

**IDAHO LICENSING BOARD OF PROFESSIONAL COUNSELORS AND
MARRIAGE AND FAMILY THERAPISTS**

Bureau of Occupational Licenses

700 West State Street, P.O. Box 83720

Boise, ID 83720-0063

Board Meeting Minutes of 2/25/2016

BOARD MEMBERS PRESENT: Piper Field, LMFT - Chair
Dennis M Baughman, LCPC
Barbara Sterling
Steven I Lanzet, LCPC, LMFT
Dorothy A Spenner, LCPC LMFT
Judith A Crews, PHD

BUREAU STAFF: Tana Cory, Bureau Chief
Dawn Hall, Administrative Support Manager
Lori Peel, Investigative Unit Manager
Maurie Ellsworth, General Counsel
Mitchell Toryanski, Legal Counsel
Debbie Sexton, Management Assistant
Pam Rebolo, Technical Records Specialist I

OTHERS PRESENT: Marina Ellis, LCPC
Gemma Utting, IDAMFT
Sean Nixon, ICA President
Jennifer Giess, ICA President Elect
Stephanie Alvarez, IDAMFC President

The meeting was called to order at 9:00 AM MST by Piper Field, LMFT.

APPROVAL OF MINUTES

Ms. Spenner made a motion to approve the minutes of 10/15/16 as amended. It was seconded by Mr. Baughman. Motion carried.

LEGISLATIVE REPORT

Ms. Cory gave the legislative report. She said that the proposed rules were heard and approved by both the House and the Senate and can be found online. The approved rules will go into effect at the end of the legislative session.

Mr. Lanzet made a motion to send out postcards on the new rules to licensees once they go into effect. It was seconded by Ms. Sterling. Motion carried.

Mr. Toryanski gave an update on a bill that Governor Otter proposed in response to the North Carolina Supreme Court decision in North Carolina State Board of Dental Examiners v. Federal Trade Commission. The bill places public members on boards that do not have them. It further allows nominations to come from anyone and not just associations. It also requires that the board members serve at the pleasure of the Governor. If approved by the Legislature these changes will take place July 1, 2016.

FINANCIAL REPORT

Ms. Hall gave the financial report, which indicated that the Board had a cash balance of \$137,545.83 as of 1/31/16.

DISCIPLINE

Ms. Uranga presented a memorandum regarding case number COU-2016-5, COU-2016-7, COU-2016-11, COU-2016-12, COU-2016-8, and COU-2016-9. After discussion, the Board gave recommendations for appropriate discipline.

Ms. Uranga presented a memorandum regarding case number COU-2016-6. After discussion, Ms. Spenner made a motion to authorize closure in case number COU-2016-6 with a warning letter. It was seconded by Mr. Lanzet. Motion carried.

Ms. Uranga presented a memorandum regarding case number COU-2016-10. After discussion, Ms. Spenner made a motion to authorize closure in case number COU-2016-10 with an advisory letter. It was seconded by Ms. Sterling. Motion carried.

Ms. Uranga presented a Stipulation and Consent Order in case COU-2015-13. Mr. Lanzet made a motion to approve the Consent Order and allow the Board Chair to sign on behalf of the Board. It was seconded by Mr. Baughman. Motion carried.

INVESTIGATIVE REPORT

Ms. Peel gave the investigative report, which is linked above.

FOR BOARD DETERMINATION

Ms. Spenner made a motion to approve the Bureau's recommendation and authorize closure in case I-COU-2015-14. It was seconded by Dr. Crews. Motion carried.

Ms. Spenner made a motion to approve the Bureau's recommendation and authorize closure in case I-COU-2015-32. It was seconded by Mr. Baughman. Motion carried.

Mr. Baughman made a motion to approve the Bureau's recommendation and authorize closure in case I-COU-2015-33. It was seconded by Mr. Lanzet. Motion carried.

Mr. Baughman made a motion to approve the Bureau's recommendation and authorize closure in case I-COU-2015-34 and I-COU-2015-35. It was seconded by Ms. Spenner. Motion carried.

Ms. Spenner made a motion to approve the Bureau's recommendation and authorize closure in case I-COU-2016-4. It was seconded by Mr. Baughman. Motion carried.

The Board reviewed the following supervision reports:

COU-2012-21
COU-2013-11
COU-2013-15
COU-2014-6
COU-2014-31

EXECUTIVE SESSION

Mr. Baughman made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the Executive Session was to consider license application materials. It was seconded by Mr. Lanzet. The vote was: Ms. Spenner, aye; Ms. Sterling, aye; Dr. Crews, aye; Mr. Lanzet, aye; Mr. Baughman, aye; and Ms. Field, aye. Motion carried.

