

**South Carolina Board of Examiners for the Licensure of Professional Counselors, Marriage and Family
Therapists, Addiction Counselors and Psycho-Educational Specialists
TELECONFERENCE BOARD MEETING AGENDA
Tuesday, October 5, 2021 at 10:00 a.m.**

DRAFT MINUTES

Board Members Present

Jennifer C.L. Jordan, Chair
Robert B. Carter, Vice Chair
Ann Kirven
Danny J. Garnett
Nikita M. Harrison
Jeannie James
Charles D. Stinson

Absent Members – None

Staff Present

Jack Beasley, Assistant Deputy Director, POL
Tina Brown, Disciplinary Counsel
Roselind Bailey-Glover, Board Administrator
Dean Grigg, Deputy Division Director
Mary League, Advice Counselor
Travis McLeod, Court Reporter
Wanda Peake, WebEx Host
Michelle Phillips, Risk Management/Compliance
Mark Sanders, Office of Investigations
Tracey Solet, Disciplinary Counsel

General Public

Elizabeth Ogorek
Jane Stafford

Public Notice of this meeting was properly posted at the office of the South Carolina Board of Examiners for the Licensure of Professional Counselors, Marriage and Family Therapists, Addiction Counselors and Psycho-Educational Specialists, Synergy Business Park, Kingstree Building, 110 Centerview Drive in Columbia, SC was posted on the Board website 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. A quorum is noted as *present/not present*. All votes referenced herein were unanimous unless otherwise indicated.

This meeting will be held via teleconference. Members of the public who wish to attend may do so by telephone. The telephone number and access code are provided on the posted agenda.

Call to Order

Board Chair, Dr. Jennifer Jordan called the meeting to order at 10:10 a.m. The meeting was held via teleconference.

Approval of the Agenda

MOTION: Mr. Carter made a motion to approve the agenda. Ms. James seconded the motion. All were in favor and the motion passed.

Approval/Disapproval of Absent Members – There were none.

Approval of the July 13, 2021 Meeting Minutes

MOTION: Mr. Garnett made a motion to approve the July 13, 2021 minutes. Ms. James seconded the motion. All were in favor and the motion passed.

Meeting minutes from the Special Called Board Meeting of September 13, 2021, will be made available on February 8, 2022 for review and vote.

Chair’s RemarksDr. Jennifer Jordan

Dr. Jordan thanked everyone for being present and apologized for the technical difficulties.

Administrative Reports

Office of Investigations and Enforcement Reports (OIE/IRC)Mark Sanders, Office of Investigations

Mr. Sanders covered the Office of Disciplinary Counsel Statistical Report for the reporting period: July 1, 2021 – September 29, 2021 as information only. For the record there were: 22 complaints, 15 cases opened, 24 cases closed and 30 active investigations as of July 7, 2021.

For the IRC Report, there were **13 dismissals for approval.**

MOTION: Mr. Garnett made a motion to approve the 13 dismissals. Mr. Stinson seconded the motion. All were in favor and the motion passed.

For the IRC Report, there were **4 formal complaints**

MOTION: Ms. James made a motion to approve the 4 formal complaints. Mr. Garnett seconded the motion. All were in favor and the motion passed.

For the IRC Report, there were **2 letters of caution for approval.**

MOTION: Ms. Harrison made a motion to approve the 2 letters of caution. Ms. James seconded the motion. All were in favor and the motion passed.

Dr. Jordan wanted to know the timeframe for a licensee to receive a letter if a complaint was filed against them. Mr. Sanders let the board know a licensee should receive a notice within 30 days of the assigned complaint. For example once the board votes to approve a letter of caution, the Administrator will send the notice to the licensee. The timeframe for investigations depends on case load, the difficulty of the case, number of witnesses to interview etc. Each board has a cycle time of approximately 150 days to get in the case to the board.

Office of Disciplinary Counsel ReportTina Brown, Disciplinary Counsel

Ms. Brown stated the ODC report is for information only to give the board insight as to where we are with cases. So far there are 13 open cases, 8 pending a hearing or agreement, 4 closed cases since the last report and 7 closed cases since 1/1/2021.

Administrator's RemarksRoselind Bailey-Glover, Board Administrator

The Financial Reports were provided to the board as information only. Any questions regarding the cash summary can be emailed to the Administrator for the finance department. The finance department provided definitions for direct and indirect expenditures related to the cash report. There was also a monthly expense report by general ledger code broken down by category.

CE Broker Website Information and Monthly Report – The information flyer is posted on the board's website to assist licensees with logging into CE Broker to set up a free basic account. The monthly report from July shows under 2,000 licensees signed up with CE Broker.

2021 Renewal Information – Renewals ended August 31, 2021, but late renewals extend until November 30, 2021. The renewal portal is still open for late renewals, however all licenses lapsed on August 31, 2021. 4600 renewed out of 6100.

Draft CE Guidelines and the CEU Grid - The Administrator will email both draft documents to Dr. Jordan and Advice Counsel for review and comment.

