



## Tennessee Board of Licensed Professional Counselors, Licensed Marital and Family Therapists and Licensed Pastoral Therapists Meeting

Friday, March 3, 2023

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### MINUTES

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The regular Board meeting of the Tennessee Board of Licensed Professional Counselors, Licensed Marital and Family Therapists and Licensed Clinical Pastoral Therapists was called to order at 9:13 a.m. in the Poplar Room, Ground Floor, Metro Center Complex, 665 Mainstream Drive, Nashville, Tennessee 37243 by Kimberly Speakman, Board President.

Board members present:	Kimberly Speakman, LPC/MHSP, Board President Shelly Steel, LMFT James Dalton, PhD, LPC/MHSP Howard Nelson, LCPT, LCSW
Board member(s) absent:	Vacant, Consumer Member
Staff present:	Candyce Wilson, Board Director Katherine Trawick, JD, General Counsel Leandra Houston, Interim Board Administrator

### CONSIDERATION OF APPLICATIONS

#### **Licensed Professional Counselor Applicant Interview(s):**

**Lisa LaBute** – Ms. LaBute was not present but requested the Board review her file. She is an applicant for temporary licensure. Ms. LaBute appeared before the Board at their December 2022 meeting. Ms. LaBute does not qualify for licensure because her graduate coursework does not meet the statutorily required 60 credit hours. Ms. LaBute petitioned the Board for Declaratory Order on the opinion that her education and experience proves her competency in the field despite not meeting the 60-hour requirement. The Board reviewed the petition and discussed her application documents further. It was pointed out that she does not hold licensure at the highest level in another state. Additionally, she has not passed the Tennessee Jurisprudence Exam or the NCMHCE. Dr. Dalton addressed the value of receiving required graduate education and that the requirement is in line with most states. Dr. Dalton motioned to deny the petition for declaratory order. Dr. Nelson seconded the motion and it passed.

**Tonya Kennard** – Ms. Kennard appeared before the Board by phone. She is an applicant for initial licensure by exam with the MHSP designation. Ms. Kennard appeared before the Board because one of her supervision forms had been modified by her prior to submitting to the Board. Additionally, her

supervisor passed away days prior to the modification and the modification made it difficult to impossible read the original hours reported. Ms. Kennard explained that another clinical supervisor reviewed her hours, and they realized the hours were incorrect on original form. Ms. Speakman advised that applicants do not modify their supervision forms to avoid the appearance of fraudulent documentation. Ms. Steel requested additional proof/documentation from the supervisors' notes that reflect the number of supervision hours. Dr. Dalton motioned to table this application until the next meeting to allow time for the applicant to provide any and all of the following: copy of the original document, proof of payments, proof of cases, dates supervision occurred on, and how the other supervisor came to determine the original hours reported were incorrect. Dr. Nelson seconded the motion and it passed.

**Caitlynn Vogil** – Ms. Vogil appeared before the Board in person. She is an applicant for initial licensure by exam with the MHSP designation. Ms. Vogil attended the University of Washington and received a graduate degree with less than 60 credit hours, and only earned half the number of credits required by this Board. The Board acknowledged she is licensed at the highest level of licensure in Washington as of May 4, 2022. Ms. Vogil requested to petition the Board through declaratory order and the Board did not consider this request. Dr. Dalton reiterated the importance of the 60-hour requirement. Dr. Dalton motioned for the applicant to have the opportunity to withdraw her application and should she not withdraw to deny the application. Ms. Steel seconded the motion and it passed. Ms. Vogil requested to withdraw her application.

**Daniel F. Fowler** – Mr. Fowler appeared before the Board in person. Dr. Dalton recused himself. He is an applicant for initial licensure by exam with the MHSP designation. Mr. Fowler reports he worked at West TN Healthcare for eight years with an approved supervisor, but that supervisor now refuses to sign the supervision form. Additionally, Dr. Nwedo could only locate 10.75 CEUs on supervision and refuses to provide additional CEUs as he plans to stop supervising. Ms. Speakman addressed the supervision form from November 2021 – September 2022, with 2,200 total supervision hours and 5,200 total hours with about 16 clients a day. The Board discussed obtaining hours at this volume would be impossible. The consensus of the Board is that Dr. Nwedo does not meet the qualifications as an approved supervisor and the hours reported appear fraudulent and cannot be accepted. The Board advised the applicant that he would need additional supervision hours and to consider applying for a temporary license. Dr. Nelson motioned to approve him for a temporary license contingent on the Boards office receiving the appropriate application and additional fees and to allow the applicant to withdraw his licensure by exam application. Ms. Steel seconded the motion and it passed. The applicant requested to withdraw his application.

