

ALABAMA BOARD OF EXAMINERS IN COUNSELING

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MINUTES

Board Meeting
March 22, 2024

The Alabama Board of Examiners in Counseling (ABEC) held its regular meeting on Friday, March 22, 2024, 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. Debra Atchison (Board Chair), Ms. Anjanette Robinson (Board Vice Chair), Dr. Sheila Webb (member attending virtually), Dr. Glenn Hollingsworth (member), Ms. Jessie Bowie (member attending virtually), Dr. Sherrionda Crawford (member), and Ms. DeAnna Tidwell (member). Also in attendance were Mr. Keith Warren (Executive Director), Mrs. Hendon Coody (Board Legal Counsel), Mr. Mike James (Investigator), Mrs. Sheila Dopson (Board Administrator), Ms. Angela Warr (Executive Assistant) and Ms. Renee' Reames (recording secretary). Public guests were also present and attended virtually.

CALL TO ORDER

Dr. Atchison, Board Chair, called the meeting to order at 10:02 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 the official member roll, and a quorum of the members was in attendance. Mr. Warren read the Opening Statement regarding Robert's Rules of Order, and Chairperson Atchison welcomed attendees. Actions by the Board were voted by roll call vote and Chairperson Atchison did not vote except in case of a tie vote.

APPROVAL OF MEETING AGENDA

Chairperson Atchison presented the meeting agenda for the Board's approval. A copy of the agenda was provided to the Board members prior to the meeting for their review.

MOTION: Dr. Crawford made a motion to approve the March 22, 2024, meeting agenda as presented. The motion was seconded by Dr. Webb and, following a roll call vote by Mr. Warren, the motion was unanimously approved by the Board.

APPROVAL OF MEETING MINUTES

Chairperson Atchison presented the minutes from the January 19, 2024, regular meeting.

MOTION: Ms. Tidwell made a motion to approve the January meeting minutes as presented. The motion was seconded by Dr. Crawford and, following a roll call vote, the motion was unanimously approved by the Board.

EXECUTIVE DIRECTOR REPORT

Mr. Warren presented the Executive Director report to include financial activities of the Board for the period ending February 29, 2024, and reported that year-to-date expenditures were under budget.

He also reported that legislative changes in the Board's statute were required to give the Board the authority to fund and sponsor grants.

Mr. Warren reported on the current number of licensees (report available in the Board's official Book of Minutes) and indicated that the online application process for ALCs had been implemented and the CE audits had been automated into the licensing database and the Licensee Search on the Board's website was being modified to allow an ALC to be cross-referenced to a LPC-supervisor.

Mr. Warren reported on the number of complaints received in FY 2024 and complaints pending from FY 2023.

MOTION: Dr. Crawford made the motion to accept the financial report as presented. The motion was seconded by Dr. Hollingsworth and, following a roll call vote, the motion was unanimously approved by the Board.

LEGAL COUNSEL REPORT

Mrs. Coody reported that a total of 53 complaints had been received in FY 2023, and within the first 5 months of FY 2024, 41 complaints had been received. In consideration of the type of complaints received, the Board discussed developing licensee awareness regarding the Board's rules and professional ethics.

Mrs. Coody reported that the Investigative Committee (IC) had met to review complaint cases and 20 of the 32 open cases were to be presented for approval. A list of the cases was provided to the Board by Mrs. Coody, and Mr. James reported on the recommendations by the Investigative Committee (report available in the Board's official Book of Minutes). He indicated that Chairperson Atchison served on the Committee in the review of the case.

- Complaints withdrawn by the complainant and recommendation to close the cases: Cases 2024-019, 2024-031, and 2024-032.
- Administratively close complaint: Case 2024-033.
- Close complaints due to no jurisdiction: Cases 2024-014, 2024-025, 2024-027, 2024-037, and 2024-038.
- Close complaints as unfounded: Cases 2024-010, 2024-017, 2024-018, 2024-016, 2024-024 and 2024-026.
- Issue a letter of concern: Case 2024-020.
- Complaint was founded and recommendation to accept surrender of license: Case 2024-022.
Mr. James reported that following the surrender of license, the Respondent was not eligible for the Board's wellness program.
- Complaint to be discussed concerning Ketamine medication: Case 2024-021.

MOTION: Ms. Tidwell made the motion to approve the IC's recommendation to close the cases except in the matter of Case 2024-021. The motion was seconded by Ms. Robinson, and following a roll call vote, the motion was unanimously approved by the Board, with Chairperson Atchison abstaining from voting as a member of the committee.

Update on Counseling Compact

Mr. Warren reported that a letter in support of the Counseling Compact would be sent to the Council of State Governments. He indicated that there was no new information to report concerning the Counseling Compact.

