

MINUTES May 21, 2021
LICENSED PROFESSIONAL COUNSELORS BOARD OF EXAMINERS
DRAFT

The meeting was called to order by R Salgado at 1:42 PM. N Peirce took the roll call and determined a quorum was present.

Members Present:

E Airhia
R Cathey
R Salgado
K Tyner
K Hebert

Via Zoom:

N Pierce
L Fazio-Griffith
J Mims

Members Absent:

A Johns

Staff Present:

J Doming
R Lundin

Guests Present:

Via Zoom:

J Raines
A Trogden
E Dixon
M Perry

Agenda

R Salgado asks to approve the agenda. F Nash motions to accept. K Tyner seconds. All approved; no abstentions.

Board Meeting Minutes

R Salgado motions to approve the March Board Meeting minutes. K Tyner asks to modify her name on page one from K Tyler to K Tyner. J doming will change the PAP Committee report from R Cathey to E Airhia as the presenter of the report. E Airhia seconds to approve the motion. All approved; no abstentions.

Discuss May 1st - Oct 31st expiring provisional licensees and emergency rule

Presented by R Salgado. J Doming explains emergency rule was published to extend provisional licensee expiration from May 1, 2021, to August 31, 2021.

C Guillotte motions to extend expiration to October 31, 2021. R Cathey seconds. All in favor. No opposed. No public comments

Committee on Legislative Affairs Report: C Guillotte, E Airhia, J Mims, A Johns, A Trogden

LCA report presented by A Trogden. LCA sponsored HB156 to change title from guidance counselor to school counselor. Bill passed in House successfully and is in Senate committee. No opposition at this time and none expected on Senate side. Indicated that there has been movement with the counseling state compact. LCA has secured author for next legislative session in 2022. Representative has done several state compacts and work will begin in the Summer.

C Guillotte inquired if LCA is aware of additions regarding CACREP programs from National organizations. They are suggesting that there be some additions. Need uniformity in academic and hours. There needs to be uniformity across licensure requirements.

J Mims- Would like the Rules Committee to discuss this to provide recommendations for possible amendments.

A Trogden- LCA would like feedback from the Board as to how this will affect the Board and their processes. HCR 94 resolution came to the house floor but has not passed. Resolutions directs all state health care Boards to evaluate whether a review process should be enacted in Louisiana. Connecticut and Nebraska are current states that have an umbrella agency for all licensees in the state. The Health and Welfare Committee is asking Board for feedback about pros and cons of this process. LCA would also like feedback as to whether to support.

J Mims Inquired if there was any information on school mental health counselors and if we need to have this part of our exemptions. Does not recall any legislation on how this was created. Board needs to look at this to make sure it does not cross the line for what they are doing in the school and perhaps make suggestions.

R Salgado stated that as a Board and LCA should be looking into this to answer these questions.

E Airhia inquired if there is any update on SMI language in the LDH manual.

A Trogden states that there has been no update and LCA has received no response.

Rules committee will review points brought up to provide feedback for LCA.

C Guillotte presents that text, emails, and fax are not considered as telehealth. Potential for a committee to be created which the Board would submit any rule drafts to. The goal seems good but not in the best interest of people of Louisiana. It would dilute our ability to police our licensees.

Tom Deviller provides insight to the Board regarding the Federal Trade Commission and Louisiana Appraiser Board.

C Guillotte states that the intent of HB398 would be to protect the Board and Board Members from lawsuits. Attorney General's office would approve or deny rule but may or may not defend the Board.

Discussion on HCR 94. Report needs to be reviewed before sending over. Caution should be taken with offering too many options. Resolutions are mostly the result of infighting

of nurses and doctors. Adding another lay of bureaucracy. After this resolution, it is likely to pass and would expect the Board to have to answer report by the end of the year. Currently 17 health licensing Boards listed.

R Salgado would like to have a meeting with Legislative Committee to discuss further. E Airhia motions to look at this further with the Legislative Committee. R Cathey seconds. Motion approves the Committee on Legislative Affairs Report.