Ms. Spenner made a motion to come out of executive session. It was seconded by Dr. Crews. The vote was: Mr. Lanzet, aye; Ms. Sterling, aye; Mr. Baughman, aye; Dr. Crews, aye; Ms. Spenner, aye; and Ms. Field, aye. Motion carried.

Mr. Baughman made a motion to approve the informed consent form and supervisor contract and reinstate as a supervisor case number COU-2014-31. Mr. Baughman moved to have it noted that the Board was very impressed and pleased with the documentation. It was seconded by Dr. Crews. Motion carried.

The Board tabled COU-2015-3 at this time.

Ms. Peel presented a request for Release from Probation in case number COU-2013-11. Ms. Spenner made a motion to release case number COU-2013-11 from probation. It was seconded by Mr. Baughman. Motion carried.

REGULATORY BOARDS BRIEFING

Mr. Toryanski made a presentation to the Board regarding their role when serving on the Board.

OLD BUSINESS

To Do List – The Board reviewed the to do list.

TELEHEALTH UPDATE

Ms. Spenner stated that she has been attending telehealth meetings. Ms. Spenner stated that licensees are responsible to follow the code of ethics if they are involved in telehealth.

Ms. Cory explained that the Telehealth Access Act is located on the Bureau's webpage and that many Boards have decided not to promulgate rules because the law is pretty comprehensive.

Representatives from two organizations, Sean Nixon President of the Idaho Counseling Association (ICA) and Gemma Utting, Chairman for the Public Policy and Legislation Committee of the Idaho Association for Marriage & Family Therapy (IDAMFT), were in attendance to present information, concerns and considerations to the Board regarding telehealth. The Chairman thanked them and all of those in their organizations for working on the telehealth issue since 2013.

Mr. Nixon provided the Board with information from a survey that ICA recently sent out to 1000 in the mental health field regarding concerns they have with the new law. He stated that 65% of those surveyed were not aware of the law. Mr. Nixon suggested that a follow-up postcard about the new law be sent out.

Mr. Nixon stated that there is a need for ongoing training as not everyone understands the current law. There were questions regarding 54-5605(a) regarding pre-existing provider patient relationship. Another question was whether clinicians are covered outside the boundaries of Idaho when a recipient of service is an Idaho resident residing outside Idaho. Ms. Cory stated that if a licensee is providing services out of state, the licensee needs to check rules in the state where the client is located. Mr. Nixon requested the Board add this information to the Frequently Asked Questions portion of the Board's website.

Ms. Utting stated that IDAMFT supports the Board proposing rules on telehealth to provide guidance to licensees. She provided the Board with a draft of rules for LMFTs, LAMFTs and MFT interns that IDAMFT recommends the Board consider for proposal in the 2017 legislative session.

The Board discussed the question of whether there is a need to promulgate rules if the Telehealth Access Act and the Codes of Ethics already cover the practice of telehealth adequately. Mr. Baughman made a motion to propose a committee consisting of Ms. Field and Mr. Baughman with Mr. Lanzet as a backup to develop telehealth guidelines and bring back to the Board. It was seconded by Ms. Spenner. Motion carried.

LUNCH BREAK 12:01 – 1:00

NEW BUSINESS

CORRESPONDENCE

The Board reviewed an email from Audrey Swayze regarding counselor practice. The Board will respond stating that individuals are licensed by meeting criteria and passing the exam.

The Board reviewed an email from Pamela Davies in regard to supervision practices. The Board will respond referring to the ACA Code of Ethics F 1 (a) and Board Rule 150.02 c.

The Board reviewed a letter from Julie Reynolds in regard to application rules. The Board will refer her back to the rules in question.

The Board discussed an email from Jolie Long from the National Board for Certified Counselors (NBCC) regarding portability. Ms. Spenner will respond citing the Endorsement rule and the Board will take no action. She will also advise that the topics the Idaho Board would like to see discussed at the NBCC meeting are portability, telehealth and supervision standards and requirements.

BOARD MEMBER INFORMATION

The Chair suggested adding information in the new Board member binders regarding attendance at conferences and other pertinent information. She asked the Board to compile a list of what information they would like to have placed in the binders.

APPLICATION REVIEW PROCESS

Board members were reminded that they are able to come into the office and review applications between Board meetings.

BOARD WEBSITE SUPERVISOR LINK

The Board requested that this link be moved onto the front page of the website under the Counselor tab.