Supervision Committee Report

Dr. Crawford reported that the Supervision Committee had no report at this time.

NEW BUSINESS

Public Hearing and Adoption of Final Rules

Mr. Warren reported that the amended Rule 255-X-3-.02 Associate Licensed Counselor (ALC) had been published for public comment, and written comments were received and presented to the Board to consider, along with comments from guests attending the meeting (copies of written comments available in official Book of Minutes).

MOTION: Dr. Hollingsworth made the motion to proceed with discussion of the comments concerning the proposed rules. The motion was seconded by Ms. Tidwell and, following a roll call vote, the motion was unanimously approved by the Board.

The Board considered comments on the proposed rule, to include recommendations that an ALC be allowed to receive supervision by phone from the LPC-S as an “other” form of supervision citing that virtual supervision was not always an immediate option, and the recommendation that the requirement for an LPC-S receive 2 hours of continuing education in providing virtual supervision prior to initiating virtual supervision of an ALC be cited in the proposed rule. The Board agreed that the LPC-S requirement to obtain virtual supervision training was addressed in another rule of the Board.

Other discussions by the Board, concerning comments on the proposed rule, was the integrity of “other” supervision, and Chairperson Atchison asked the Supervision Committee to prepare a list of unacceptable and acceptable credits, e.g., unacceptable credits were reading a book, email communications, etc., along with preparing supervision resources to be posted on the Board’s website to include the definition of synchronous (real-time) and non-synchronous.

MOTION: Dr. Crawford made the motion to adopt Final Rule 255-X-3-.02 as published (copy available in official Book of Minutes). The motion was seconded by Ms. Robinson and, following a roll call vote, the motion was unanimously approved by the Board.

Mr. Warren reported that the Rule would become effective 45 days after the Rule had been certified. He also indicated that the Board could consider creating a supervision course video and he would have additional information to present to the Board at a future meeting.

Mr. Warren reported that amended Rule 255-X-4-.08 Application Retention had been published for public comment, and written comments were reviewed by the Board. The Board considered extending the proposed 45-day timeline to complete an application. Mr. Warren recommended that discussion of the proposed Rule be tabled and consider splitting the contents and relabeling of the Rule title.

MOTION: Dr. Crawford made the motion to table discussion of the Rule. The motion was seconded by Ms. Robinson and following a roll call vote, the motion was unanimously approved by the Board.

The Board also discussed instances when an ALC postponed submitting a licensing fee because they were not currently seeing clients. The Board indicated that supervision could begin in other areas, such as ethics, creating an office environment, etc. and the supervision did not need to be delayed or suspended because clients were not scheduled.

Proposed Rule – Parenting Coordinator

Mrs. Coody reported that she had met with Court personnel to discuss the role of a Parenting Coordinator appointed by the Courts. She presented the proposed Rule for the Board’s approval.

MOTION: Ms. Tidwell made the motion to approve the proposed new Rule, Parenting Coordinator, as presented (copy available in official Book of Minutes). The motion was seconded by Ms. Robinson and, following a roll call vote, the motion was unanimously approved by the Board.

Mrs. Coody reported that complaints received by the Board concerning the role of a parenting coordinator would be referred to the appointing-court.

Discussion of Case 2024-021 regarding Ketamine

MOTION: Dr. Hollingsworth made the motion to adjourn to Executive Session for approximately 20 minutes to protect the good name and character in the matter of complaint case 2024-021. The motion was seconded by Ms. Robinson. The purpose of the Executive Session was certified by Mrs. Coody, and following a roll call vote, the motion was unanimously approved by the Board. Chairperson Atchison reported that the business meeting would resume around 11:40 a.m. and called the Board into Executive Session at 11:20 a.m. The virtual meeting ended.

Dr. Hollingsworth made the motion to adjourn the Executive Session. The motion was seconded by Ms. Robinson and, following a roll call vote, the motion was unanimously approved by the Board.

Chairperson Atchison reconvened the business meeting at 11:43. The virtual meeting resumed.

MOTION: Ms. Robinson made the motion that in the matter of case 2024-021, a letter of concern would be issued to the Respondent in the case and a statement would be posted on the Board's website indicating that the use of Ketamine was under the jurisdiction and authority of the Alabama Medical Board and state and federal law enforcement agencies.

Review of Applications and License Requests: Mr. Warren and Ms. Dopson presented licensing requests for the Board's approval (report available in the Board's official Book of Minutes):

Initial ALC: Dr. Crawford made the motion to approve the ALC requests for initial issuance of license. The motion was seconded by Dr. Hollingsworth and, following a roll call vote, the motion was unanimously approved by the Board.

ALC to LPC: Ms. Tidwell made the motion to approve the ALC requests to become an LPC. The motion was seconded by Dr. Crawford and, following a roll call vote, the motion was unanimously approved by the Board.

