

MINUTES March 20th, 2015
LICENSED PROFESSIONAL COUNSELORS BOARD OF EXAMINERS
Approved May 15th, 2015

The meeting was called to order by L Choate at 12:02 p.m. A roll call was taken and a quorum was present.

Members Present:

J Thomas P Millhollon
L Choate J Mims
G Perkins D Legendre

K Steele E Cowger

Members Absent:

E Augustin
K Lammert
R Cathey

Staff Present:

M Olsan

Guests Present:

S Murphy M Ledet
C Nardini N Grade
D LaCerte E Grade
R O'Brien B Schilling
R Gibson M Ballard

Agenda

L Choate asked for a motion to approve the agenda. E Cowger motioned to approve the agenda. G Perkins seconded. All approved; no abstentions.

Board Meeting Minutes

L Choate asked for a motion to approve the January Board Meeting minutes. J Mims motioned to approve the January Board Meeting minutes. J Thomas seconded. All approved; no abstentions.

Committee on Licensure/Supervision/Appraisal – G Perkins, E Cowger, P Millhollon, M Olsan

L Choate asked the Licensure Committee to first discuss N Grade's letter of appeal, requested by the Board and received March 7th, 2015, following the Board's November 21st, 2014 denial of Grade's application for LPC licensure by endorsement.

G Perkins presented information regarding Grade's application process and the associated rules. Specifically, G Perkins reminded the board of Act 276 of the 2012 legislative session which required all licensure boards in the state of Louisiana to issue licenses to military personnel and spouses who substantially meet our requirements. She also stated that the Board was responsible for looking at military mental health specialties.

G Perkins cited Secretary LaCerte's February 20th, 2015 letter to the Board regarding the Board's compliance with Act 276. She reminded the Board Members that the Board promulgated rules regarding Act 276 July 20th, 2013 and submitted said rules to the Louisiana Department of Veterans Affairs. G Perkins also state that the Rules Committee consulted with two veterans (Air Force and Army) while writing the rules—one of whom was a current Board Member and Member of the Rules Committee. She also stated that the Rules Committee reviewed the requirements of VA hospitals for LPCs to work in their facilities. At the time the Rules Committee wrote the rules associated with Act 276, the VA only accepted those LPCs who graduated from a CACREP degree.

G Perkins also briefly reviewed the Board's Rules regarding endorsement of licensure and explained that the Board's General Counsel determined the Board Rules are in compliance with Act 276. P Millhollon asked G Perkins to explain the rule promulgation process for new Board Members. G Perkins explained that the Rules Committee writes the initial draft during open meetings and then input from the Board, LCA, and LAMFT is requested and incorporated. She further explained that once the final draft is approved by the Board, then the Rules are codified by M Olsan and sent to the Legislative Fiscal Office for review and approval and finally, to the LA Register and oversight committees. She explained that a Notice of Intent is published with a 30 day comment period and if no comments are received by the public or oversight committees—then the final rule is promulgated. G Perkins noted that no public comments were received regarding the rules associated with Act 276 of 2012.

G Perkins reviewed Grade's application process with the Board. Specifically, Grade's application provided incorrect information based on different terminology between TX and LA. G Perkins reminded the Board that in our Board Rules, we do ask applicants to review the descriptions of the content areas to select the appropriate coursework to meet each of our required areas. N Grade noted a completion of a practicum but no internship on her application. A letter from her university confirmed her lack of an internship and the Licensure Committee had no choice but to deem her academic background insufficient.

G Perkins reminded the Board that the standard when it comes to field experience hours in almost every university in Louisiana is 700 hours. This is also the CACREP standard. However, Board Rules are used to set the minimum, not the preferred standard, and by legislation—Board Rules require a minimum of 400 hours. G Perkins stated that the Licensure Committee also had concerns about N Grade's human growth and development course as it did not meet our requirements.

