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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 Disciplinary Hearing

June 2, 2009

Synergy Business Park, Kingstree Building, Room 108
110 Centerview Drive, Columbia, South Carolina 29210

Board members present were:

Tanya A. Williams, M.Ed., President, Chairperson of LPC Standards Committee
Danny L. Garnett, D. Min., Vice President
Pamela G. Clark, PhD, Secretary-Treasurer, Chairperson of LMFT Standards
Committee
David L. Evans, Jr., M.A., Chairperson LPES Standards Committee
Jackie H. Fleshman, Public Member
M. Ellenor Mahon, M.Ed., Chairperson of Continuing Education Committee
Linda E. Womack, Public Member

Also present were:

Yarikza Alexander, LLR Investigator - Office of Investigations and
Enforcement (OIE)
Tina F. Behles, CVR, Court Reporter
Kate K. Cox, Board Administrator
Barbara Darley, Executive Director of Domestic Abuse Center
Please Faglie, LLR Investigator - OIE
Gwen Green, LLR Hearing Officer
Rudy Guajardo, President AMHCA - SC
Susan F. Harrington, Board Administrative Assistant
Greg Hinson, LLR Investigator - OIE
David Love, LLR Investigator - OIE
Cheryl C. McNair, LLR Investigator - OIE
Paula Magarle, LLR Litigation Attorney
Rachael Matthews, LPC-Intern
Sheridon H. Spoon, LLR Advice Counsel

BOARD MEETING CALL TO ORDER:

President Williams 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 110 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. Secretary-Treasurer Clark called the meeting to order at 9:15 a.m. It was noted that a quorum was present. All votes referenced herein were unanimous unless otherwise indicated.

APPROVAL OF AGENDA:

The Board reviewed the Agenda for the meeting. Mrs. Cox asked that the order of the Agenda be adjusted as needed for the disciplinary hearing.

Motion: A motion was made by Ms. Mahon to approve the agenda with Mrs. Cox's request. Ms. Fleshman seconded the motion. The motion carried.

APPROVAL OF MINUTES:

The Board reviewed the minutes of the February 3, 2009 meeting.

Motion: A motion was made by Dr. Garnett to accept the minutes of the last meeting as printed. Ms. Womack seconded the motion. The motion carried.

DISCIPLINARY MATTERS:

IRC Report

David Love, Investigator Office of Investigations and Enforcement, presented the May 19, 2009 Investigative Review Committee's (IRC) reports concerning disciplinary matters. The IRC report included two (2) Dismissals; one (1) Dismissal with a Letter of Caution, and two (2) Formal Complaints. There was no discussion.

Motion: A motion was made by Dr. Garnett to accept the May 19, 2009 IRC recommendations. Ms. Mahon seconded the motion. The motion carried.

REPORTS/INFORMATION:

Administrative Information:

Mrs. Cox reported to the Board the licensure total of all licensees as well as continuing education providers to be 2614 and she provided a breakdown of all the categories. She noted the new Office of Licensure and Compliance (OLC) will conduct the upcoming renewal for the deadline date of August 31, 2009. This was reported to be the third cycle that there has been an on-line renewal. She stated the new unit will print the forms and mail renewal notifications, manage the on line web site, handle on-line renewals, manage paper renewal requests and late renewals, deposit all funds, and do the random audit selection. She reported the new unit will answer most renewal questions and handle any on-line problems.

She reported LLR is continuing to seek more electronic means for initial licensure and has a new database under development. She reported on Wiki, a new information system, which will assist with answering calls coming into the boards in the new Contact (call) Center. Mrs. Cox reported that licensure applications are going smoothly with the Center for Credentialing and Education (CCE).

Mrs. Cox reported that she continues to track the progress of complaints on a monthly basis. She noted the time for the Marriage and Family Therapists and the Psycho-Educational Specialists to submit their course work for authorization to practice at "the more serious level" has passed. She reported that all licensees who practice at that level must have coursework documenting their training on transcript now to avoid discipline by the Board. She also reported that the Association of Marriage and Family Therapy Regulatory Boards have reported more electronic services for the boards and have adopted policies regarding the national examination security and examination re-takes requirements.

Budgets and Technology:

Mrs. Cox reported that due to budget constraints more monetary saving plans will be implemented and more technology will be used. She reported work groups and cross training will be developed as needed. She stated that with the increased demand for technology that the Board's use of emails has proven to be cost and time saving, as well as the use of the web site.

Treasurer's Report:

Mrs. Cox reminded the Board that financial information is available upon request. She reported the Board is financially sound and has had no audit exceptions reported. She stated that the financial reports regarding the Board are kept in the LLR Finance Department and monthly statements are also maintained in the Board's office.

