer), Mr. Mike James (Investigator), Ms. Latoya Vickers (administrative assistant) and Ms. Renee' Reames (recording secretary).

### CALL TO ORDER

Dr. Parker, Board Chair, called the meeting to order at 9:00 a.m. The regularly scheduled meeting was advertised to the public on the Board's website, ([www.abec.alabama.gov](http://www.abec.alabama.gov)), as well as the Secretary of State's website, ([www.sos.alabama.gov](http://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.

### 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 agenda as presented. The motion was seconded by Dr. Webb and unanimously approved by the Board.

### APPROVAL OF MEETING MINUTES

Chairperson Parker presented the minutes from the January 21, 2022 regular meeting. Dr. Brown made a motion to approve the January meeting minutes with the correction on page 7 referencing Dr. Cates. The motion was seconded by Dr. Atchison and unanimously approved by the Board.

### EXECUTIVE DIRECTOR'S REPORT

Dr. Cates reported that he had no new business to report in addition to the items on to be presented on the agenda.

### MANAGEMENT REPORT

Mr. Warren reported on the financial activities of the Board for the period ending February 28, 2022. He reported on the number of new applications and licenses, along with updated activities on the number of complaints received in FY 2019 through FY 2022 (report available in Official Book of Minutes). He reported on the licensee wellness program being developed with the Physician Health Program of the Alabama Medical Association. A copy of the proposed contract was distributed to the Board. He indicated that the annual fee was not the full financial commitment.

Dr. Brown made a motion to accept the financial report as present. The motion was seconded by Dr. Tyler and unanimously approved by the Board.

#### LEGAL COUNSEL REPORT

Mrs. Coody reported that the Investigative Committee had met the day before the Board meeting to review complaints and that she had also been working on developing the wellness program contract.

Following a presentation by Mrs. Coody concerning complaint cases and additional comments by Investigator James, the Board approved the following action:

- Dr. Atchison made a motion to approve the recommendation of the Investigative Committee in the matter of Board Case 2022-016BR that the Respondent was no longer under LPC supervision and a cease and desist letter be issued for performing services without a license and their client records be subpoenaed. The motion was seconded by Dr. Webb and unanimously approved by the Board.
- Dr. Brown made a motion to approve the recommendation of the Investigative Committee in the matter of Board Case 2022-017 to allow the Respondent, with an expired license, to renew their license and be placed on a one-year probationary status. The motion was seconded by Dr. Atchison and unanimously approved by the Board.
- Ms. Tidwell made a motion to approve the recommendation of the Investigative Committee in the matter of Board Case 2022-018 that an Administrative Hearing be set. The motion was seconded by Dr. Tyler and unanimously approved by the Board.
- Dr. Atchison made a motion to approve the recommendation of the Investigative Committee in the matter of Board Case 2022-019 to close the case due to no probable cause. The motion was seconded by Dr. Webb and unanimously approved by the Board.
- Dr. Brown made a motion to approve the recommendation of the Investigative Committee in the matter of Board Case 2022-020 to close the case due to no probable cause. The motion was seconded by Dr. Tyler and unanimously approved by the Board.
- Ms. Tidwell made a motion to approve the recommendation of the Investigative Committee in the matter of Board Case 2022-022 to close the case due to no jurisdiction. The motion was seconded by Dr. Atchison and unanimously approved by the Board.
- Dr. Tyler made a motion to approve the recommendation of the Investigative Committee in the matter of Board Case 2022-023 to administratively close the case since the complaint had been withdrawn by the complainant. The motion was seconded by Dr. Brown and unanimously approved by the Board.
- Dr. Atchison made a motion to approve the recommendation of the Investigative Committee in the matter of Board Case 2022-024 to close the case due to no probable cause. The motion was seconded by Ms. Tidwell and unanimously approved by the Board.

- Dr. Tyler made a motion to approve the recommendation of the Investigative Committee in the matter of Board Case 2022-025 to close the case due to no jurisdiction. The motion was seconded by Dr. Atchison and unanimously approved by the Board.
- Ms. Tidwell made a motion to approve the recommendation of the Investigative Committee in the matter of Board Case 2022-027 to close the case due to no jurisdiction. The motion was seconded by Dr. Webb and unanimously approved by the Board.