CONFERENCE ATTENDANCE AND UPDATES

Dr. Crews presented at the Idaho Counseling Association (ICA). Annual Conference in January and gave an update to the Board.

Mr. Baughman attended the American Association of State Counseling Boards (AASCB) conference in January and gave an update. He stated that the Idaho Board is having similar issues as other state boards. Telehealth is on the radar in a lot of states and there was quite a bit of discussion regarding telehealth. Many states are using a web based portal where Board members can review documentation for applications. Ms. Hall stated that the Bureau is working on a secured website for board meeting documents.

Mr. Baughman made a motion to authorize travel for two Board members to the 2016 National Board of Certified Counselors/Center for Credentialing Education conference May 25-26 in Reston, Virginia. It was seconded by Mr. Lanzet. Motion carried.

Ms. Spenner made a motion to authorize travel and expenses for one Board member and one staff member to The Association of Marital and Family Therapy Regulatory Boards (AMFTRB) Annual Meeting held in conjunction with the Council on Licensure, Enforcement and Regulation (CLEAR) Annual Educational Conference in Portland on September 13-17, 2016. It was seconded by Mr. Baughman. Motion carried.

Mr. Lanzet made a motion to authorize travel and expenses for one Board member and one staff member to attend the American Association of State Counseling Boards (AASCB) 2017 conference in New Orleans January 4-6, 2017. It was seconded by Mr. Baughman. Motion carried.

CONFERENCE CALL

The Board initiated a conference call with Susan Hammonds-White of the American Association of State Counseling Board in regard to the proposed 5 year portability plan. After the conference call, the Board stated they are supportive of the portability plan but not adopting it into Idaho's rules as the endorsement rules are enough.

EXECUTIVE SESSION

Dr. Crews made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the Executive Session was to consider license application materials. It was seconded by Mr. Baughman. The vote was: Dr. Crews, aye; Mr. Baughman, aye; Mr. Lanzet, aye; Ms. Spenner, aye; Ms. Sterling, aye; and Ms. Field, aye. Motion carried.

Mr. Baughman made a motion to come out of executive session. It was seconded by Dr. Crews. The vote was: Dr. Crews, aye; Ms. Spenner, aye; Ms. Sterling, aye; Mr. Lanzet, aye; Mr. Baughman, aye; and Ms. Field, aye. Motion carried.

ADJOURNMENT

Mr. Baughman made a motion to adjourn the meeting at 4:45 PM. It was seconded by Dr. Crews. Motion carried.

Board Meeting Minutes of 2/26/2016

BOARD MEMBERS PRESENT: Piper Field, LMFT - Chair
Dennis M Baughman, LCPC
Barbara Sterling
Steven I Lanzet, LCPC, LMFT
Dorothy A Spenner, LCPC LMFT
Judith A Crews, PHD

BUREAU STAFF: Maurie Ellsworth, General Counsel
Lori Peel, Investigative Unit Manager
Jean R. Uranga, Board Prosecutor
Debbie Sexton, Management Assistant
Pam Rebolo, Technical Records Specialist I

OTHERS PRESENT: Mary K. McIntyre
Joanne Koester
Mr. Koester

The meeting was called to order at 9:00 AM MST by Piper Field, LMFT.

EXECUTIVE SESSION

Ms. Spenner made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the Executive Session was to consider license application materials. It was seconded by Dr. Crews. The

vote was: Mr. Baughman, aye; Ms. Sterling, aye; Mr. Lanzet, aye; Dr. Crews, aye; Ms. Spenner, aye; and Ms. Field, aye. Motion carried.

Ms. Spenner made a motion to come out of executive session. It was seconded by Mr. Lanzet. The vote was: Mr. Baughman, aye; Ms. Sterling, aye; Mr. Lanzet, aye; Dr. Crews, aye; Ms. Spenner, aye; and Ms. Field, aye. Motion carried.

REQUEST FOR RECONSIDERATION

A request for reconsideration was presented by Ms. McIntyre, attorney for case number COU-2015-3. Ms. McIntyre presented arguments for the basis for request for reconsideration concerning some of the language in the Stipulation and Consent Order and probation period.

EXECUTIVE SESSION

Mr. Lanzet made a motion that the Board go into executive session under Idaho Code § 74-206(1)(f) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the Executive Session was to consider legal options for pending or imminent litigation with legal counsel. It was seconded by Mr. Baughman. The vote was: Mr. Baughman, aye; Ms. Sterling, aye; Mr. Lanzet, aye; Dr. Crews, aye; Ms. Spenner, aye; Ms. Field, aye. Motion carried.