Committee on Disciplinary Affairs Report- K Steele, N Pierce, R Salgado, K Tyner, J Doming

N Pierce presents the Disciplinary Affairs Committee Report:

Unofficial Complaints Received since March 19, 2021:

- | | |
|--------------|------------------------------|
| 1. 20/21-118 | Practicing without a License |
| 2. 20/21-121 | Unprofessional Conduct |
| 3. 20/21-124 | Inappropriate Relationship |
| 4. 20/21-127 | Unprofessional Conduct |
| 5. 20/21-135 | Unethical Conduct |

Official Complaints Received since March 19, 2021:

- | | |
|----------------|------------------------------------|
| 1. 20/21-108 | Unethical Conduct |
| 2. 20/21-109 | Unethical Conduct |
| 3. 20/21-110 | Unethical Conduct |
| 4. 20/21-111 | Unethical Conduct |
| 5. 20/21-112 | Unprofessional Conduct |
| 6. 20/21-113 | Unethical Conduct |
| 7. 20/21-114 | Confidentiality; Scope of Practice |
| 8. 20/21-115* | False Application |
| 9. 20/21-116 | Unethical Conduct |
| 10. 20/21-117* | False Application |
| 11. 20/21-119 | Patient Abandonment |
| 12. 20/21-120 | Unprofessional/Unethical Conduct |
| 13. 20/21-122* | Unethical Conduct |
| 14. 20/21-123* | Unethical Conduct |
| 15. 20/21-125 | Scope of Practice |
| 16. 20/21-126* | Fraudulent Renewal Application |
| 17. 20/21-128 | Unethical Conduct |
| 18. 20/21-129 | Unethical Conduct |
| 19. 20/21-130 | Unethical Conduct |
| 20. 20/21-131 | Unprofessional Conduct |
| 21. 20/21-132 | Unethical Conduct |
| 22. 20/21-133 | Unprofessional/Unethical Conduct |

- 23. 20/21-134 Unethical Conduct
- 24. 20/21-135 Unethical Conduct

Cases to Open:

- 1. 20/21-107 Unlawful Practice
- 2. 20/21-108 Unethical Conduct
- 3. 20/21-109 Unethical Conduct
- 4. 20/21-110 Unethical Conduct
- 5. 20/21-111 Unethical Conduct
- 6. 20/21-112 Unprofessional Conduct
- 7. 20/21-113 Unethical Conduct
- 8. 20/21-114 Confidentiality; Scope of practice
- 9. 20/21-115* False Application
- 10. 20/21-116 Unethical Conduct
- 11. 20/21-118 Practicing without a License
- 12. 20/21-119 Patient Abandonment
- 13. 20/21-120 Unprofessional/Unethical Conduct
- 14. 20/21-122* Unethical Conduct
- 15. 20/21-123* Unethical Conduct
- 16. 20/21-124 Inappropriate Relationship
- 17. 20/21-125 Scope of Practice
- 18. 20/21-126* Fraudulent Renewal Application
- 19. 20/21-127 Unprofessional Conduct
- 20. 20/21-128 Unethical Conduct
- 21. 20/21-129 Unethical Conduct
- 22. 20/21-130 Unethical Conduct
- 23. 20/21-131 Unprofessional Conduct
- 24. 20/21-132 Unethical Conduct

Cases to Close:

- 1. 18/19-96 Practicing without a license
- 2. 19/20-09 Unprofessional Conduct
- 3. 19/20-105 Unreported Arrest
- 4. 20/21-16 Unprofessional/Unethical Conduct
- 5. 20/21-45 Fraudulent Billing
- 6. 20/21-47 Unethical/Unprofessional Conduct
- 7. 20/21-61 Practice outside of Scope
- 8. 20/21-81 Unprofessional Conduct
- 9. 20/21-90 Unreported Charges; False Application
- 10. 20/21-94 Confidentiality; Scope of Practice;
- 11. 20/21-98 Unethical conduct; Prof. Boundaries
- 12. 20/21-110 Unethical Conduct
- 13. 20/21-117* False Application