Mrs. Coody reported that in the matter of Case 2022-018, a cease and desist letter would be issued to the Respondent notifying him to stop reported behavior until a hearing was held. Chairperson Parker stated that this action would be recorded in this case.

#### OLD BUSINESS

Chairperson Parker inquired about any old business to present and there were none.

#### NEW BUSINESS

Supervision Committee – Dr. Atchison reported that the committee members had met in March and assignments were made to committee members consisting of Dr. Tyler and herself and an ex-officio member, Michelle Pruett. She commented on soliciting ALCA comments and reviewing other state’s guidelines. A checklist specific to supervision was discussed as a means of building supervision experience.

Revision to Codes/Rules – Dr. Cates presented proposed Code changes (distributed proposed statute changes available in Official Book of Minutes). Approval of additions and deletions were discussed by the Board and the Board took the following action to proposed changes to the statute indicated in *italicized* language.

#### 34-8A-2. Definitions

- (5)a. – added language *infant mental health counseling* to render evaluation and therapy.
- (5)b. – add language *behavior* in Appraisal Activities.

#### 34-8A-3. Activities exempt from chapter; limitations of rights of counselors.

- (3) – remove reference to *30-day* non-resident.
- (5) added new– add language: *Notwithstanding the exemptions provided in this section, those persons who file an application with the board or who are licensed as licensed professional counselors or associate licensed counselors shall comply with the codes and regulations of the board and be subject to the disciplinary provisions of the chapter.*
- renumbered remaining items in this section – added.
- renumbered (6)(f) – removed language as a duplicate of item (6) above in this section.

#### 34-8A-4. Board of Examiners in Counseling – Creation; membership; Sunset provision.

- (f) – remove sentence: *After the effective date of the act amending this subsection, appointments shall be made so that not more than one board member from any congressional district may be appointed to serve at the same time.*

#### 34-8A-6. Inactive status; collection and disposition of fees, etc.; reactivation; renewal.

- (d) – add language: *counseling*

- (d) – remove reference to gender and replace with *their (in this section and future sections)*.
- (d) – remove reference to *2-year period* to renew license.
- (d) – add language that license *considered expired* after 6 years lapsed in not renewing license.
- (d) – add language that initial *ALC licensure, with forfeiture of all previously accrued supervision*.
- (e) – replace/remove *renewal anniversary of the initial license issuance*, with added language *renewal*.
- (e) – replace/remove *within a period of one year after lapse upon payment of fees in arrears or thereafter*.
- (e) – add that any associate licensed counselor *license that has lapsed beyond six years is considered expired and must reapply under the current regulations for initial ALC licensure, with forfeiture of all previously accrued supervision*.
- (f) – removed language.

34-8A-7. Qualifications for License Professional Counselor (LPC) and removed language *specialty designation*.

- (6) – removed language.
- renumbered remaining items in this section.
- (7) added new – added language: *The LPC applicant shall provide documentation of a background check, as defined by the Board and obtained at the expense of the applicant, at initial licensure application and subsequent licensure renewals.*
- (8) added new – added language: *All person performing work under a LPC license issued by the Board must abide by all federal, state, municipal, and local laws and ordinances.*

34-8A-8. Qualifications for Associate Licensed Counselor (ALC) – added acronym.

- – added number correcting subsections based on previously renumbered sections.
- (4) added new – added language: *The ALC applicant shall provide documentation of a background check, as defined by the Board and obtained at the expense of the applicant, at initial licensure application and subsequent licensure renewals.*
- (5) added new – added language: *All person performing work under a ALC license issued by the Board must abide by all federal, state, municipal, and local laws and ordinances.*

34-8A-10. Examination

- added language: *The Board may engage external parties or agencies to provide examination and testing providers and services.*

34-8A-14. Renewals, fees, continuing education; Removed *practice in a specialty*.

- (f) – removed language.

34-8A-16. Disciplinary action; discovery.

- (f) added new – added language: *The Executive Director of ABEC and/or the Chair of the Board, with the advice of legal counsel, have the authority to make emergency suspension decisions on behalf of the Board when it is deemed necessary to protect health, safety, and welfare.*



34-8A-23. Waiver of requirement for prior practitioners.