CCE Application Process – Ms. Glover clarified that once the online applications are ready and tested the CCE applications will be removed from the website. Applicants will be able to view their applications on line. CCE will continue to process the applications already in the pipeline that they have been paid to complete. The board will not be taking on the hundreds of pending applications CCE has in their files, but rather moving forward with the online applications where applications are processed along with other applications within a few weeks.

Application Hearing: Lucretia B. Collins – LPC-A application.

Ms. Collins provided testimony to the board to show significant equivalency through additional education courses completed and an extensive work history in music therapy counseling.

MOTION: Ms. James made a motion to go into executive session to receive legal advice in this matter. Mr. Carter seconded the motion. All were in favor and the motion passed.

MOTION: Mr. Stinson made a motion to return to public session. Mr. Garnett seconded the motion. All were in favor and the motion passed.

MOTION: Ms. James made a motion to approve and proceed with the LPC-A licensure since the applicant met the substantial equivalent requirement. Mr. Carter seconded the motion. All were in favor and the motion passed.

Application Hearing: Melissa D. Hickey – LPC-A application.

MOTION: Mr. Carter made a motion to go into closed session in accordance with state and federal confidentiality laws. Ms. Harrison seconded the motion. All were in favor and the motion passed.

Testimony was heard from the applicant.

MOTION: Mr. Carter made a motion to go into executive session to receive legal advice in this matter. Mr. Stinson seconded the motion. All were in favor and the motion passed.

MOTION: Ms. James made a motion to come out of executive session. Mr. Garnett seconded the motion. All were in favor and the motion passed.

MOTION: Ms. James made a motion to move forward with the licensing process. An order will be issued. Supervisor must be made aware of applicant's situation and consider that in their supervision per regulation 36-19 and report back to the board Administrator the supervisors acknowledgment by letter before supervision can begin. Mr. Garnett seconded the motion. All were in favor and the motion passed.

MOTION: Ms. James made a motion to return to public session. Mr. Garnett seconded the motion. All were in favor and the motion passed.

Application Hearing: Robin Hyslop

MOTION: Ms. James made a motion to go into closed session in accordance with state and federal confidentiality laws. Mr. Garnett seconded the motion. All were in favor and the motion passed.

Testimony was heard from the applicant.

MOTION: Mr. Carter made a motion to go into executive session to receive legal advice in this matter. Mr. Stinson seconded the motion. All were in favor and the motion passed.

MOTION: Mr. Carter made a motion to come out of executive session. Ms. James seconded the motion. All were in favor and the motion passed.

MOTION: Ms. James made a motion to move forward with the licensing process. An order will be issued. Supervisor must be made aware of applicant's situation and consider that in their supervision per regulation 36-19 and report back to the board Administrator the supervisors acknowledgment by letter. Letter must be received by the board prior to supervision beginning. Mr. Garnett seconded the motion. All were in favor and the motion passed.

MOTION: Ms. James made a motion to return to public session. Ms. Harrison seconded the motion. All were in favor and the motion passed.

Disciplinary Hearings: There were none

New Business

Travel / Teleconference Meetings: NBCC Annual Summit – August 4-6, 2021 – Denver, Colorado. Report Out
Ms. Jordan and Mr. Garnett covered the highlights at the September meeting. There were no additional comments.

AASCB 2022 Conference Update – Information Only

AASCB 2022 2ND Call for Conference Presentations – Information Only.

AASCB Licensure Endorsement Plan - Ms. Jordan stated that board members already worked on the endorsement plan and added that information to the new regulations, so this item was taken care of already.

AMFTRB Virtual Meeting – September 21, 2021 Report OutDanny Garnett / Nikita Harrison

Mr. Garnett covered the highlights of the meeting. Ms. Harrison spoke about telehealth and how states will continue with telehealth. Ms. Jordan stated that in a future meeting the board may want to consider their stance on telehealth and what other states are doing. Keep the topic in mind for a future discussion.

Number of New Licenses Issued (07-10-2021 to 09-27-2021) – Information only.

Number of Continuing Education Providers Approved – (07-10-2021 to 09-27-2021) - Information only.

Ratification of New Licenses and Continuing Education Sponsors - Vote

MOTION: Mr. Carter made a motion to ratify the new licenses as presented. Ms. Harrison seconded the motion. All were in favor and the motion passed.

Number of ACTIVE Licenses by Credential Type – Information only.

Ms. Jordan questioned the low number of renewed licenses reported. Ms. Glover clarified that licenses will appear on the website as lapsed, but licensees still had time to go online up until October 31, 2021 and renew the license.

Application Review Committee: Applications Reviewed – Information only.

Discussion: None

Regulatory Task Force Update Roselind Bailey-Glover

August 16, 2021- Special Called Board Meeting - Chapter 36 Revisions Complete – For the record, the process is moving forward and will be published in the State Registry. The revision might make it through this session, but at this time we are just waiting to hear back.