G Perkins further explained that N Grade was issued a denial letter stating that if she believed she had completed the required coursework, then to please submit additional documentation and an appeal to the board. The Board did not receive N Grade's letter of appeal until March 7th, 2015. G Perkins stated that once N Grade's appeal was received, the Licensure Committee was able to determine that her practicum was actually the equivalent of our internship. She completed 3000+ hours in a post-masters supervised experience. Also, based on the additional courses she referenced in her letter of appeal, the committee was able to determine that she did substantially meet the requirements for the human growth and development content area.

G Perkins motioned that the recommendation of the Licensure Committee was that N Grade's appeal be approved and that she be licensed as an LPC in the state of Louisiana. L Choate asked for any question or comments. E Cowger seconded. All approved; no abstentions.

L Choate thanked the guests for their attendance and asked for any public comments. Secretary LaCerte complimented M Olsan and her staff for their professional, polite, and timely handling of Ms. Grade's application. He thanked the Board for their decision and time. Secretary LaCerte also explained his concerns regarding the Board's application of Act 276. He stated the intent of the legislation was to compare jurisdictional requirements to other jurisdictional requirements (TX requirements to LA requirements) rather than the accomplishments of the individual.

R O'Brien explained his role in the creation of Act 276 and explained the intent of the legislation was to give military and military spouses an opportunity to be licensed here—to make Louisiana military/veteran friendly. He thanked the Board for our decision and stated that additional legislation was needed to clarify Act 276. He also said he would like to see relevancy exams used to expedite the process.

N Grade stated that she lost five months of her career, is happy this is over, and understands that if she moved to Germany—she would not be able to practice but never thought this would happen in the U.S. She stated she was happy she would finally be employable.

G Perkins motioned to recess. P Millhollon seconded. All approved; no abstentions.

L Choate reconvened the meeting and asked if any additional applicant issues needed to be discussed. E Cowger stated that there were no more applicants for discussion.

E Cowger reported 120 applicants were reviewed for registration/licensure/supervision for CI/LPC/LPC-S in February and March.

Application Type	FEB	MAR	Total
LPC Application for Licensure	19	19	38
<i>32-APPROVED 3-DENIED 3-Need more Info</i>			
LPC Out-of-State Applications for Licensure	1	4	5
<i>3-APPROVED 1-DENIED 1-Re-Review</i>			
Counselor Intern: Part 1, 2, 3	17	20	37
<i>33-APPROVED 3-DENIED 1-Need more Info 0-Ext Denied 0-Ext Approved</i>			
Counselor Intern: Part 1	6	8	14
<i>8-APPROVED 4-DENIED 2-Need more Info</i>			
Counselor Intern: Part 1 and 2	1	0	1
<i>1-APPROVED -DENIED</i>			
Counselor Intern: Part 2	0	0	0
<i>0-APPROVED 0-DENIED</i>			
Counselor Intern Part 2 and 3	0	2	2
<i>1-APPROVED 1-DENIED</i>			
Counselor Intern: Part 3	0	1	1
<i>0-APPROVED 1-DENIED</i>			
Counselor Intern: Changing Supervisor	2	3	5
<i>5-APPROVED 0-DENIED</i>			
LPC Supervisor Application	4	12	16
<i>16-APPROVED -DENIED</i>			
Appraisal Privilege	0	0	0
<i>0-APPROVED 0-DENIED</i>			
LPC Areas of Expertise Review	0	0	0
<i>0-APPROVED 0-DENIED</i>			
Total Applicants Reviewed	52	68	120

P Millhollon reported 12 applicants were reviewed for registration/licensure/supervision for MFT-I/LMFT/LMFT-SC/LMFT-S in February and March.