LPC by Endorsement: Dr. Crawford made the motion to approve the LPC applications by endorsement requests. The motion was seconded by Dr. Hollingsworth and, following a roll call vote, the motion was unanimously approved by the Board.

LPC-Supervisor: Dr. Hollingsworth made the motion to approve the LPC-Supervisor requests for licensure. The motion was seconded by Dr. Crawford and, following a roll call vote, the motion was unanimously approved by the Board.

Provisional License: Ms. Tidwell made the motion to approve RC, K-MC, and DH requests for Provisional license. The motion was seconded by Dr. Webb and, following a roll call vote, the motion was unanimously approved by the Board.

Dr. Hollingsworth made the motion to approval MD as a Provisional LPC pending receipt of licensure information from Pennsylvania in determining necessity for PPOS. The motion was seconded by Dr. Crawford and, following a roll call vote, the motion was unanimously approved by the Board.

NCE Accommodations: Dr. Crawford made the motion to approve the requests from LT, JG and PM for NCE accommodations. The motion was seconded by Dr. Hollingsworth and, following a roll call vote, the motion was unanimously approved by the Board.

Requests to Inactive Status: Dr. Crawford made the motion to ratify the actions of the Board Chairperson's approval of requests from DD, LRL, EB and KH to place their license on inactive status. The motion was seconded by Ms. Robinson and, following a roll call vote, the motion was unanimously approved by the Board.

OTHER DISCUSSIONS

Rule 255-X-2-.03 concerning six-years pursuit of licensure

Mrs. Coody commented on Rule 255-X-2-.03 that allowed an ALC up to six years to pursue LPC licensure. She recommended that the ALCs be flagged in the licensing database to track the six-year period and notification be sent to the ALC regarding the time remaining toward LPC licensure.

LPC manual renewals and documentation of CE certificates

Mrs. Coody reported that some LPCs are renewing manually rather than submitting documents online. She explained that the audit process is programmed with the LPC online renewals. She recommended that the LPCs, who submit renewal applications manually, also submit a copy of continuing education certificates. Following Board discussion, Chairperson Atchison tabled discussion of this matter until the next meeting.

Alabama Counseling Association Update: Mr. Warren reported that Dr. Driver had a conflict and could not attend the Board meeting. He reminded the members that the annual meeting of the Alabama Counseling Association (ALCA) would be held November 20-22, 2024, in Montgomery.

Board Investigator and Legal Assistant

Mr. James recommended to the Board that an investigator be assigned to the Board, based on his future plans to retire, along with assigning a part-time legal assistant. He indicated that an additional part-time legal assistant and investigator would assist with the increase in complaints and the investigator would be available for educational program to speak to counseling groups and work with wellness center referred cases.

MOTION: Ms. Tidwell made the motion to authorize the Executive Director to hire a part-time investigator and legal assistant at retired state employee status. The motion was seconded by Dr. Webb and, following a roll call vote, the motion was unanimously approved by the Board.

Legislative Update

Mr. Warren reported on opposition by representatives of Alabama boards to the proposed legislation to consolidate occupational licensure boards. The Board discussed that streamlining licensure activities into one agency would not result in timely response to applicants and the negative impact on boards being consolidated with unrelated occupational boards. The Board members expressed opposition to the proposed consolidation bill that would take away the voice and power of the individual boards and was unethical for other boards to have influence in regulating the counseling profession. Also mentioned was the negative effect the consolidation of boards would have on the Board's eligibility to participate in the Interstate Counseling Compact. Mr. Warren reported that following a public hearing by the Senate committee considering the proposed legislative bill, the sponsors of the bill agreed to meet with Boards and bring recommendations back to the Senate committee.

MOTION: Dr. Hollingsworth made the motion to send a strongly worded letter composed by the Board Chairperson and Legal Counsel in opposition to consolidation of boards in SB244 and the Board's letter signed by members of the Board. The motion was seconded by Ms. Robinson and, following a roll call vote, the motion was unanimously approved by the Board. Chairperson Atchison requested that a copy of the letter be emailed to the licensees.

Next Board Meeting: Chairperson Atchison reminded the members that the next regularly scheduled meeting of the Board was May 17, 2024, beginning at 10:00 a.m.


ADJOURNMENT

There being no further business, Dr. Crawford made a motion that the meeting be adjourned. The motion was seconded by Ms. Tidwell and, following a roll call vote, the motion was unanimously approved by the Board. Chairperson Atchison adjourned the meeting at 12:37 p.m.

Respectfully Submitted,


Debra H. Atchison, Ed.D.

Board Chair


Keith E. Warren
Executive Director

Approved on: May 17, 2024 | 