

TEXAS STATE BOARD OF EXAMINERS OF PROFESSIONAL COUNSELORS



MEMBERS OF THE BOARD

Steve Christopherson, LPC Board Chair
Christopher Taylor, LPC-S Board Vice-Chair
Dr. Sarah Abraham
Dr. Loretta J. Bradley, LPC-S
Brenda S. Compagnone, LPC-S
Steven Hallbauer
Leslie Pohl
Roy Smith
Janie Stubblefield, LPC-S

Cristina De Luna
Executive Director

MEETING MINUTES September 11, 2020

The Texas State Board of Examiners of Professional Counselors Meeting met via Zoom video conference on September 11, 2020. The following Board members were in attendance: Steve Christopherson-Chair, Dr. Loretta Bradley, Brenda Compagnone, Steven Hallbauer, Leslie Pohl, Roy Smith, Janie Stubblefield, Dr. Christopher Taylor. Also, in attendance was Cristina De Luna, Executive Director of LPC and Darrel Spinks, Executive Director of BHEC. The following Board member was absent from the September 11, 2020 meeting: Dr. Sarah Abraham.

Friday, September 11, 2020

1. The meeting was called to order at 12:32 p.m. by Chair Steve Christopherson.
2. The Board moved into Item II, Introduction of members and staff.
3. The Board moved into Item III, Meeting Minutes.

A MOTION WAS MADE BY DR. CHRISTOPHER TAYLOR AND SECONDED BY STEVEN HALLBAUER TO APPROVE THE MINUTES OF THE FEBRUARY 7, 2020 BOARD MEETING AS SUBMITTED. THE VOTE WAS APPROVED UNANIMOUSLY.

A MOTION WAS MADE BY JANIE STUBBLEFIELD AND SECONDED BY BRENDA COMPAGNONE TO APPROVE THE MINUTES OF THE MAY 15, 2020 BOARD MEETING AS SUBMITTED. THE VOTE WAS APPROVED UNANIMOUSLY.

A MOTION WAS MADE BY DR. LORETTA BRADLEY AND SECONDED BY PASTOR ROY SMITH TO APPROVE THE MINUTES OF THE JULY 9, 2020 BOARD MEETING AS SUBMITTED. THE VOTE WAS APPROVED UNANIMOUSLY.

4. The Board moved into Item IV, Discussion on possible action regarding final order in the following cases:

A MOTION WAS MADE BY LESLIE POHL AND SECONDED BY STEVE CHRISTOPHERSON TO APPROVE THE ADREED ORDER. THE VOTE WAS APPROVED UNANIMOUSLY.

- i. The Board reviewed Agreed Order for Complaint 1061-15-0194, in the matter of Connie Doland, LPC 16821.

A MOTION WAS MADE BY BRENDA COMPAGNONE AND SECONDED BY JANIE STUBBLEFIELD TO APPROVE THE ADREED ORDER. THE VOTE WAS APPROVED UNANIMOUSLY.

333 Guadalupe, Suite 2-450, Austin, Texas 78701
(Phone) 512-305-7700, (Fax) 512-305-7701

The Texas Behavioral Health Executive Council is an equal opportunity employer and does not discriminate on the basis of race, color, religion, national origin, age, sex, disability or sexual orientation.

- ii. The Board reviewed Agreed Order for Complaint 1061-16-0081, in the matter of Mary Seay, LPC-S 61497.

A MOTION WAS MADE BY STEVE CHRISTOPHERSON AND SECONDED BY JANIE STUBBLEFIELD TO APPROVE THE ADREED ORDER. THE VOTE WAS APPROVED UNANIMOUSLY.

- iii. The Board reviewed Agreed Order for Complaint 1061-15-0095, in the matter of Gregory Dingas, LPC-S 18243.

NO ACTION TAKEN

- iv. The Board took no action for Complaint 1061-16-0069.

5.The Board moved into Item V, Discussion and possible action regarding recommendations to the Texas Behavioral Health Executive Council for changes to 22 Texas Administrative Code, Chapter 681.92, concerning Licensed Professional Counselors.