Application Type	FEB	MAR	Total
LMFT Application for Licensure	0	1	1
<i>1-APPROVED 0-DENIED</i>			

LMFT Out-of-State Applications for Licensure	0	0	0
<i>0-APPROVED 0-DENIED</i>			
MFT Intern: Section 1, 2, 3	1	2	3
<i>2-APPROVED 0-DENIED 1-Ext Approved</i>			
MFT Intern: Section 1	0	1	1
<i>1-APPROVED 0-DENIED 0-Ext Approved</i>			
MFT Intern: Section 2 and 3	0	0	0
<i>0-APPROVED 0-DENIED</i>			
MFT Intern: Change of Practice Setting	1	2	2
<i>3-APPROVED 0-DENIED</i>			
MFT Intern: Changing Supervisor	1	2	3
<i>3-APPROVED 0-DENIED</i>			
LMFT SC Application: Section 1	0	0	0
<i>0-APPROVED 0-DENIED</i>			
LMFT SC Application: Section 2	0	0	0
<i>0-APPROVED 0-DENIED</i>			
LMFT SC Application: Section 1 and Section 2	0	0	0
<i>0-APPROVED 0-DENIED</i>			
LMFT Supervisor Application	0	1	0
<i>1-APPROVED 0-DENIED</i>			
Total Applicants Reviewed	3	9	12

E Cowger motioned to accept the Licensure Committee and Supervision report. All approved; no abstentions.

Committee on Disciplinary Affairs – L Choate, K Steele, J Thomas, J Smith

M Olsan presented an update on the D Britton injunction.

L Choate introduced disciplinary case 14/15-64 regarding sexual misconduct with a minor child. She explained the allegations were corroborated by others and that a criminal investigation is ongoing. She further explained that the individual was arrested, bonded out, and has not yet been charged by the DA’s office. L Choate recommended on behalf the Disciplinary Affairs committee and with the approval of Baker Donelson, that the licensee of the individual against who these allegations were levied be summarily suspended pending an administrative hearing. She explained the case was opened at an open meeting of the Disciplinary Committee on February 26th, 2015 given the seriousness of the allegations. M Ledet explained the legal ramifications of a summary suspension. M Olsan cited statute and Board Rules allegedly violated: RS 37:1110 (A)(3)(9); LPC Rules, Chapter 13, Section 1301 (A)(C)(1), Chapter 21, Section 2103 (A)(1)(a)(4)(a)(5)(a), Section 2107 (A)(1)(a)(6)(a)((a))((b))(d), and Section 2117 (A)(1)(a)].

L Choate motioned to issue a summary suspension in case 14/15-64 due to the allegations of violations of RS 37:1110 (A)(3)(9); LPC Rules, Chapter 13, Section 1301 (A)(C)(1), Chapter 21, Section 2103 (A)(1)(a)(4)(a)(5)(a), Section 2107 (A)(1)(a)(6)(a)((a))((b))(d), and Section 2117 (A)(1)(a)] and the imminent threat to public safety, health, and welfare. G Perkins seconded. L Choate called for a roll call vote. All presented voted affirmatively; no abstentions.

L Choate presented the Disciplinary Affairs report:
Unofficial Complaints Received since January 23rd, 2015: None.

Official Complaints Received since January 23rd, 2015:
14/15-58: Unprofessional Conduct/Harassment

14/15-59: Unprofessional Conduct/CCE
14/15-60: Unprofessional Conduct
14/15-61: Unprofessional Conduct
14/15-62: Unprofessional Conduct
14/15-63: Unprofessional Conduct/Fraudulent Billing
14/15-64: Sexual Misconduct w/a Minor**
14/15-65: Unprofessional Conduct
14/15-66: Misrepresentation of Services
14/15-67: Violation of the Psychology Practice Act
14/15-68: Unprofessional Conduct/Confidentiality Breach
14/15-69: Sexual Misconduct/Threatening Conduct
14/15-70: Criminal Conduct
14/15-71: Allowing Unlicensed Practice

Cases to Open:

14/15-58: Unprofessional Conduct/Harassment
14/15-59: Unprofessional Conduct/CCE
14/15-60: Unprofessional Conduct
14/15-61: Unprofessional Conduct
14/15-62: Unprofessional Conduct
14/15-63: Unprofessional Conduct/Fraudulent Billing
14/15-65: Unprofessional Conduct
14/15-66: Misrepresentation of Services
14/15-67: Violation of the Psychology Practice Act
14/15-68: Unprofessional Conduct/Confidentiality Breach
14/15-69: Sexual Misconduct/Threatening Conduct
14/15-70: Criminal Conduct
14/15-71: Allowing Unlicensed Practice

