



Nikki R. Haley
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South Carolina
Department of Labor, Licensing and Regulation

Board of Examiners for Licensure of
Professional Counselors, Marriage and Family
Therapists, and Psycho-Educational Specialists



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Minutes of the South Carolina Board of Examiners for the Licensure of
Professional Counselors, Marriage and Family Therapists and Psycho-Educational Specialists

Regular Board Meeting and Hearings for Licensees

April 7, 2015

Synergy Business Park, Kingstree Building, Room 105
110 Centerview Drive, Columbia, South Carolina 29210

Board members present were:

Danny L. Garnett, LMFT, LPC, D.Min.-President
Robert B. Carter, Ed.S., LMFT
Nikita M. Harrison, Ed.S., LMFT
Jennifer C. L. Jordan, Ph.D., LPC
Ronald H. Reames, M.A., LPC
Jerome Tilghman, M.A., LPC
Rev. Margaret Jill Duffield (Lay Member)

Board members absent were: none

Also present were:

Marlo Koger, LLR Administrator
Susan Harrington, Board Administrative Assistant
David Love, LLR Chief Investigator – OIE
Zubin Billimoria, LLR Assistant Disciplinary Counsel
Phillip Flohr, LLR Investigator – OIE
Mary League, LLR Advice Attorney

BOARD MEETING CALL TO ORDER:

President Garnett stated that Public Notice of this meeting was properly posted at the office of the South Carolina Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists, and Psycho-Educational Specialists, Synergy Business Park, Kingstree Building, Room 108, at 105 Centerview Drive, Columbia, SC 29210 and provided to any requesting persons, organizations, or news media in compliance with Section 30-4-80 of the 1976 South Carolina Code, as amended, relating to the Freedom of Information Act. President Garnett called the meeting to order at 9:00 a.m. It was noted that a quorum was present. All votes referenced herein were unanimous unless otherwise indicated.

NOTE: These Minutes are a record of the motions and official actions taken by the Board and a brief summary of the meeting.

AGENDA and APPROVAL OF MINUTES 9:10 a.m.

Motion: A motion was made by Dr. Jordan to approve the April 7, 2015 Agenda and the October 7, 2014 Minutes. Mr. Carter seconded the motion. The motion carried.

PRESIDENT'S REMARKS 9:12 A.M.:

President Garnett welcomed everyone and congratulated the new board member, Rev. Jill Duffield and Marlo Koger, the new administrator.

Mr. Garnett noted the board resignation of Samer Touma and he represented the second congressional district. There are two other vacancies in Congressional District Six that will open for an LPC or LPES. We also have space for a public member at large.

ELECTION OF OFFICERS:

On a motion from Mr. Reames, seconded by Mr. Carter, the board voted to elect Danny Garnett, LMFT/LPC as President. On a motion from Dr. Jordan and seconded by Mr. Carter the board voted to elect Jenifer Jordan, Ph.D., LPS as Vice-President.

HIPAA COMPLIANCE:

President Garnett and Board members discussed the HIPPA Compliance Update from the National Board of Certified Counselors which included the business associate agreement and eighteen areas to be covered. They also discussed the need to put the update on the counselors' website.

FINAL TRICARE RULE TO ESTABLISH STANDARDS FOR COUNSELORS:

President Garnett discussed the TRICARE Ruling and suggested that could also be added to the website.

Motion: Dr. Jordan motioned to add the information to the website and Mr. Tilghman seconded it.

DISCIPLINARY MATTERS:

IRC Report 9:15 a.m.:

David Love, Chief Investigator from Office of Investigations and Enforcement (OIE) gave the statistical report from the Office of Investigation and Enforcement cases. The Board accepted this as information presented.

David Love, Chief Investigator with OIE, presented the Investigative Review Committee's (IRC) reports concerning disciplinary matters.

Motion: A motion was made by Dr. Jordan to accept the IRC recommendations for Dismissal of cases 2014-6, 2014-14, 2014-17, 2014-22, 2014-30, 2014-33, 2014-41, 2014-50, 2014-56, 2014-59, 2014-60 and 2015-1. Mr. Carter seconded the motion. The motion carried.

Motion: A motion was made by Mr. Carter to accept the IRC recommendation for Cease & Desist case # 2014-61. The motion was seconded by Ms. Harrison and approved.

Motion: A motion was made by Ms. Duffield to accept the IRC recommendation for Authorization of Formal Complaints for 2012-20, 2013-14, 2014-43, 2014-54 and 2015-3. Dr. Jordan seconded the motion and the motion was approved.

Motion: A motion was made by Mr. Carter to accept the IRC recommendation for Dismissal with Letter of Caution for cases 2014-19 and 2014-42. Ms. Harrison seconded the motion. The motion carried.

Zubin Billimoria, LLR Assistant Disciplinary Counsel gave the statistical report from the Office of General Counsel's (OGC) cases. The Board accepted this as information.

ADMINISTRATIVE INFORMATION AND FINANCIAL REPORT:

Marlo Koger gave the Administrative Report and the Financial Report of the Board. She gave statistical reports as handouts regarding the name and number of newly licensed LPCs/LMFTs/LPES.. Ms. Koger noted the OIE, OGC reports and other licensure information. She mentioned the August 31, 2015 biennial renewal deadline and discussed the up-coming national meetings of interest.