A MOTION WAS MADE BY STEVE CHRISTOPHERSON AND SECONDED BY CHRISTOPHER TAYLOR TO REPEAL CURRENT LANGUAGE AND REPLACE WITH NEW PROPOSED LANGUAGE. THE VOTE WAS APPROVED UNANIMOUSLY.

6.The Board moved into Item VI, Discussion and possible action regarding review of public comments and recommendation of adoption of proposed amendments to Title 22 of the Texas Administrative Code, Chapter 681, concerning Licensure and Regulation of Licensed Professional Counselors. The proposed amendments, repeals, and new rules as well as call for public comment were published in the July 17, 2020 issue of the Texas Register (45 TexReg 4661).

BOARD ACTIONS:

A MOTION WAS MADE BY STEVE CHRISTOPHERSON AND SECONDED BY ROY SMITH TO APPROVE ADOPTION OF PROPOSED LANGUAGE RELATED TO IMPARTIALITY AND NON-DISCRIMINATION FOUND IN BOARD RULE §681.13. DR LORETTA BRADLEY AND BRENDA COMPAGNONE OPPOSED. THE VOTE PASSED.

A MOTION WAS MADE BY STEVE CHRISTOPHERSON AND SECONDED BY JANIE STUBBLEFIELD TO APPROVE ADOPTION OF ALL OTHER PROPOSED RULE CHANGES FROM THE JULY 17, 2020, TEXAS REGISTER. THE VOTE WAS APPROVED UNANIMOUSLY.

7.The Board moved into Item VII, Discussion regarding telehealth in Texas.

- i. Steve Christopherson noted pandemic started hot topic of telehealth. Dealing with well-educated individuals who are ready to help a whole lot of Texans. Darrel Spinks noted there have been no reports of LPC's having problems. Board is happy to address any patterns of complaints related to this topic if they arise.

8.The Board moved into Item VIII, Discussion and possible action related to future committee meeting actions.

- i. Patrick Hyde spoke on the changes with the move to BHEC and streamlining processes for efficiency. Patrick also noted the assumption that committee meetings were required to be held in an Open Meeting setting and follow the Open Meetings Act is only when a quorum of full board is present. Patrick explained how some board reviews can be taken care of internally with an email, conference

- call, or Zoom meeting directly with the board members. Advised to have two members and one back up for each Committee.
- ii. Janie Stubblefield supported the change and requests the review be completed directly by the office when possible.
 - iii. Dr. Christopher Taylor supported the idea as individuals do get frustrated when there are long wait times for a decision to be made.
 - iv. Steven Hallbauer supports the idea.
 - v. Dr. Loretta Bradley supports the recommendation.
 - vi. Cristina De Luna noted this process would be for all Committees.

9. The Board moved into Item IX, Discussion and possible action related to a Schedule of Sanctions policy.

- i. Patrick Hyde worked to find a resolution for the board members concerns related to having the ability to impose Conditional Letters of Agreement and Warning Letters. Patrick proposed a policy for staff to use in Informal Settlement Conferences. Patrick noted not every ISC will have a board member; board members will be contacted when allegations relate to practice questions and a subject matter expert should be part of the review.
- ii. Steven Hallbauer appreciates the policy and supports it. Proposes to have this available to the public. Steven wants to ensure all mitigating factors are heard and to consider corrective measures taken prior to board or agency review.
- iii. Dr. Christopher Taylor thinks the policy is great and supports it.

A MOTION WAS MADE BY STEVE CHRISTOPHERSON AND SECONDED BY STEVEN HALLBAUER. THE VOTE WAS APPROVED UNANIMOUSLY.

10. The Board moved into Item X, Discussion and possible action concerning Committee Reports.

- i. Applications and Supervision Issues Committees Report regarding actions taken at the September 11, 2020, committee meeting.

MEETING WAS NOT HELD

- ii. Professional Development Committee Report regarding discussion and actions taken at the September 11, 2020, committee meeting.

MEETING WAS NOT HELD

- iii. Complaints Committee Report regarding discussion and actions taken at the September 11, 2020, committee meeting.