Cases to Close:

12/13-39: Practicing w/out Active Supervision*
12/13-42: Practicing w/out Active Supervision*
13/14-60: Unprofessional Conduct
13/14-62: Unprofessional Conduct/CCE
13/14-63: Unprofessional Conduct/CCE
14/15-01: No License*
14/15-05: No License*
14/15-06: No License*
14/15-07: No License*
14/15-08: No License*
14/15-09: No License*
14/15-10: No License*
14/15-11: No License*
14/15-12: No License*
14/15-15: No License*
14/15-17: Fraudulent Billing
14/15-20: Fraudulent Billing
14/15-21: Fraudulent Billing

14/15-22: Fraudulent Billing

14/15-23: Failure to Report Impaired Professional

14/15-24: Failure to Report Impaired Professional/Threatening Conduct

14/15-27: Unreported Criminal Background

L Choate reported a total of 88 disciplinary cases. L Choate motioned to accept the Disciplinary Affairs report. All approved; no abstentions.

Committee on Legislative Affairs –L Choate, G Perkins, J Mims, M Olsan

C Nardini of LCA reported that legislative email updates from LCA have been sent out. She also announced that LCA and LPA would be cohosting the Mental Health Legislative Forum on April 17th, 2015. C Nardini stated this event was by invitation only and only for mental health provider associations—not regulatory Boards. C Nardini also stated that LCA is not sponsoring any legislation this year but will be keeping abreast of legislation that may affect LPCs.

Committee Professional Assistance Program (PAP) – K Lammert, D Legendre, P Millhollon

D Legendre presented the PAP report. Specifically, he reported nine open cases and reported PAP 13 would be opened today per the PAP Committee’s recommendation and pending Board approval. D Legendre motioned to accept the PAP report and recommendations. All approved; no abstentions.

Committee on Rules –G Perkins, E Cowger, J Mims, M Olsan

M Olsan reported on the progress of Board Rules related (primarily) to Act 484 of the 2014 Legislative Session. Specifically, M Olsan reminded the Board that a Notice of Intent was printed in the January 20th, 2015 edition of the Louisiana Register and that barring any unforeseen issues, the final Rule would be published in the April 20th, 2015 edition of the Louisiana Register. G Perkins motioned to accept the Rules report. All approved; no abstentions.

Marriage and Family Therapy Advisory Committee Report –P Millhollon, D Legendre, K Steele

P Millhollon thanked the Licensure Committee for developing the Counselor Interns extension policy and explained the same policy would be applied to MFT Interns. She also reported that she would be part of a Task Force with M Morris to discover why we have fewer MFT Intern and LMFT applicants as well as to address other marriage and family therapy related issues. P Millhollon also reported that LAMFT had officially formed a PAC. P Millhollon motioned to accept the MFTAC report. All approved; no abstentions.

Committee on Correspondence – M Olsan, L Choate

M Olsan and L Choate presented correspondence from P Evans RE internet counseling. L Choate discussed crisis intervention vs. mental health counseling. G Perkins expressed concern over the title “crisis counselor”. L Choate motioned for M Olsan to provide a response regarding intervention services and the use of a different title. E Cowger seconded. M Olsan asked for L Choate’s final review and approval of said correspondence. L Choate agreed. All approved; no abstentions.

M Olsan presented correspondence from D LeBlanc regarding suicide assessment, treatment, and prevented CEHs approved by DHH. M Olsan explained the nascence of Act 582. J Mims stated that she did not believe the Board should endorse any CEHs and expressed concern over the Board’s tacit endorsement over supervisor CEHs currently on the Board website. J Mims recommended a policy for how CEH opportunities are placed on Board website. L Choate and M Olsan agreed. J Mims stated that she will submit recommendations for a policy. The Board discussed posting a link on the Board website indicating what is currently reflected in Board

Rules—the Board only preapproves CEHs approved by LCA, ACA, NBCC, AAMFT, LAMFT, or another state division of AAMFT. G Perkins motioned to remove all CEH providers from the Board website with the exception of the training specific to Act 582. Further, G Perkins motioned that the Board website have a menu item for continuing education. E Cowger seconded. All approved; J Mims abstained.