Application Revisions Michelle Phillips, Privacy Officer

Ms. League stated that Ms. Phillips would have to start from scratch with the application revisions.

Ms. Phillips stated the current application from CCE has three different processes in one application. Ms. Phillips is reviewing the licensing laws to ensure there is not too much information on the application and that what we are asking for is required for licensure. Ms. Phillips will get the steps for the LPC-A license done first and simplify the process and the steps with the paper application before the electronic application can be prepared. Once the LPC-A and LPC applications are complete, it should be fairly easy to update the remaining applications in the same format. She apologized for the length of time it's taking, but the new application will be correct according to the law and simplified for licensure. Ms. Jordan agreed that starting from scratch is the best thing. Ms. Phillips stated she is close to completing the paper LPC application, but did not have a specific timeline. In addition the website would have to be restructured too. Will have an update in a month.

Reciprocity Agreement between Tennessee (TN) and Kentucky (KY)Danny Garnett

Ms. Jordan stated the topic was discussed at a former meeting. TN and KY have reciprocity with one another which has nothing to do with SC. TN reached out to SC, but we use the endorsement language which covers our requirements. The compact is different and requires ten (10) states to create a compact. Legislation would have to be introduced and the Board cannot be part of legislation. For the Board we have to see what happened with legislation as a proposal, get feedback before it can go anywhere.

Reciprocity Draft Contract Language – North Carolina (NC) and South Carolina (SC)Danny Garnett

Ms. Jordan commented that if the Board were to sign any reciprocity agreement with NC and then join a compact we would need to go back through legislation. Ms. Jordan suggests the board put this topic on hold to see what happens with the compact. We may not need a reciprocity agreement. Ms. Jordan asked Ms. League to perhaps look over the NC language and let the board know at a later date.

Georgia Compact LegislationDanny Garnett

Ms. Jordan stated that right now there are too many issues which are similar (compact and reciprocity), but what we have done already with the changes to our regulations may fix the issue of reciprocity so the endorsement language we already updated should be sufficient.

NBCC – Position Regarding Counseling Compact – Notice to state boards from Kylie Dotson-Blake – Discussion

Ms. Jordan stated that NBCC supports the Compact and if any decision was made it would come to the Board like the Behavioral Analyst topic.

Continuing Education and an Audit.....Jennifer Jordan

Ms. Jordan asked board member what percentage would be audited and that the board would use CE Broker in order to audit the licensees. Ms. Glover stated that 10-20% could be audited. In addition, Ms. Glover met with CE Broker in September and stated CE Broker could conduct a formal and informal audit from the licensee records of those who registered with CE Broker and those who did not. Ms. Glover provided the board with a few presentation slides recently provided to the Social Work Board so that the Counselor Board members could see what the audit process would entail.

Ms. Glover stated that CE Broker can scrub the data they have on licensees who completed CEUs and those who never completed CEUs.

CE Broker could also send the audit notice information to the licensees who are registered. CE Broker may be able to audit those who did not register with CE Broker since a report of all active licenses is uploaded to CE Broker nightly from LLR.

Ms. Jordan wanted the board to decide on a percentage they want to audit and emphasized that CE Broker would be a timesaver where the board members won't have to do all the review by themselves.

Ms. Glover stated she would let CE Broker know when to conduct the audit and when they can start. The Board can either provide a mock up notice or use the simplified notice from CE Broker to satisfy the requirement. Transcripts would be available and the board members can participate in the audit to review the courses completed by licensees. To do this, each board member would get a user ID and password and divide the review documents. Ms. Glover will ask CE Broker for assistance with further explanation. In addition, licensees must meet the category requirements of the board.

Ms. Jordan stated that 20% would be 1,200 licensees and she does not want the review to be a burden on the Board or staff.

Ms. League clarified the Board would have to determine how staff would handle those licensees who did not complete the CEUs but answered yes on the license application that they did. The board can develop parameters or penalties for the non-compliant licensees and determine how to handle it.

Ms. Jordan, considered 10% to reduce the burden on the Board members and staff.

All board members agreed that there's a learning curve with the first time audit so a 10% random sample would be sufficient.

MOTION: Mr. Carter made a motion to start with a 10% random sample for the first audit. Mr. Garnett seconded the motion. All were in favor and the motion passed.

Maybe November or when CE Broker is ready.

Ms. League will gather information on how other boards are conducting their audits, look at the statutes to see what the board can state in a consent agreement. Later the Board can hold a Special Called Meeting for those licensees who were non-compliant.

2022 Board Meeting Dates - Vote

MOTION: Ms. James made a motion to approve the 2022 Board Meeting dates. Ms. Harrison seconded the motion. All were in favor and the motion passed.

Public Comments

Lunch (Time of Lunch will be at the discretion of the Board Chair)

Adjournment: TIME 1:35 p.m.

MOTION: Mr. Carter made a motion to adjourn. Mr. Garnett seconded the motion. All were in favor and the motion passed.