REPORTS OF STANDARDS COMMITTEES AND CONTINUING EDUCATION COMMITTEE:

President Garnett called for the ratification of the electronic reports of the Standards Committees and

Continuing Education Committee beginning on September 26, 2014 through March 17, 2015. It was reported that the records are electronically maintained for the following categories:

Recommended for Licensure as a Professional Counselor Intern;
Recommended for Extension of LPC Intern Licensure Status for 2 years;
Recommended for Transfer from LPC-Intern to Professional Counselor;
Recommended for Licensure as a Professional Counselor by Endorsement;
Recommended for Licensure as Licensed Professional Counselor Supervisor;

Recommended for Licensure as a Marriage and Family Therapy Intern;
Recommended for an Extension of LMFT Intern Licensure Status for 2 years;
Recommended for Transfer from LMFT/Intern to LMFT;
Recommended for Licensure as a Marriage and Family Therapist by Endorsement;
Recommended for Licensure as Marriage and Family Supervisor (LMFT/S);

Recommended for Licensure as Licensed Psycho-Educational Specialist;
Recommended for Licensure as a Licensed Psycho-Educational Specialist by Endorsement;

Recommended for Reinstatement of Licensure or Re-application (all license types);

Approval of One-Time Continuing Education Providership;
Approval of Permanent Continuing Education Providership

Motion: A motion was made by to ratify the reports by Ms. Duffield and seconded by Ms. Harrison. The motion passed.

BOARD MEMBER RESPONSE TO MEDIA INQUIRY: Mary League discussed with the Board members what to do if approached by Media. The Board members were told that the protocol was to coordinate with LLR's Office of Communications, Lesia Kudelka.

APPEARANCES:

Dr. Kathryn Hilgencamp, Ed.D, LPC, LPCS

Dr. Hilgencamp provided in detail suggestions she felt are important to consider adding to the Professional Disclosure Statement template on the website which meets HIPPA requirements. She discussed South Carolina's adherence to the American Counseling Association (ACA) Code of Ethics and shared her thoughts about providing information on continuing education requirements. President Garnett mentioned the National Board for Certified Counselors Code of Ethics and the American Association for Marriage and Family Therapy Code of Ethics.

Dr. Jordan motioned to establish a committee to develop/revise the Professional Disclosure Statement Template and consider if additional revisions need to be made to the website. Ms. Harrison seconded the motion and the motion passed. Mr. Carter, Mr. Garnett, Dr. Jordan volunteered to be a part of the committee.

Review of E-Therapy Guidelines and Distance Professional Services:

The Board discussed the E-Therapy Guidelines provided and some of their concerns with various aspects.

Dr. Jordan motioned to have the committee also work on establishing E-Therapy Guidelines and to add Ms. Harrison to the committee. Mr. Tilghman seconded it.

NEW BUSINESS

Discussion Topics:

Request for Guidance on Allowing LPC/LMFT Supervisors the Use of Encrypted and Secure Webcam Services to Meet the Guidelines of Face –to-Face Supervision for the Required 150 Hours of Supervision for Interns Who Live Across State Lines

After extensive discussion Mr. Carter motioned to add this as a task item for additional research and discussion for the committee. The motion was seconded and approved.

Request for Special Provisions for Continuing Education Requirements Provided for Licenses Who Are Working Out of the Country for Military Purposes

Article 3 Section 40-1-610 “Miscellaneous Licensure Provisions for Military Personnel” addresses military members. The provision exempts a SC licensee from continuing education requirements and licensing fees while on active military duty.

The request is from an individual who is not active duty but works for the military. Mr. Carter motioned to allow this individual to get all of his CEs online. Dr. Jordan seconded it and the motion passed.

HEARING

OIE #2012-2-Memorandum of Agreement:

Zubin Billimoria, LLR General Counsel presented a Memorandum of Agreement signed and agreed to by respondent. The licensee was represented by Curtis W. Dowling, Esquire.

Executive Session: Mr. Carter made the motion to go into Executive Session for legal advice. Mr. Tilghman seconded the motion. The motion carried.

Executive Session: Ms. Duffield made the motion to come out of Executive Session. Ms. Harrison seconded the motion. The motion carried.

On a motion from Dr. Jordan, seconded by Mr. Carter, the Board voted to accept the MOA.

Policy and Procedure for Conflict Cases Involving the Office of Disciplinary Counsel

Erin Baldwin, LLR Office of Disciplinary Counsel, recommended the board develop a plan to determine what will happen if there is a conflict with the board. She gave examples of potential conflicts that could occur and offered possible resolutions.

On a motion from Ms. Duffield and seconded by Dr. Jordan, the board voted to have a three person panel should this situation occur. The three panel members will be selected from a list of ten names in case there are additional conflicts. Board members will suggest names and vote on the suggestions at the next meeting.

Number of Hours Required for Practicum

Dr. Jordan led a discussion about the number of hours required for the internship and practicum experience. The board discussed the 150 hour practicum requirement verses the 600 hour internship requirement for those assessing serious problems. The board will continue to discuss this as the application is reviewed and revised.

Establish Guidelines for the Sanctioning Process

Board members discussed providing guidance to disciplinary counsel for Consent Agreements for licensees with specific offenses. Ms. Duffield motioned to establish a committee to develop disciplinary guidelines which is to consist of Mr. Garnett, Ms. Duffield, and Dr. Jordan. The motion was seconded by Ms. Harrison and passed.

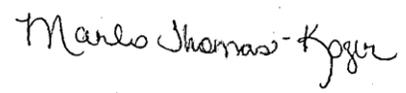
ANNOUNCEMENTS:

It was announced the next meetings of the South Carolina Board of Examiners for the Licensure of Professional Counselors, Marriage and Family Therapists, and Psycho-Educational Specialists will be held October 6, 2015 in Room 105 and April 5, 2016 in Room 105.

ADJOURNMENT:

There being no further business the meeting was adjourned at 12:17 PM on a motion from Dr. Jordan and seconded by Mr. Carter. The motion carried.

Respectfully submitted,

A handwritten signature in black ink that reads "Marlo Thomas-Koger". The signature is written in a cursive, flowing style.

Marlo Koger
Administrator