### **APPROVAL OF MINUTES**

The Board opted to not review the December 2022 Board meeting minutes after identifying errors which will be addressed between the Board President and administrative office.

### **PRESENTATION BY JENNIFER RAINWATER, WITH THE TENNESSEE MEDICAL FOUNDATION**

Ms. Rainwater provided the Board with a presentation on the peer assistance services offered by TMF. The program is available to licensees that are Board mandated and not Board mandated.

The Board is aware they must go through the Request for Grant Proposal process before contracting with a peer assistance program. The Board wishes for a proposal to be prepared and brought back to the Board for consideration. Dr. Dalton motioned to approve this request. Dr. Nelson seconded the motion and it passed.

## **REPORT FROM THE OFFICE OF INVESTIGATIONS**

The Board reviewed the complaint statistics report for the year 2022 and what has been received thus far in 2023. No one from the office was available to present the report. The Board did not have any questions.

## **ADMINISTRATIVE OFFICE REPORT**

The Board reviewed the statistical licensing report.

The Board discussed that election of officers should be occurring at the July Board meetings. The Board requests to move their meetings to January, April, July, and October, preferably on the 1<sup>st</sup> or 2<sup>nd</sup> Fridays as available.

## **OFFICE OF GENERAL COUNSEL REPORT**

Ms. Trawick gave the report from the Office of General Counsel which included the following updates:

1. Conflict of Interest policy reminder
2. As of February 17, 2023, there were cases open against nine of the Board's licensees.
3. There is one Consent Order for approval.
4. The Board currently has a rulemaking packet in process that substantially rewrites all three chapters of the Boards rules. Semi-final drafts are ready for review.
5. There are fifteen of the Boards licensees currently being monitored:
  - a. Fourteen licensed professional counselors
  - b. Zero licensed marital and family therapists
  - c. Zero licensed clinical pastoral therapists
  - d. There are two licensees on reprimand with terms
  - e. There are six on probation with terms
  - f. There are four on suspension.
  - g. The total number of revoked or surrendered licensees is three.

## **CONDUCT NEW BUSINESS**

### **Continuing Education Waiver/Exception Request(s)**

**Heather Britt, LPC/MHSP** – Ms. Britt provided the Board with a request to exempt her 2022 continuing education hours with documentation supporting her explanation of medical complications. The Board reviewed her request and documentation and found that she provided sufficient proof to make such a request. Ms. Steel motioned to exempt her from the 2022 continuing education requirement. Dr. Nelson seconded the motion and it passed.

### **North Carolina Reciprocal Agreement**

The Board reviewed the final version of the reciprocal agreement. Previously the agreement required five years of licensure and now it reads as three years of full-time experience or equivalent to three years of full-time counseling experience. With no concerns with the presented language, Dr. Dalton motioned to approve the proposed North Carolina Reciprocal Agreement. Dr. Nelson seconded the motion and it passed.

### **Ratification of New Licensees**

The Board read allowed the newly licensed individuals since the last Board meeting. Dr. Dalton motioned to ratify all names on the list. Dr. Nelson seconded the motion and it passed.

### **Update on Counseling Compact**

Ms. Speakman informed the Board that the rules committee has met and completed their preliminary meeting, but they are still far from having a completed set of rules. Additionally, a draft budget has been presented and at this time eighteen states have joined the compact through legislation.

### **CE Broker Update**

Ms. Wilson informed the Board that CE Broker is set currently set to launch in June 2023 and that she will attend additional meetings with the CE Broker staff to finish setting that up. Once it is finalized, all licensees will receive an e-mail blast (those who have elected to receive e-mail notifications from the Board) with information on CE Broker and instructions on how to sign-up.