Complaints to Dismiss:

- | | |
|--------------|------------------------|
| 1. 20/21-103 | Unethical Conduct |
| 2. 20/21-104 | Unprofessional Conduct |
| 3. 20/21-105 | Unprofessional Conduct |
| 4. 20/21-106 | Unprofessional Conduct |
| 5. 20/21-121 | Unprofessional Conduct |

TOTAL OPEN CASES TO DATE: 77

Voluntary Surrender, #20/21-87, 20/21-88, 20/21-101, #PLC7859 presented by J Raines. Inappropriate relations with prior client. No questions or comments. E Airhia motions to accept. K Tyner seconds. All in favor. No opposed.

Consent Agreement, #20/21-6 presented by J Raines. Violation of MOU. No questions or comments. C Guillotte motions to accept consent agreement. R Cathey seconds. All in favor. No opposed.

Consent Agreement, #20-21-100, LPC #5574 presented by J Raines. No questions or comments. E Airhia motions to accept agreement. K Tyner seconds. All in favor. No opposed.

Kannan Facts and Findings adoption
J Mims motions to go into executive session. N Pierce seconds.
No public comments

R Salgado motions to accept the facts and findings by James Raines. C Guillotte seconds. All approve; no abstentions.

Committee on Licensure/Supervision/Appraisal Report- LPC: J Mims, L Fazio-Griffith, R Salgado, A Johns

Report presented by L Fazio-Griffith:

Total Number of LPC Applications Reviewed:				
April and May 2020				
Application	April	May	Expedited	Total
LPC Application for Licensure	12	24	29	65
<i>62 Approved; 3 Denied</i>				
LPC Endorsement Application	2	7	7	16
<i>14 Approved; 2 Denied</i>				

PLPC Application (Section 1, 2, 3)	12	32	29	73
<i>57 Approved; 16 Denied</i>				
PLPC Application: Section 1 Only	0	1	0	1
<i>0 Approved; 1 Denied</i>				
PLPC Application: Section 1 and 2 Only	0	0	0	0
<i>NA</i>				
PLPC Application: Section 2 Only	0	0	0	0
<i>NA</i>				
PLPC Application: Section 2 and 3 Only	0	0	0	0
<i>NA</i>				
PLPC Application: Section 3 Only	0	0	0	0
<i>NA</i>				
LPC Supervisor Application	1	13	7	21
<i>20 Approved; 1 Denied</i>				
Appraisal Privilege	0	0	1	1
<i>1 Approved; 0 Denied</i>				
PLPC: Change/Add Supervisor	7	7	0	14
<i>14 Approved</i>				
PLPC Practice Setting Updates	19	32	9	51
<i>51 Approved</i>				
PLPC Audited Renewal Approvals				0
PLPC Standard Renewal Approvals				0
LPC Audited Renewal Approvals				52
LPC Standard Renewal Approvals				360
Telehealth Approvals				852
Total LPC Applications Reviewed	53	116	73	1506
<i>Expedited: Totals from Approvals from 3/13/2021 to 5/18/2021</i>				

L Fazio-Griffith presents appeal from A Bosarge, expired LPC reapplying. LPC license expired 7/1/2018 and was previously denied by Licensure Committee. Would like the Board to consider work experience rather than fulfill current licensure requirements. No questions presented for the appeal.

L Fazio-Griffith presents appeal from A Rhodes. PLPC applicant appeal. Applicant lacks current DSM-5 course and submitted CEHs in the DSM-5 and is requesting that this is considered in place of the required course. No questions presented for the appeal.

L Fazio-Griffith presents appeal from G Rattleff. Expired PLPC reinstatement appeal. Applicant lacks 60 hours and does not have the current DSM-5 course. Asking Board to accept coursework. No questions presented for the appeal.

L Fazio- Griffith presents appeal from Z Dunn. PLPC application appeal. Applicant completed an insufficient number of group supervision hours within graduate practicum/internship.

R Salgado commented that accommodations were sought and found for students at local universities for those in practicum/internship. No evidence if this occurred for this applicant. Applicant would need to answer question as to what efforts were made. No questions presented for the appeal.

