

ALABAMA BOARD OF EXAMINERS IN COUNSELING

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MINUTES

Board Meeting
September 23, 2022

The Alabama Board of Examiners in Counseling (ABEC) held its regular meeting on Friday, September 23, 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), Ms. DeAnna Tidwell (member) and Ms. Anna Barksdale (member joined at 9:28 a.m.). 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 Daughhete (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 9:02 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. She commented on the Administrative Hearing that was scheduled at 10:30 a.m. 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 Ms. Tidwell and unanimously approved by the Board.

APPROVAL OF MEETING MINUTES

Chairperson Parker presented the minutes from the July 22, 2023, regular meeting. Dr. Webb made a motion to approve the July meeting minutes with the correction on page 2 to the motion seconded made by Dr. Atchison regarding approval of the proposed Rule. The motion was seconded by Dr. Tyler and unanimously approved by the Board.

OLD BUSINESS

Public Hearing Regarding Proposed Rule 255-X-3-.01: Mr. Warren reported that the proposed Rule 255-X-1-.01 Licensed Professional Counselor had been approved by the Board as an emergency rule and published for public comment as a regular rule. He indicated that no comments were received from the public. Mr. Warren presented the proposed Rule for final adoption.

MOTION: Ms. Tidwell made the motion to approve Rule 255-X-3-.01 as a Final Rule. The motion was seconded by Dr. Webb and unanimously approved by the Board.

Supervision Committee Report: Dr. Atchison reported on the Committee's recommendation concerning Accountability and Oversight of supervisor activities. The Board discussed a sign-in and sign-out sheet for the supervisee and supervisor and a statement of attestation. Also discussed were investigation of supervision violations. Dr. Atchison indicated that a final recommendation from the Committee would be presented at the next Board meeting.

Performance Evaluation Committee Report: Mr. Warren reported that the Committee would be meeting immediately following the Board meeting and would have a report at the next Board meeting.

LEGAL COUNSEL REPORT

Ms. Coody presented a copy of the Attorney General's Opinion regarding independent contractors and traditional employees who were defined as "employed" by an exempt entity.

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 2022-005 – Dr. Brown made the motion to approve the recommendation of the Investigative Committee to withdraw the complaint. The motion was seconded by Ms. Tidwell and unanimously approved by the Board.
- Case 2022-016BR – Dr. Atchison made a motion to approve the recommendation of the Investigative Committee to administratively close the case due to license having lapsed during the investigation and was no longer a licensee. The motion was seconded by Dr. Brown and unanimously approved by the Board.
- Case 2022-018 – The matter was presented for Administrative Hearing.
- Case 2022-029 – A letter of concern was issued to the Respondent in the case.
- Case 2022-034 – Dr. Brown made a motion to approve the recommendation of the Investigative Committee to withdraw the \$250 fine and issue a letter of concern. The motion was seconded by Dr. Webb and unanimously approved by the Board.
- Case 2022-48 – Dr. Atchison made the motion to approve the recommendation of the Investigative Committee to close the case as having no jurisdiction. The motion was seconded by Dr. Tyler and unanimously approved by the Board.

Ms. Barksdale joined the meeting at 9:28 a.m.

- Case 2022-049 – Ms. Tidwell made the motion to approve the recommendation of the Investigative Committee to close the case as unfounded.
- Case 2022-050 – Dr. Tyler made the motion to approve the recommendation of the Investigative Committee to close the case as pertaining to other jurisdiction. The motion was seconded by Ms. Barksdale and unanimously approved by the Board.
- Case 2022-051 – Dr. Atchison made the motion to approve the recommendation of the Investigative Committee to issue a letter of concern. The motion was seconded by Dr. Brown and unanimously approved by the Board.
- Case 2022-053 – Dr. Tyler made the motion to approve the recommendation of the Investigative Committee to close the case as unfounded. The motion was seconded by Ms. Tidwell and unanimously approved by the Board.
- Case 2022-054 – Dr. Brown made the motion to approve the recommendation of the Investigative Committee to close the case as having no jurisdiction. The motion was seconded by Dr. Tyler and unanimously approved by the Board.
- Case 2022-056 – Ms. Tidwell made the motion to approve the recommendation of the Investigative Committee to close the case as having no jurisdiction. The motion was seconded by Dr. Atchison and unanimously approved by the Board.

Ms. Coody reported that no fines from violations were outstanding.

Ms. Coody introduced Mr. Larry Childs, Attorney for the HealthConnection America, Inc., who provided an overview of his organization. He reported that his organization was accredited by the Council on

Accreditation (COA). He asked the Board, when considering changes to its statute and rules, to consider the Council on Accreditation as an approved accreditation entity for counselors and exempt those agencies that are accredited by COA. Chairperson Parker thank Mr. Childs for appearing before the Board concerning his request.