- removed language.

Added 34-8A-25. Alabama Licensed Counselors Wellness Program – new section added.

Dr. Brown made the motion to approve the proposed changes to the Board's statute to include the changes made at the meeting. The motion was seconded by Dr. Tyler and unanimously approved by the Board.

Proposed Revisions to Board Rules – Dr. Cates presented proposed Rule changes (distributed proposed rules available in Official Book of Minutes). Approval of additions and deletions were discussed by the Board and the Board took the following action in proposed changes to the rules indicated in *italicized* language.

- 255-X-2-.03 Associate Licensed Counselor.  
Add – language added: *An ALC license is only available for six (6) continuous years from the original issue date. Any ALC license will permanently expire after six (6) years from the initial date of issue, and the licensee will be required to reapply under the current regulations for initial ALC licensure, with forfeiture of all previously accrued supervision hours.*

Dr. Atchison made the motion to accept the proposed changes to Board Rule 255-X-2-.03 as presented. The motion was seconded by Ms. Tidwell and unanimously approved by the Board.

- 255-X-2-.09 Good Moral Character.  
Add New: *(1) Applicants and licensees are required to disclose to the Board any instance of censure, consent agreement, or disciplinary action; refused licensure or certification; voluntary surrender of licensure or certification; or license or certification suspension or revocation by any counseling or mental health related regulatory Board, or any counseling or mental health related professional organization within thirty (30) days of the action or disciplinary event.*  
Add New: *(2) Applicants and licensees are required to disclose to the Board any arrests or convictions resulting from the suspected violation of any Federal, State, Municipal, or Local laws and ordinances, including pleas of nolo contendere, within thirty (30) days of the arrest.*

Ms. Tidwell made the motion to accept the proposed changes to Board Rule 255-X-2-.09 to include the changes discussed at the meeting. The motion was seconded by Dr. Tyler and unanimously approved by the Board.

Chairperson Parker called a recess of the Board at 10:20 a.m. for 5 minutes.

Chairperson Parker reconvened the Board meeting at 10:25 a.m.

- 255-X-3-.01 Licensed Professional Counselor (LPC).  
(3)(b)2. – add language: *If a reduction of supervised experience hours is granted, the 1,000 hours of client hours subtracted from the required professional experience will be*

*applied as 750 hours will be applied to the direct counseling service requirement, and 250 hours will be applied to the indirect counseling service requirement.*

Dr. Brown made the motion to accept the proposed changes to Board Rule 255-X-3-.01 in supervisor's hours as presented. The motion was seconded by Ms. Tidwell and unanimously approved by the Board.

- 255-X-3-.02 Associate Licensed Counselor (ALC).  
*Add New: (6) ALCs Applying for LPC licensure. ALC's who have applied for LPC licensure will be required to provide, at the time of their LPC application, documentation of continuing education for their time as an ALC since their last renewal. (a) The standard Continuing Education (CE) hourly requirement for ALCs shall be prorated to account for the time since the ALC's last renewal. ALCs must submit documentation to show that they have accrued 0.83 continuing education contact hours for each month, or part thereof, of their ALC since their last renewal. This number will be rounded up to the nearest whole number. (b) The hours of continuing education required for LPC application must contain a minimum of two (2) CE clock hours of continuing education devoted to ethical concerns for practice, assessment, supervision, or research in counseling. In the event the applicant only needs one (1) or two (2) CE hours, then those hours must be in ethics.*

Ms. Tidwell made the motion to accept the proposed changes to Board Rule 255-X-3-.02 as presented. The motion was seconded by Dr. Tyler and unanimously approved by the Board.

- 255-X-3-.03 Supervising Counselor.  
*(e) – add language clarifying supervisees: No Supervising Counselor may exceed a total of five (5) ALC supervisees currently in supervision for ABEC licensure.*

Dr. Atchison made the motion to accept the proposed changes to Board Rule 255-X-3-.03 as presented. The motion was seconded by Dr. Tyler and unanimously approved by the Board.

