

ALABAMA BOARD OF EXAMINERS IN COUNSELING

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MINUTES

Board Meeting

July 22, 2022 – Amended Minutes

The Alabama Board of Examiners in Counseling (ABEC) held its regular meeting on Friday, July 22, 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), Dr. Debra Atchison (member), Dr. Sheila Webb (member attending virtually), Dr. Jessica Tyler (member), and Ms. DeAnna Tidwell (member). Member absent was Ms. Anna Barksdale (member). Also in attendance were Dr. Keith Cates (Executive Director), Ms. Hendon Coody (Board Legal Counsel attending virtually), Mr. Keith Warren (Deputy Director), Mrs. Cindy Edgar (Assistant Director), Dr. Charlotte Daughetee (Academic Reviewer), Mr. Mike James (Investigator) and Ms. Renee' Reames (recording secretary attending virtually).

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. Dr. Brown made a motion to approve the agenda as presented. The motion was seconded by Dr. Tyler and unanimously approved by the Board.

APPROVAL OF MEETING MINUTES

Chairperson Parker presented the minutes from the May 13, 2022 regular meeting. Dr. Webb made a motion to approve the May meeting minutes with the correction to the acronym for the Alabama Counseling Association (ALCA). The motion was seconded by Dr. Tyler and unanimously approved by the Board.

EXECUTIVE DIRECTOR'S REPORT

Dr. Cates reported that he had no matters to present in addition to agenda items that would be discussed later in the meeting.

PROPOSED CHANGES TO RULE 255-x-3-.01

Dr. Cates recommended that agenda item for proposed rule changes under New Business be moved up on the agenda and presented for discussion. Dr. Cates reported that the rule change for Licensed Professional Counselors, previously approved by the Board, was being presented for reconsideration and he recommended that the date be amended from January 1, 2022 to January 1, 2024 for changes in the minimum graduate hours for licensure. Dr. Brown made the motion to approve the proposed rule 255-X-3-.01 as presented by Dr. Cates (copy available in Board's official Book of Minutes). The motion was seconded by Dr. Tyler and unanimously approved by the Board.

Mr. Warren recommended that the rule change be adopted as an emergency rule, along with promulgating it as a regular rule. Dr. Atchison made the motion to approve the proposed rule 255-X-3-.01 as an emergency rule. The motion was seconded by Dr. Tyler and unanimously approved by the Board.

Dr. Cates requested clarification regarding the type classes and degrees that qualified under this revised rule and it was the consensus of the Board that the academic transcript classification of a degree would determine if the coursework fell into the academic areas required for licensure, e.g., clinical counseling qualified, whereas counseling psychology and clinical psychology with specialization in counseling were psychology degrees and did not fulfill the requirements.

SUPERVISION COMMITTEE REPORT

Chairman Parker called for a report from the Supervision Committee. Dr. Atchison reported on the four (4) goals of the Committee and the work achieved by the Committee in developing forms, etc. She presented for the Board's review a checklist to assist ALCs in becoming licensed as a LPC, along with an ALC Bill of Rights.

MANAGEMENT REPORT

Mr. Warren presented financial activities of the Board for the period ending June 30, 2022. He reported an increase in Board revenue as a result of the renewal of licenses that had begun in July. He reported that the number of licensees would be updated after the renewal period and reported to the Board. He also reported on the number of complaints received, investigated and closed. Dr. Brown made the motion to accept the financial report as presented by Mr. Warren. The motion was seconded by Dr. Atchison and unanimously approved by the Board.

Mr. Warren also reported on development of the licensee database and indicated that the current vendor had missed the implementation date. He reported that they were very apologetic and had corporate changes affecting delivery of services. Additionally, they agreed not to bill for services that weren't provided and were no longer in a contractual relationship with the Board. Mr. Warren reported that a new vendor for developing the licensee database had been contacted and were already assisting with converting the data to meet the July implementation date. Dr. Cates reported that a presentation of the database program would be scheduled at a future Board meeting.

Mr. Warren updated that Board on plans to scan licensee files for paperless access and the use of a scanning service.

Mr. Warren reported that Ms. Latoya Vickers had resigned and the staff at SmithWarren would assist the Board while considering employment of a new licensing specialist.