Mr. Lanzet made a motion to come out of executive session. It was seconded by Mr. Baughman. The vote was: Dr. Crews, aye; Ms. Spenner, aye; Ms. Sterling, aye; Mr. Lanzet, aye; Mr. Baughman, aye; and Ms. Field, aye. Motion carried.

Mr. Lanzet made a motion to change the language on the Stipulation and Consent Order A3 from “mental illness” to “mental health issue”. It was seconded by Dr. Crews. Motion carried.

The Board discussed the backup plan and transition plan with Ms. Koester and requested that she provide the Board with this information. Ms. Peel requested that Ms. Koester send her the information identifying her therapist and her supervisor who needs to be approved by the Board.

EXECUTIVE SESSION

Dr. Crews made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the Executive Session was to consider license application materials. It was seconded by Ms. Spenner. The vote was: Mr. Baughman, aye; Ms. Sterling, aye; Mr. Lanzet, aye; Dr. Crews, aye; Ms. Spenner, aye; and Ms. Field, aye. Motion carried.

LUNCH BREAK 12:20-1:20

Dr. Crews made a motion to come out of executive session. It was seconded by Mr. Baughman. The vote was: Dr. Crews, aye; Ms. Spenner, aye; Ms. Sterling, aye; Mr. Lanzet, aye; Mr. Baughman, aye; and Ms. Field, aye. Motion carried.

APPLICATIONS

Mr. Lanzet made a motion to approve the following for licensure:

ALLEN STEVE C	LPC-6126
ARKOOSH SAIDRA	LPC-6116
BECHTEL BRANDI	LPC-6108
BRUNO PETER	LCPC-6091
BYNUM JOSHUA	COUI-6120
CHRISTENSEN EDENE E	LCPC-6085
CLEVERLY TEZRA	LPC-6090
CORTEZ DIANIRA	LPC-6104
COWGILL TERRI G	LPC-5971
COX CATHERINE C	LAMFT-5849
CROSS STEPHANIE	LPC-6128
DEGRAW RICHARD	LPC-6097
FISHER TERRI IRENE	LAMFT-6119
FULLMER JENNIE	LPC-6127
GAGNE LARA P	LMFT-5112
GALLO LAURA	LPC-6096
GAUSE GWENDOLYN	LPC-6107
GERDES PAMELA	LPC-6130
HARRIS JESSICA LYNN	LCPC-6112
HAYDEN SARA L	LCPC-6111
HOLLISTER LESLEY	LPC-6113
HOWELLS RENEE	LPC-6092
JONES CHEYENNE	LPC-6080
MARDIS CHESTER C	LCPC-5490
MITCHELL KRISTINE I	LCPC-6117
MITCHELL JESSICA	LPC-6078
MORROW BRIAN	COUI-6101
NOLEEN ALISA JOY	LCPC-6125
PETERSEN CONNIE	LPC-6095
PURI MARY BETH	LCPC-5899
ROSS VIRGINIA	LPC-6102
SARLAK MORTEZA	LCPC-6124
STAPP LONNIE	LPC-6074
TINDLE CHRISTINA	LPC-5593
TRANA JULIET MARY	LCPC-6083
TRIBITT TAMARA	LPC-6123

VINCENT MADDISON
YATES KRISTIN STEWART
ZIMPEL ROBIN M

LPC-6093
LCPC-6004
LPC-5970

It was seconded by Dr. Crews. Motion carried.

Dr. Crews made a motion to table the following applications until additional information has been submitted for the Board to review:

901124288
901143269
901142829
901143448
901038615
901143616
901140910
901135542

It was seconded by Mr. Baughman. Motion carried.

Ms. Spenner made a motion to approve applications pending additional information submitted to the Bureau:

901103454
901143091
901139247
901127254
901109734
901075562
901124049
901142691
901137437
901143518

It was seconded by Mr. Lanzet. Motion carried.

Mr. Lanzet made a motion to deny the following application for endorsement based on not meeting the requirements for licensure:

MICHAEL LAMKE

It was seconded by Dr. Crews. Motion carried.

NEXT MEETING was scheduled for May 5 & 6; July 14 & 15 and October 13 & 14.

ADJOURNMENT

Mr. Baughman made a motion to adjourn the meeting at 2:30 PM. It was seconded by Ms. Sterling. Motion carried.

Piper Field, LMFT, Chair

Dennis M Baughman, LCPC

Barbara Sterling

Steven I. Lanzet, LCPC, LMFT

Dorothy A Spenner, LCPC, LMFT

Judith A Crews, PHD

Tana Cory, Bureau Chief