L Fazio-Griffith presents appeal from C Haydell. Individual is asking to be approved for provisional licensure and then take course that fulfills Abnormal Behavior content area requirement. No questions presented for the appeal.

L Fazio-Griffith presents three drafted positions statements.

Position Statement regarding graduate students and telehealth training

It is the position of the LPC Board that graduate students should have training in telehealth if he/she is providing telehealth services in their practicum/internship.

J Mims motions to accept Position Statement. N Pierce seconds. All in favor.

J Mims spoke with McNeese, and they indicated that graduate students are not required to have training due to something with Medicaid. There is not much difference in 2014 ACA code of ethics. I think that if it being covered in ethics/techniques meets our requirements for 3 CEH.

Position Statement regarding telehealth approval requirement

Regardless of the agency or employer, if an individual holds a license with the LPC Board, the licensee must receive Board approval in order to provide telehealth services unless the licensee meets the criteria under one of the exemptions in Chapter 17, Section 1703/Chapter 45, Section 4501 of Board Rules.

J Doming mentions that online dashboards and verifications note if someone has been approved to provide Telehealth. Individuals under LDH also provide Teletherapy. Regardless of where you are employed, you must meet the requirements of the Board.

J Mims mentions that a position statement does not have the same force of law.

C Guillotte motions to accept position statement with amendment. J Mims seconds.

Position Statement regarding non-disclosure of criminal record on application.

Pursuant to La. R.S. 37:1110 (A)(6) of the Louisiana Mental Health Counseling Licensing Act and Section 409 of Board Rules, applicants who fail to disclose criminal history

record information on an application shall be deemed to have provided false, misleading, and/or deceptive information on an application providing cause for denial of application for licensure. Applications submitted to the LPC Board of Examiners are valid for up to one (1) from the date of original submission. Denied applicants are eligible for reapplication after one (1) year of original application submission.

J Mims motions to accept position statement. C Guillotte seconds.

J Mims motions to accept the Committee on Licensure/Supervision/Appraisal Report LPC. C Guillotte seconds. All in favor. No opposed.

No public comments/questions

C Guillotte presents LMFT report:

Total Number of LMFT Applications Reviewed:				
April & May 2021				
Application	April	May	Expedited	Total
LMFT Application for Licensure	0	3	0	3
<i>3 Approved; 0 Denied</i>				
LMFT Endorsement Application	1	0	0	1
<i>1 Approved; 0 Denied</i>				
PLMFT Application (Section 1, 2, 3)	3	1	0	4
<i>4 Approved; 0 Denied</i>				
PLMFT Application: Section 1 Only	0	0	0	0
<i>NA</i>				
PLMFT Application: Section 2 and 3 Only	0	0	0	0
<i>NA</i>				
PLMFT: Change/Add Supervisor	0	1	0	1
<i>1 Approved</i>				
PLMFT Practice Setting Updates	1	2	0	3
<i>3 Approved</i>				
LMFT Supervisor	0	0	0	0
LMFT Supervisor Candidate	0	0	0	0
PLMFT Audited Renewal Approvals	0	0	0	0
LMFT Audited Renewal Approvals	0	0	0	0
Total LMFT Applications Reviewed	5	7	0	12
<i>Expedited: Totals from Approvals from 3/13/2021 to 5/18/2021</i>				

C Guillotte motions to accept report from Committee on Licensure/ Supervision/ Appraisal Report LMFT. K Tyner seconds. All in favor; no opposed.

C Guillotte presents email correspondence that was addressed to the MFTAC regarding telehealth and providing career counseling. Individual must seek licensure in Louisiana to provide these services.

C Guillotte request denied.

No public comments/questions

Committee on Rules: J Mims, L Fazio-Griffith, E Johns, R Cathey, R Salgado
Presented by L Fazio- Griffith. Emergency Rule regarding Teletherapy extension due to governor's proclamation and Emergency Rule regarding 6 year Expired Provisional Licensees.