MANAGEMENT REPORT

Mr. Warren presented financial activities of the Board for the period ending August 31, 2022. He commented on changes in line-item allocation of funds in upcoming FY 2023.

MOTION: Dr. Brown made the motion to accept the financial report as presented by Mr. Warren. The motion was seconded by Dr. Barksdale 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.

He also reported that the Emergency Contract for Management Services with Warren and Company would expire September 30, 2022. He explained that beginning in October, new State Purchasing Department procedures would be in effect and management services would require rebid or request for proposals. He recommended that he and Ms. Coody prepare the proposed specifications for Board approval, and that an Emergency Contract with Warren and Company be continued until the specifications were approved and a contract awarded under the new specifications.

MOTION: Dr. Brown made a motion approve the continuation of the Emergency Contract with Warren and Company for one year with no changes in the contract. The motion was seconded by Dr. Atchison and unanimously approved by the Board.

EXECUTIVE DIRECTOR'S REPORT

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

Waiver of Requirements:

LG Request for waiver of requirements for a supervising LPC - Dr. Cates presented a summary of the applicant's appeal for reconsideration. Chairperson Parker recognized Attorney Clark to address the Board, who represented the employer of LG, and indicated that the rules did not specify Alabama. Ms. Coody asked for clarification and Dr. Cates stated that previously the Board had interpreted that a LPC's 5 years continuous experience pertained to experience in Alabama, although there was no reference specifically to the experience being within the State of Alabama at the time of contact with the applicant.

MOTION: Dr. Webb made the motion to approve LG request for LPC-S waiver of requirements. The motion was seconded by Dr. Tyler and the motion was approved by the members with Dr. Brown abstaining from vote

HCA Request – Dr. Cates reported that this matter was presented earlier in the meeting.

KK Request for LPC by Endorsement – Dr. Cates reported that KK had requested to attend virtually with closed caption accommodations. The applicant reported that her Wyoming licensing records were destroyed and was able to report only the total number of hours, with no specific breakdown. She appealed to the Board that she had met the essence of the application. Dr. Cates reported that KK's spouse was active military.

MOTION: Dr. Brown made a motion to table further discussion until January, after the Military Spouses Act was in effect. The motion was seconded by Ms. Barksdale and unanimously approved by the Board.

ADMINISTRATIVE HEARING

Chairperson Parker called a recess of the Board at 10:15 a.m. for 15 minutes.

Chairperson Parker reconvened the Board at 10:30 a.m. and Administrative Law Judge, Mr. Randy Salle, convened an Administrative Hearing in the matter of Board Case 2022-018. The hearing was closed to virtual participation. Judge Salle reported that the defendant in the case did not appear for the hearing. Judge Salle continued with the hearing. Ms. Coody, Attorney for the Board, presented evidence for consideration and asked that the license of the defendant be revoked based on testimony, exhibits presented and for protection of the public. Judge Salle completed the hearing at 10:52 a.m. and had indicated that he would submit his recommendations to the Board to vote on the matter at the next Board meeting.

Chairperson Parker called a recess of the Board at 10:52 a.m. for 30 minutes.

Chairperson Parker reconvened the Board at 11:15 a.m.

Ms. Coody explained the process of an ALJ preceding over the Administrative Hearing and the Board's consideration of the ALJ recommendations.

EXECUTIVE DIRECTOR'S REPORT, waiver of requirements continued:

KW Request for LPC waiver of requirements – Dr. Cates presented a letter from The Chicago School of Professional Psychology concerning KW's request for waiver of LPC requirements.

MOTION: Dr. Brown made a motion to deny the request for waiver of LPC requirements. The motion was seconded by Dr. Tyler and unanimously approved by the Board.

SA-H Request – Dr. Cates presented for reconsideration the request for ALC license.

MOTION: Ms. Tidwell made the motion to accept the request for a provisional LPC license. The motion was seconded by Dr. Tyler and unanimously approved by the Board.

Academic Grid – Dr. Cates reminded the members that prior to CACREP, academic contents from educational institutions were reviewed and approved by the Board in the form of an approved academic grid that established academic prerequisites for program graduates. The grid content was also for non-Alabama courses. The Board considered the current status of these previously approved grids and the Board unanimously agreed that the grid procedure would continue until the Board's rule changes concerning CACREP become effective as of January 1, 2024.

Provisional to LPC:

KD Request form Provisional License to LPC – Dr. Cates presented the request from KD for LPC licensure designation from Provisional license.