LEGAL COUNSEL REPORT

Ms. Coody thanked everyone for the condolences in the passing of her brother and explained that she was meeting virtually with the Board due to having COVID.

She reported that guests were attending virtually in the matter of Case 2021-006. The respondent had requested reinstatement of their license. Chairperson Parker welcomed the respondent and her Attorney. Ms. Coody explained that a consent order had been approved by the Board that included the provision that the respondent be evaluated for substance abuse and to follow a treatment plan.

Chairman Parker called a recess of the Board at 10:00 a.m. for five (5) minutes. Chairman Parker reconvened the Board at 10:08 a.m.

Following a discussion by the Board about the interruption of the treatment plan concerning Case 2021-006, Dr. Brown made a motion to reinstate the respondent's license with the provision that the respondent

be on probation for one year and continue individual treatment and the Board received treatment reports every 3 months for one year, and transition to the Board's wellness program over the next 12 months if the program was available. The motion was seconded by Dr. Atchison and unanimously approved by the Board.

Ms. Coody presented a memorandum to the members summarizing the Supreme Court's action in a case that overturned years of case law that gave State immunity to individual State agents in acts they committed or statements they made within the course of their appointments or employment. She explained that now the Supreme Court has held that board members and other state agents may be sued in their individual capacity, as long as the plaintiff is seeking funds only from the board members' personal assets and not the State treasury.

Mr. Mike 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:

- Ms. Atchison made a motion to approve the recommendation of the Investigative Committee in the matter of Board Case 2022-040 to suspend the license of the respondent for one year with the requirement to take a boundary course to be determined by Dr. Cates. The motion was seconded by Dr. Webb 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 2022-039 that the complaint be closed due to insufficient evidence by the anonymous complainant. The motion was seconded by Dr. Atchison 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 2022-041 that a letter of concern be sent by Dr. Cates to the respondent. The motion was seconded by Dr. Tyler 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 2022-042 that a letter of concern be sent by Dr. Cates to the respondent concerning a minor. The motion was seconded by Dr. Webb 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 2022-044 that the case be closed 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 2022-045 that the case be closed for lack of jurisdiction that related to the Courts and not the respondent counselor. The motion was seconded by Dr. Atchison and unanimously approved by the Board.

OLD BUSINESS

Public Hearing Regarding Proposed Rule Changes: Dr. Cates presented the following rules that had been published for public comment and he reported that there were no comments from the public. The Board took the following action to approve as a Final Rule:

Proposed Rule 255-X-2 Definition and Clarification of Terms

Dr. Brown made the motion to approve Rule 255-X-2 as published. The motion was seconded

by Dr. Tyler and unanimously approved by the Board.

Proposed Rule 255-X-3 Qualifications for LPC and ALC; Supervising Counselor; Exceptions for Supervision by Supervising Counselor; Supervising Associate
Dr. Tyler made the motion to approve Rule 255-X-3 as published. The motion was seconded by Dr. Webb and unanimously approved by the Board.

Proposed Rule 255-X-3-.02 Associate License Counselor (ALC)
Dr. Webb made the motion to approve Rule 255-X-3-.02 as published. The motion was seconded by Dr. Brown and unanimously approved by the Board.

Proposed Rule 255-X-3-.03 Supervising Counselor
Dr. Tyler made the motion to approve Rule 255-X-3-.03 as published. The motion was seconded by Dr. Atchison and unanimously approved by the Board.

Proposed Rule 255-X-2-.23 Direct Supervision
Dr. Atchison made the motion to approve Rule 255-X-2-.23 as published. The motion was seconded by Dr. Brown and unanimously approved by the Board.

Proposed Rule 255-X-2-.24 Other Supervision
Dr. Webb made the motion to approve Rule 255-X-2-.24 as published. The motion was seconded by Dr. Brown and unanimously approved by the Board.

Proposed Rule 255-X-10 Licensing Under Special Conditions
Dr. Brown made the motion to approve Rule 255-X-10 as published. The motion was seconded by Dr. Tyler and unanimously approved by the Board.

Performance Evaluation Committee Report: Chairman Parker reported that the Committee had no report at this time.