L Choate presented correspondence from A Hays regarding an individual observing a counseling session for educational purposes. G Perkins reminded the Board that A Hays confidentiality statement must be changed. M Olsan explained that as instructed, A Hays had submitted an updated Declaration of Practices and Procedures Statement for Licensure Committee review. The Board determined such observation would be appropriate as long as the client was properly informed and could opt out of the individual being present in the room per A Hays statement.

Public Comments

M Ledet of Baker Donelson explained she would be leaving Baker Donelson for a new position. She explained S Murphy would be the Board's main point of contact and ensured the Board that S Murphy was very capable. M Ledet also explained that D Patterson would remain in an "advisory" capacity. M Olsan and the Board thanked M Ledet for all of her tremendous work for the Board and wished her luck in her next endeavor. M Olsan also thanked S Murphy for the great work completed for the Board thus far.

G Perkins motioned to amend the agenda to add approval of a statement regarding Act 276 to be submitted to M Ballard per the advice of M Ledet. K Steele seconded. No member of the public objected. All approved; no abstentions. The Board drafted and approved the following statement: The Board is confident in its Board Rules and its compliance with Act 276 of the 2012 Legislative Session. Licensure requirements vary significantly from state to state. Therefore, the Board reviews an individual applicant's academic background, supervised clinical experience, and passage of a national exam (based on documentation the applicant provides) in an effort to determine substantial equivalency. All applicants have the right to appeal the decision of the Board. Furthermore, the Board encourages any applicant who has been denied a license or registration to submit additional documentation. Per Act 276 and in accordance with Board Rules, any active military personnel or military spouse who receives a denial may appeal and receive a decision from the Board within 30 days of receipt of the appeal. The Board maintains its commitment to upholding the high standards of the Mental Health Counselor Licensing Act of Louisiana.

L Choate asked M Olsan which items on the agenda must be addressed today versus addressed at the May meeting in the interest of time. M Olsan explained that the only other necessary items were the approval of Board resolutions for upcoming legal contracts and the reminder that all Board Members submit their Tier 2.1 Financial Statements.

Committee on Personnel – M Olsan, G Perkins, L Choate

Report deferred until May meeting.

Financial Report(s) – M Olsan

Report deferred until May meeting.

Ad Hoc Committee on Budgeting –E Cowger, M Olsan

L Choate asked for a motion to retain and employ Breazeale, Sachse, & Wilson, L.L.P as special, disciplinary counsel. J Thomas read the resolution and motioned to retain and employ Breazeale, Sachse, & Wilson, L.L.P as special, disciplinary counsel. J Mims seconded. All approved; no abstentions.

L Choate asked for a motion to retain and employ the Louisiana Department of Justice as counsel. J Thomas read the resolution and motioned to retain and employ Louisiana Department of Justice as counsel. E Cowger seconded. All approved; no abstentions.

L Choate asked for a motion to retain and employ Baker, Donelson, Bearman, Caldwell, & Berkowitz, P.C. as special, general counsel. J Thomas read the resolution motioned to retain and employ Baker, Donelson, Bearman, Caldwell, & Berkowitz, P.C. as special, general counsel. E Cowger seconded. All approved; no abstentions.

Executive Director Report – M Olsan

Report deferred until May meeting.

LAMFT Liaison Report – M Olsan, P Millhollon

Report deferred until May meeting.

LCA Liaison Report – M Olsan

Report deferred until May meeting.

New Business – L Choate

L Choate announced the next Board Meeting on May 15th, 2015. She also reminded the Board Members to submit their Tier 2.1 Financial Statements to M Olsan by May 8th, 2015.

Closing

E Cowger motioned to adjourn the meeting at 4:45 PM. P Millhollon seconded. All approved; no abstentions.

Respectfully Submitted by,

Mary Alice Olsan

Executive Director