- 255-X-10-.23 Provisional Licensure.  
*Add New: (7) Reduction of Supervised Experience Hours requests cannot be applied to Provisional ALC or LPCs to reduce the required remaining supervised experience hours for licensure.*

Dr. Brown made the motion to accept the proposed changes to Board Rule 255-X-10-.23 as presented. The motion was seconded by Dr. Tyler and unanimously approved by the Board.

Revisions to Policies – Dr. Cates presented proposed policy changes (distributed proposed policy changes available in Official Book of Minutes).

He reviewed new policies to be included in the Board Policy Manual, (1) for applicants moving from ALC to LPC licensure, (2) renewal of licensure by ABEC office, (3) provisional licensee use of

Reduction of Supervised Experience, (4) sharing of information regarding licensure applications, and (5) report of ethical/disciplinary action or arrests/convictions.

Dr. Brown made the motion to approve the proposed new policies as presented. The motion was seconded by Dr. Atchison and unanimously approved by the Board.

Dr. Cates presented the following proposed changes to current Board policies. Approval of additions and deletions were discussed by the Board and the Board took the following action to proposed changes to the Board's policies indicated in *italicized* language.

Requests Requiring Board Action:

- changed to *30 days* in advance of a board meeting in receiving *non-application* requests.

Procedure for Collecting Returned Checks:

- changed from 10 days to *15 working days* to cover insufficient funds, etc.
- added *After notice is served via certified mail, and the ten (10) days have passed without the ABEC's receipt of payment, the outstanding fees will be turned over to the proper authorities for criminal prosecution.*

Prorated Continuing Education for Initial Licensure Renewal (Licensure Renewals):

- changed as follows - For *Licensed Professional Counselor (LPC)* licensees securing an initial license of less than 24 months, continuing education requirements shall be prorated at a rate of *1.67 clock hours for every month, or part thereof*, for the initial LPC renewal. *This number will be rounded up to the nearest whole number.*
- *At least six (6) of these hours must be in ethics.*

Valid Applications for Licensure Renewals (Licensure Renewals):

- changed to include *showing proper* documentation of minimum number of CEs, etc.

Reactivation of an Inactive License Inclusive Dates or Licensure (Licensure Renewals)

- added *an Associate Licensed Counselor (ALC) or Licensed Professional Counselor (LPC).*

Proposed Plan of Supervision (PPoS) for Associate Licensed Counselor (Supervision):

- removed reference to *supervising associate*.
- added clarification of *ABEC licensure* and *LPC-S credentials*.

Supervision by or for a Licensee with Inactive or Lapsed License (Supervision):

- removed and restated as *No supervision provided by a Supervising Counselor who has allowed their LPC and/or LPC-S to lapse, or is inactive, shall be allowed to provide supervision for any ALC seeking the status of Licensed Professional Counselor.*

Proration of Supervised Experience

- modified to clarify submission of *Final Supervision Progress Reports* versus annual supervision progress reports, etc.

#### Reviewing Applications for Qualified Out-of-State (Endorsement and Provisional Licensure)

- Added *documentation used by the applicant for application of original licensure.*
- Add to an applicant for *ABEC licensure* who is licensed in another state *with a license that is equally comparable to the ABEC LPC*, for provisional license applicants.

#### Applications Using Licensure for Another State ((Endorsement and Provisional Licensure)

- added *The license that the LPC by Endorsement application is based upon must be equally comparable to the ABEC LPC, and a license that the applicant directly qualified for and not one acquired by endorsement or reciprocity in another state.*

#### Emergency Suspension of License (Disciplinary Issues)

Mrs. Coody indicated that these procedures should comply with the Administrative Procedures Act.

- removed reference to *public hearing is to be held within 30 days of the action* and *ADD* specific language that reflect the Alabama Administrative Procedures Act requirements.

Dr. Brown made the motion to accept the proposed changes to the Board's Policies as presented and to include the suggestions made during the meeting. The motion was seconded by Ms. Tidwell and unanimously approved by the Board.