NEW BUSINESS

Licensure Requests: Dr. Cates reported on the request for waiver of requirements by JM-M. He reported that the applicant was attending virtually, and the applicant explained to the members about her difficulty to obtain records that had been destroyed after 26 years of licensure in another State. Dr. Webb made the motion to approve the request to waive requirements for licensure due to age of initial licensure. The motion was seconded by Dr. Tyler. The Board discussed the practice of a case-by-case review of applications. The motion was approved by the Board with one member abstaining from vote.

Dr. Atchison made the motion to approve the request for waiver of supervision by BW. The motion was seconded by Ms. Tidwell. The motion failed with one member abstaining.

Dr. Cates explained that applicant CP had requested licensure by endorsement. Following a discussion of ineligibility, applicant CP requested licensure by reactivation. Dr. Atchison made the motion to approve license by reactivation. The motion was seconded by Ms. Tidwell. The motion failed with two members voting nay and two members abstaining.

Dr. Cates reported that applicant MT had requested a waiver of continuing education requirements. He explained that the applicant was unaware that the COVID guidelines had been rescinded. Following some discussion of the matter, the matter of applicant MT's request died for lack of a motion.

Dr. Cates reported that applicant AMM had applied for provisional LPC licensure due to lack of documentation, but in the meantime had located the documentation and submitted request for licensure by endorsement. Dr. Webb made a motion to approve the application by endorsement by AMM. The motion was seconded by Dr. Atchison and unanimously approved.

Dr. Tyler made a motion to approve the request by AS-S for provisional ALC. The motion was seconded by Dr. Brown and unanimously approved by the Board.

Dr. Tyler made the motion to approve the request by EAM for 100% online supervision due to medical condition. The motion was seconded by Ms. Tidwell and unanimously approved by the Board.

Dr. Atchison made the motion to approve the request by CH for NCE accommodations. The motion was seconded by Dr. Tyler and unanimously approved by the Board.

Dr. Tidwell made the motion to approve the request by JG for NCE accommodations. The motion was seconded by Dr. Tyler and unanimously approved by the Board.

Dr. Cates presented communications from a supervisor about an ALC's performance and the ALC had provided comments about the supervision experience and, as a result, the ALC had changed supervisors. After review of the communications, Ms. Coody advised that the communications were provided as information and no further action was taken.

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

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

Inactivation: Dr. Tyler made the motion to approve the requests to place their license on inactive status. The motion was seconded by Dr. Brown and unanimously approved by the Board.

Reactivation: Dr. Atchison made the motion to approve the request to reactive their license. The motion was seconded by Ms. Tidwell and unanimously approved by the Board.

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

Provisional Licensure: Dr. Brown made the motion to approve the provisional licensure requests as recommended by Dr. Cates. The motion was seconded by Dr. Webb and unanimously approved by the Board.

OTHER BUSINESS AND ANNOUNCEMENTS:

ABEC Vacancy: Dr. Cates reported that Board terms for Dr. Parker, Dr. Brown and Ms. Barksdale were expiring at the end of the year and that Dr. Tyler was resigning at the end of the year before the term

expired. He reported that recommendations for replacements would be submitted to the Governor's office for appointment.

Update on Interstate Compact: Dr. Cates updated the Board on the Interstate Compact. He reported that the Board had received a request from the National Center for Interstate Compacts for a delegate and a temporary representative to be appointed by the Board. Dr. Brown made the motion for Dr. Parker to serve as delegate and Mr. Warren serve as the Board's temporary representative. The motion was seconded by Dr. Atchison and unanimously approved by the Board.

Dr. Cates reported that the Board would need to begin reviewing any changes in the Board Rules regarding licensure through a PACT. Ms. Coody indicated that she would assist Dr. Cates and Mr. Warren with the rules review for future recommendation to the Board.

Next Board Meeting: Chairperson. Parker reminded the Board that the next regularly scheduled meeting was September 23, 2022, at 9:00 a.m. She also reminded them about the Administrative Hearing scheduled at 10:30 a.m. on this same date, with an ALJ presiding, and she encouraged members to attend.

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 11:45 a.m.

Respectfully Submitted,



Renee' Reames, Recording Secretary



DeAnna Tidwell, Board Chair

Approved on: January 13, 2023TR