LEGAL ISSUES:

There were no legal issues brought before the Board.

DISCIPLINARY HEARING:

A disciplinary hearing was conducted to see if Kathryn E. Barnett's license#3715 to practice professional counseling should be disciplined. The Board was represented by Paula Magarle, Tina Behles served as court reporter, and Gwen Green was the Hearing Officer. It was reported that after notification of hearing and all documents properly filed that Ms. Barnett was not in attendance. The hearing commenced.

Motion: A motion was made by Ms. Womack to discipline Ms. Barnett's license by Public Reprimand, suspension, and fine. It was stated that an Order will be written to outline the discipline. The motion was seconded by Dr. Garnett. The motion carried.

UNFINISHED BUSINESS:

Discuss Meaning of Direct Counseling Hours and Direct Client Contact Hours:

The Board discussed the meaning of these two terms. The Board determined to refer inquirers to the definition of professional counseling in Section 40-75-20(16) in the first sentence if a definition is needed for direct counseling hours for professional counselors and to refer inquirers to the definition of marriage and family therapy in Section 40-75-20 (13) if a definition is needed for direct client contact hours for marriage and family therapists. The Board noted that in Regulations 36-05 (3), 36-05.1 (3), 36-08 (3), and in 36-08.1 (3) that the word "direct" is used when referring to the 1350 hours of the 1500 hours of documented supervised clinical experience. The Board stated it understands "direct" to mean the licensee directly providing services to the client(s) in a face to face manner.

Discuss Meaning of Clinical Work Experience and the meaning of Professional Settings:

Discussion was held and the Board did not determine a position on these terms other than to refer to the statutes and regulations in the full definitions of professional counseling in Section 40-75-20(16) and marriage and family therapy in Section 40-75-20 (13) and (15). The Board stated it considered professionals will need to make these determinations on a case by case basis as a professional and must be able to defend their decisions.

NEW BUSINESS:

Policy on Record Keeping:

The Board discussed the idea of having a policy as a guide and safe harbor for professionals for record keeping. Also in the Regulations of the Board in Code of Ethics 36-19 (B) (5), it was noted that the Board has the authority to require Professional Counselors to maintain records in accordance with the policy of the Board.

Motion: A motion was made to adopt the Physicians Patient Records Act in Section 44-115-120 as the policy for a guide for all licensees of this Board in keeping records in determining the amount of time to keep records on their patients/clients. Records shall be retained for at least ten (10) years for adult patients/clients and at least thirteen (13) years for minors. These minimum record keeping periods begin to run from the last date of treatment and after these minimum record keeping periods that the records may be destroyed. The motion was seconded. The motion carried.

American Psychological Association (APA) Report:

Mr. Evans reported on the APA's revision of the Model Licensure Act as an advocacy alert to let professionals know of the proposed removal of the school psychologist exemption from the APA's Model Act for the state licensure of psychologists. He reported that this proposal could affect many professionals. Discussion followed.

Election of Officers and Confirmation of IRC Chairman:

The Board conducted an election for officers. The election results were unanimous for Tanya Williams to serve as Board President, Danny Garnett to serve as Board Vice President, and Pam Clark to serve as Board Secretary/Treasurer. The Board confirmed their continued use of Chrys Harris, PhD, as the IRC Chairman.

DISCUSSION TOPICS:

Mr. Evans asked about the resolution of complaints by Consent Agreement, Memorandum of Agreement, and Orders. Mrs. Cox explained the disciplinary sanctions and asked if the Board would like Louis Rosen to come and speak to the Board. They agreed. There were no other topics of discussion brought before the Board.

PUBLIC COMMENTS:

There was no public comment other than the public in attendance thanked the Board for their work and the opportunity to attend.

REPORTS OF STANDARDS COMMITTEES AND CONTINUING EDUCATION COMMITTEE:

President Williams called for the ratification of the electronic reports of the Standards Committees and Continuing Education Committee beginning on February 4, 2009 through June 2, 2009. It was reported that the records are electronically maintained and can be for 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);
One-Time Continuing Education Providership; and
Permanent Continuing Education Providership.

Motion: A motion was made by Dr. Clark to ratify the reports. The motion was seconded by Ms. Mahon. The motion passed.

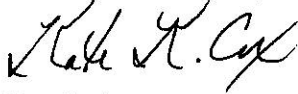
ANNOUNCEMENTS:

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 on October 6, 2009.

ADJOURNMENT:

There being no further business the meeting was adjourned at 12:25 p.m.

Respectfully submitted,



Kate K. Cox
Administrator