

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

Standards Committee Meeting

May 27, 2015

Synergy Business Park, Kingstree Building, Room 107  
110 Centerview Drive, Columbia, South Carolina 29210

Board members present:

Danny L. Garnett, LMFT/LPC., President  
Robert B. Carter, LMFT  
Jennifer Jordan, LPC.

Also present were:

Marlo Koger, Administrator  
Mary League, Advice Attorney  
Susan Harrington, Administrative Assistant

**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 107, 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. President Garnett called the meeting to order at 1:00 P.M.

**PURPOSE OF THE MEETING:**

President Garnett reviewed the agenda and stated the purpose of the meeting. On a motion from Mr. Carter, seconded by President Garnett and Attorney League, the Board voted to approve the agenda.

The purpose was to ...

- 1) Develop a Professional Disclosure Statement Template
- 2) Consider if revisions and/or additions need to be made to the website and to provide guidance on that process
- 3) Establish E-Therapy Guidelines

### **PROFESSIONAL DISCLOSURE STATEMENT:**

Several exhibits of Professional Disclosures were provided and reviewed. There was a discussion of what does and does not need to be included. **The Practice Act, Chapter 75, Section 40-75-270** addresses the Statement of professional disclosure:

*A licensee shall make available to each client a copy of a statement of professional disclosure.*

*The statement of professional disclosure shall include the*

- *licensee's address*
- *licensee's telephone number*
- *fee schedule*
- *educational training*
- *and area of specialization*
- *shall also explicitly denote that sexual intimacy between a practitioner and a client is prohibited.*

In addition to these six things, the committee recommended that the disclosure statement should address

- social media
- should follow HIPPA guidelines as it discusses social media
- have encrypted emails
- Confidentiality of Minors
- Alcohol and drug abuse information cannot be released even if the client has signed
- Licensees need to be aware that SC has its own Code of Ethics but recommend referring to the American Counseling Association (ACA) Code of Ethics when something is unclear.

Other recommendations were:

- Once an updated disclosure statement is finalized, our Advice Attorney will need to review the draft prior to finalizing to make sure it is legally appropriate and accurate.
- The disclosure statement should be posted to our website under "Board News" -It needs to be in a more prominent position on our website.
- Add a question to the original/initial application for licensure that addresses the SC licensure requirement of providing a professional disclosure statement to each of their clients as per statute: **The Practice Act, Chapter 75, Section 40-75-270** and provide a checkbox for their acknowledgment.

- This requirement should be included in the license approval letter.
- Could require licensees to provide copy of their professional disclosure statement with paper renewal forms of which some states are currently doing ; for online renewal: add question to the online license renewal form that directly asks licensee if they have and provide a statement to each client.

### **SUGGESTED CHANGES FOR THE BOARD WEBSITE:**

It was suggested that we modify our website to reflect Laws/Policies/Ethics.

Currently, the Code of Regulations and Code of Ethics are combined but we can separate the Code of Ethics on the website.

Susan Harrington said we cannot change the format of the website as that was determined at the agency level. She said we can make additions or changes to “Board News”. We can also put additional information under Frequently Asked Questions (FAQs).

We will consider having Board News/Code of Ethics (we can compose a statement regarding the importance of following the Code of Ethics and include a link to our current Code of Regulations/Ethics. We can also add a link to the ACA 2014 Code of Ethics. We can also refer to NBCC and MFT ethics.

Three questions to include in FAQs are:

- 1) What needs to be in my disclosure statement?
- 2) Where can I find the SC Code of Ethics?
- 3) How do you close a practice? (The Board is currently reviewing the positions of other medical related boards and intend to create a Board statement related to this topic.
  - a. Letters to clients when records are being closed
  - b. Three possible references if transferring clients elsewhere
  - c. Someone needs to be designated as the licensees backup if something happens to the therapist or if they are out for six or more months

### **ESTABLISHING E-THERAPY GUIDELINES:**

We should first review other licensing board guidelines in addition to NBCC and ACA for guidance.

Advice Attorney League made three points:

- 1) The professional must offer to refer the client to a professional in the clients area.
- 2) The professional must establish whether the client is suitable for e-therapy.
- 3) The professional must address the social media issues and all the concerns that go along with data/information that is encrypted.

There are other things to consider with E-Therapy:

- 1) It is unethical to bill insurance and the professional may need to check with their insurance carrier.

- 2) We have a 30 day guest clause but that can be tricky because the guest statute subjects the person to discipline because they will also come under the other states jurisdiction. We can say we allow but we/the person must check with the other state(s). We will need to check to see what SC Code of Ethics requires and must be mindful of the risks associated.
- 3) We can reference or incorporate what the ACA says for emergency situations and what to do if the person needs immediate or in person / face to face treatment. There could be liability that we do not know about and the licensee must make themselves knowledgeable about resources in other states.
- 4) Again, the professional must check with their insurance carrier.
- 5) Professional licensee must develop a code with their client where the client verifies who they are at the beginning of the session.
- 6) There are encryption considerations.
- 7) Client should be informed of what they should do if they cannot reach their counselor in an emergency situation.
- 8) Client should be informed of what to do if their electronic service provider is down during an emergency situation.
- 9) Licensee must get consent of individuals who are being counseled (consent to be taped).
- 10) Clients need to be aware if/when they are taped for supervision. Licensee must ensure they are erasing the videotapes afterwards.

President Garnett will draft E-Therapy guidelines and will send template that can be reviewed and revised.

### **SANCTIONS:**

Many state boards have their sanctions outlined so they know exactly what will happen before an incident occurs.

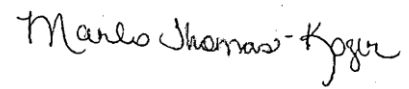
Similar to other boards do we need to be more specific and have supervisors that specialize in certain areas identified when a licensee is sanctioned and needs to work under supervision?

We may have issues when we need a LMFT supervisor depending on the location because LMFT supervisors are limited in certain areas. E-supervision may help with that. In order to follow sanctioning guidelines from the board, supervisors will need to be approved by the board and have a certain level of specialization. The board will need to consider its resources and make recommendations.

**ADJOURNMENT:**

There being no further business, President Garnett adjourned the meeting at 3:30 PM.

Respectfully submitted,

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

Marlo Koger  
Administrator