MEETING WAS NOT HELD

11. The Board moved into Item XI, Board Chair Report and Update concerning current challenges and accomplishments; interaction with stakeholders, state officials, and staff; committee appointments and functions; workload of Board members; and general information regarding the routine functioning of the Board.

- i. Chair Steve Christopherson noted BHEC is official. He noted how much Darrel and all his staff are appreciated with all the background work during this transition. Chair Christopherson noted he knows BHEC is in good hands with the dedication of the board members and BHEC staff.
- ii. Darrel noted he appreciated all the work his staff has undertaken and the support they have shown. Darrel noted that staff have been putting in a lot of work hours and continue to do their very best. He

noted this transition was to a brand-new infrastructure. Darrel noted he enjoys working with this board and their understanding of actions necessary to move forward.

12. The Board moved into Item XII, Executive Director's Report concerning program operations; customer service accomplishments and challenges; workload processing; and general information regarding the routine functioning of the licensure program.

- i. Cristina De Luna thanked the board members and all staff who have been apart of this transition. Cristina provided background information on licensing processes; currently running six weeks across the board on all levels. Staff are answering calls from 8am to 5pm. Now that we are at BHEC, all emails and inquiries should be sent to Licensing@bhec.texas.gov. Cristina noted to be sure and read board rules pertaining to documents that need to be submitted as this would cut back on deficiencies. All were informed that Upgrades can now be completed online by attaching the documents. Cristina noted we have lost a staff member and currently only have one staff processing all LPC. LPC did have a new hire who will be in training. Related to complaints we now have the staff to address the volume that LPC receives. Cristina again noted she appreciates everything the board members do.

13. The Board moved into Item XIII, Management Report and Update, including unit organization and staffing; current operational initiatives; customer service accomplishments and challenges; workload processing and statistical information; and general information regarding the routine functioning of the unit.

- i. No report was available for this meeting.

14. The Board moved into Item XIV, Public Comments:

- i. Dr. Kathy Ybanez-Llorente with the Texas Association for Counselor Education and Supervision and Associate Professor in the Professional Counseling Program at Texas State University; appreciates all the work of the board and BHEC. She would like to petition that the new application documents the list of LPC rules be available in pdf and Word format.
- ii. Dr. Katherine Bacon with the American Counseling Association reminded the board of the November 13th TCA Professional Growth Conference which will be virtual.
- iii. Jan Friese, Executive Director Texas Counseling Association has continued to work with the Texas Department of Insurance related to Telehealth and hoped they would consider readopting the current policy to cover telehealth visits. Requests some type of review that can be shared at the Open Meeting pertaining to appeals. Expressed how "profoundly disappointed" TCA is that the board is removing the language related to Non-Discrimination.
- iv. Dr. Franklin noted he attempted the upgrade process online on September 4th and was unsuccessful. Request a step-by-step. Also noted concern of when to use Intern vs. Associate.
- v. Mario De La Garza with the Association for Counselor Education and Supervision noted his concern with removing the Non-Discrimination language, especially during the current times this rule is so important.
- vi. Tom Kennedy inquired as to how big the discrimination problem really is and if the board sees a lot of complaints related to the issue.

15. The Board moved into Item XV, Review next Board meeting date(s).

- i. The board members agreed to move both May 2021 and May 2022 meetings up one week. Also, the board members agreed to move the November 2022 meeting a week earlier due to a state holiday. This document will be available on the board's website soon.

16. The Board moved into Item XVI, Future Committed and Board Meeting Agenda Items.

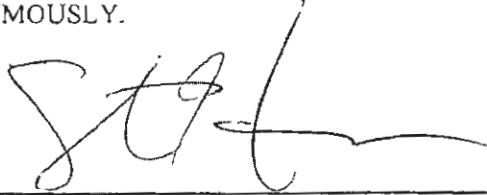
- i. As needed by BHEC.

17. The Board moved into Item XVII, Announcements and Comments.

- i. None to report currently.

18. Adjournment.

A MOTION WAS MADE BY STEVE CHRISTOPHERSON AND SECONDED BY LESLIE POHL TO ADJOURN THE MEETING AT 1:57PM. MOTION WAS APPROVED UNANIMOUSLY.



11/6/2020

Chair Steven Hallbauer