MOTION: Dr. Tyler made the motion to approve KD's request for LPC license from Provisional license. The motion was seconded by Ms. Barksdale and unanimously approved by the Board.

Provisional ALC:

SSS Request – Dr. Cates presented a written request from SSS for a Provisional ALC licensure designation to acquire additional supervised direct service hours to clients.

MOTION: Ms. Tidwell made the motion to approve SSS's request for licensure as a Provisional ALC. The motion was seconded by Ms. Barksdale and unanimously approved by the Board.

MSC Request – Dr. Cates presented a written request from MSC for a Provisional ALC licensure designation.

MOTION: Dr. Tyler made the motion to approve MSC's request for licensure as a Provisional ALC. The motion was seconded by Ms. Barksdale and unanimously approved by the Board.

AMA Request – Dr. Cates presented written request from AMA for a Provisional ALC licensure designation.

MOTION: Dr. Atchison made the motion to approve AMA's request for licensure as a Provisional ALC. The motion was seconded by Dr. Brown and unanimously approved by the Board.

Reinstatement Request:

LD Request – Dr. Cates presented the request from LD for reinstatement of license as LPC.

MOTION: Dr. Brown made the motion to approve LD's request for LPC licensure be reinstated. The motion was seconded by Dr. Tyler and unanimously approved by the Board.

Reactivation:

MAH Request – Dr. Cates presented the application from MAH for reactivation of license as LPC.

MOTION: Dr. Atchison made the motion to approve MAH's request for reactivation of license as LPC. The motion was seconded by Ms. Barksdale and unanimously approved by the Board.

JRO-M Request – Dr. Cates presented the application from JRO-M for reactivation of license as ALC.

MOTION: Dr. Atchison made the motion to approve JRO-M request for reactivation of license as ALC. The motion was seconded by Ms. Barksdale and unanimously approved by the Board.

Inactive Status:

JSP Request – Dr. Cates presented the written request from JSP to place LPC license on inactive status.

MOTION: Dr. Brown made the motion to approve JSP's request for LPC license to be placed on inactive status. The motion was seconded by Ms. Tidwell and unanimously approved by the Board.

LIC Request - Dr. Cates presented the written request from LIC to place LPC license on inactive status.

MOTION: Dr. Brown made the motion to approve LIC's request for LPC license to be placed on inactive status. The motion was seconded by Ms. Tidwell and unanimously approved by the Board.

Military Exception:

AB Request – Dr. Cates presented the written request from AB requesting supervised counseling hours be transferred toward her ALC license.

MOTION: Dr. Tyler made a motion to accept AB's request to transfer supervision hours under the Military Exemption Rule. The motion was seconded by Ms. Tidwell and unanimously approved by the Board.

Request for NCE Accommodations

MG Request – Dr. Cates presented the written request from MG for NCE accommodations.

MOTION: Dr. Atchison made the motion to approve MG's request for NCE accommodations. The motion was seconded by Ms. Barksdale and unanimously approved by the Board with Dr. Brown abstaining from vote.

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

Initial ALCs - Dr. Brown 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. Tyler 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 - Dr. Brown made the motion to approve the LPC Endorsement applications as recommended by Dr. Cates. The motion was seconded by Dr. Atchison 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. Tyler and unanimously approved by the Board.

OTHER BUSINESS AND ANNOUNCEMENTS

Administrative Hearing – Ms. Coody reported on a request to reactive a license that had been revoked and the former licensee had a history of felonies. She asked the Board for approval to give notice of Hearing regarding this matter and be assessed cost of hearing and the Board unanimously approved the request.

Board Vacancies - The Board discussed the upcoming Board vacancies and appointments by Governor Ivey. Mr. Warren indicated that he would check on the status of recent recommendations by the State Association and would verify the order of terms regarding no terms expiring in 2023.

Election of Board Officers - Dr. Cates reminded the Board that annual election of Board officers was due and would be new business on the next meeting agenda.

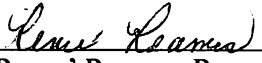
Proposed 2023 Board Meeting Calendar – Dr. Cates reported that a list of proposed meeting dates for 2023 would be presented at the next meeting for Board approval.

Next Board Meeting: Chairperson Parker reminded the members that the next regularly scheduled meeting of the Board was November 4, 2022, at 9:00 a.m.

ADJOURNMENT

There being no further business of the Board, Dr. Tyler 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 11:48 a.m.

Respectfully Submitted,



Renee' Reames, Recording Secretary



Dr. Latofia Parker, Board Chair

Approved on: 11-4-2022 /rr