ABEC Personnel Salary and Benefits - Dr. Cates requested a salary increase for the non-merit employees. Dr. Tyler made the motion to consider a wage increase for Dr. Cates and Ms. Edgar. The Board discussed that as exempt, non-merit employees, these employees have benefits with insurance. The Board discussed the cost-of-living adjustment provided by the Legislature to merit employees. Mr. Warren reported that geographical wage comparisons regarding these exempt, non-merit employees were not available; however, national medium wage information may be available. Dr. Atchison made a motion to approve a 3% cost of living increase for Dr. Cates and Ms. Edgar, based on the Legislature's approval this current year for the state merit employee. The motion was seconded by Dr. Webb and unanimously approved by the Board. Chairperson Parker reported that she would appoint a committee to evaluate components for a evaluation that is performance based for fairness and employee retention for non-merit employees.

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.

#### Waiver of Supervision Requirement Request (under Appeal):

The Board discussed the appeal of the Board's previous decision to deny the request. Following lengthy discussion by the Board of the circumstances for the request (ALC-AMK), Dr. Tyler made the motion to approve the waiver of supervision. The motion was seconded by Ms. Tidwell. The motion was approved by the majority of the members, with two (2) ayes, one (1) nay and two (2) abstaining from vote.

#### Military Spouse Exemption Request:

The Board considered the request from LPC-S regarding ALC-CG, a military spouse, for distance-supervision. Following a discussion of the Board's rules, Ms. Tidwell made the motion to approve the request. The motion was seconded by Dr. Tyler and the motion was approved by the majority of members, with one (1) abstaining from vote.



**Provisional Licensure Request:**

The Board reviewed the provisional request from MPM. Ms. Tidwell made the motion to approve the provisional ALC license. The motion was seconded by Dr. Tyler and the motion was approved by the majority of members, with one (1) abstaining from vote.

The Board reviewed the provisional request from LPC-S regarding ALC-JR, for an extension to complete direct contact hours. Dr. Brown made the motion to approve the request. The motion was seconded by Ms. Tidwell and unanimously approved by the Board.

The Board reviewed the provisional request from KD for a provisional ALC license. Dr. Brown made a motion to approve the provisional ALC license. The motion was seconded by Dr. Webb and unanimously approved by the Board.

The Board reviewed the provisional request from DG for a provisional ALC license. Dr. Brown made a motion to approve the provisional ALC license. The motion was seconded by Dr. Tyler and unanimously approved by the Board.

**Provisional LPC Licensure Request:**

The Board reviewed the provisional request from MMB for a provisional LPC license. Dr. Webb made a motion to approve the provisional LPC license. The motion was seconded by Dr. Atchison and unanimously approved by the Board.

The Board reviewed the provisional request from CF for a provisional LPC license. Dr. Tyler made a motion to approve the provisional LPC license. The motion was seconded by Dr. Atchison and unanimously approved by the Board.

The Board reviewed the provisional request from SP-W for a provisional LPC license. Dr. Tyler made a motion to approve the provisional LPC license. The motion was seconded by Ms. Tidwell and unanimously approved by the Board.

**Inactive Status Request**

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

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

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

Reactivation Status Request:

The Board reviewed the request from SBW to reactive their ALC license. Dr. Webb made a motion to approve the inactive status request. The motion was seconded by Ms. Tidwell and unanimously approved by the Board.

APPLICATION REVIEW

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

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

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

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

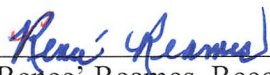
Dr. Cates reported that the AALCA was soliciting candidates for positions on the Board, with three positions' term expiring in 2022.

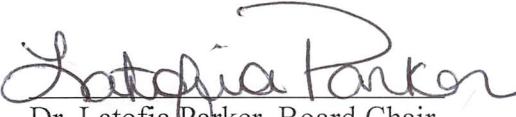
Dr. Cates reported that Alabama SB 99 had passed concerning the licensure Interstate Compact. He reported that that other States would need to join to comprise the minimum number required for the Interstate Compact. He reviewed various aspect of the proposed legislation to include an explanation of home-state 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 May 13, 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. Tyler and unanimously approved by the Board. Chairperson Parker adjourned the meeting at 11:58 a.m.

Respectfully Submitted,

  
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Renee Reames, Recording Secretary

  
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Dr. Latofia Parker, Board Chair

Approved on: 5-13-2022 /rr