J Doming initiated emergency rule giving provisional licensees who were due to expire until August 31, 2021, to complete licensure requirements. With additional extension, will now have until October 31, 2021.

J Mims states that there have been issues with provisional licensees having a hard time scheduling exam.

J Doming indicates that in July the Board may need to discuss the upcoming provisional licensee renewal and those unable to scheduled exam. Provisional licensees need to be proactive in scheduling their exams.

J Mims motions to accept the Committee on Rules report. K Tyner seconds. All in favor. No opposed.

No further public comments/questions

Recess: 10 Minutes. Reconvene at 3:58pm.

Committee on Professional Assistance Program Report: R Cathey, E Airhia, L Fazio-Griffith

Presented by E Airhia- Committee members have been very diligent and busy behind the scenes. There has been growth and progress within the committee. PAP committee is helping set up processes to help the participants get back on track with their life and their practice. Progressive and forward thinking is making the committee more effective.

No public comments. E Airhia motions to approve the Committee on Professional Assistance Program Report. C Guillotte seconds. All in favor. No opposed.

Marriage and Family Therapy Advisory Committee Report: R Cathey, C Guillotte, K Tyner, K Steele

Presented by R Cathey. MFTAC meeting was held yesterday, May 19, 2021. After meeting, committee worked on supervision manual. Designed to be an instructional

manual on how to be a good supervisor. It was primarily written for LMFT Supervisors but provides information for both licenses. New handbook will be updated on Board website. MFTAC is interested in how we can provide skills for those providing marriage and family therapy, how we can get those in graduate school interested in dual licensure as a LPC and LMFT, and how we can promote the skills that are necessary for public that specialize in marriage and family therapy.

No questions or comments. C Guillotte motions to accept the Marriage and Family Therapy Advisory Committee Report. E Airhia seconds. All in favor. No opposed.

Committee on Correspondence: N Pierce, R Salgado

The first piece of correspondence was previously presented by C Guillotte. You must be licensed in the state to provide services in Louisiana.

N Pierce presents correspondence regarding social media.

J Mims- if you are going to be on social media you must have personal/professional appearance. No snooping on client pages. Engaging in dual relationships. Emphasis on dual relationships and documentation in ACA code of ethics about social media and distance counseling.

J Doming- Board has discussed this and provide her with this feedback. E Airhia requests that email response draft be sent to correspondence committee for review and approval.

No questions/comments. J Mims motions to accept the Committee on Correspondence report. N Pierce seconds. All in favor.

Executive Director Report: J Doming

Presented by J Doming:

LPC Renewals; All discipline and PAP work; State Reports; Emergency Rules; Website updates; Processed Practice Setting Applications; Staff support; Financials, Reconciliations and Deposits.

No questions or comments. J Mims motions to accept Executive Director report. F Nash seconds. All in favor. No opposed.

J Mims presents comment about updating website. Not everyone has access to internet and may need alternative for processing online. Advocating to those individuals who do not have access. J Doming indicates that we do make accommodations as needed.

Financial Report:

Presented by J Doming:

February and March 2021 Financial Reports

Budget will be reviewed at July meeting

N Pierce motions to approve. E Airhia seconds.

No comments/questions.

New Business:

Creating video tutorials and videos for FAQs. Need to create content licensing/discipline process where individuals can access the content in video include video to introduce Board/Board Members. Possibly including link in approval letters. L Fazio- Griffith would like the Board members to come up with specific topic and what might be helpful to licensees including supervisor/supervisee relationship and informational videos. Videographer will do videos in September along with new photos for the website. Video will be one and a half to two minutes long and need topic and outline by mid-June. J Doming indicates that the committee will send out a list of items/topic to choose from. No comments.

Driver Authorization forms due. Must release driver records to state and complete required course.

Old Business

Tier 2.1 Statements were due May 15.

Next Board Meeting Date/Time July 16 at 12:30pm

E Airhia motions to adjourn. C Guillotte seconds. Adjourn meeting at 5:02pm

Respectfully Submitted By,
Jamie S. Doming, Executive Director