### **Conference Request(s)**

The Board discussed the upcoming NBCC/NCC conference being held in July 2023, in Nashville. Dr. Dalton motioned for all Board members, the Board director and Board attorney to be approved to attend the conference. Dr. Nelson seconded the motion and the motion passed.

### **Temporary LPC/MHSP licensure extension**

Ms. Wilson informed the Board that the project to extend all temporary licensees in the system is still progress. Once complete, all LPC/MHSP-Temps will be able to access the Tennessee Department of Health licensure verification page, search by their name only, and locate their new expiration date. All temporary licensees with an active license as of January 1, 2023, will be granted one more year per recent statutory changes.

### **Legislative Discussion**

This year the Board came up for sunset review and all Boards were required to appear before the Senate or House Government Operations Committee. Ms. Trawick discussed her recent appearance before the House and she was presented with no questions and they approved the extension.

### **Disciplinary Order(s)**

#### **Consent Order(s)**

**Mary Fleming** - did not appear before the Board nor did legal representation appear on her behalf. Ms. Katherine Trawick represented the state. Respondent has been licensed as an LPC/MHSP since February 28, 2017, with license number 3165. Respondent allowed her license to lapse on May 31, 2022 and continued working on a lapsed license. Respondent worked for seven months on a lapsed license and was reinstated in January 2023. The facts stipulated are sufficient to establish grounds for discipline. This order shall reprimand the Respondents license. The Respondent must pay six (6) "Type B" civil penalties for a total of one thousand two hundred dollars (\$1,200.00). Respondent must pay all actual and reasonable costs of this case not to exceed five hundred dollars (\$500.00). Ms. Steel motioned to approve this consent order. Dr. Dalton seconded the motion and it passed.

**Garren Carter** – did not appear before the Board nor did legal representation appear on his behalf. Ms. Katherine Trawick represented the state. Respondent has been licensed as an LPC/MHSP since April 11, 2013 with license number 2875. Respondent admitted to sexual and otherwise inappropriate relationships

with four (4) clients that occurred between 2015 and 2021. The order further outlines the inappropriate relationships. The facts stipulated are sufficient to establish grounds for discipline. Per this order Respondent agrees to voluntarily surrender his license, effective the date of this order. Respondent understands that a voluntary surrender has the same effect as a revocation. Respondent must pay four (4) "Type A" civil penalties for a total of four thousand dollars (\$4,000.00). Respondent must pay all actual and reasonable costs of this case not to exceed two thousand five hundred dollars (\$2,500.00). Dr. Nelson motioned to approve this consent order. Ms. Steel seconded the motion and it passed.

Dr. Dalton commented in the future it could be considered that penalties be assessed for each month of the ongoing behavior.

**Carla Martin** – did not appear before the Board nor did legal representation appear on her behalf. Ms. Katherine Trawick represented the state. Ms. Speakman recused. Respondent has been licensed as an LPC/MHSP since April 23, 2007, with license number 2176. Respondent is an approved supervisor as of June 28, 2018. Respondents license lapsed in 2013 but was hired at a behavioral health office in July 2017. Respondent was tasked with the supervision of an LPC from July 2017-December 2019 and allowed the LPC to conduct individual counseling sessions without a license. During this time, Respondent was not an approved supervisor. The facts stipulated are sufficient to establish grounds for discipline. This order shall place Respondents license on probation for a minimum of twelve (12) months effective the date of this order. Within six (6) months Respondent shall provide proof of six (6) additional continuing education hours with three (3) in supervision and three (3) general hours. Respondent must pay one (1) "Type A" civil penalties for a total of five hundred dollars (\$500.00). Respondent must pay two (2) "Type B" civil penalties for a total of five hundred dollars (\$500.00). Respondent must pay all actual and reasonable costs of this case not to exceed one thousand five hundred dollars (\$1,500.00). Dr. Dalton motioned to approve this consent order. Dr. Nelson seconded the motion and it passed.

### **Public Comment**

**Gwendolyn (last name unknown)** – appeared before the Board to discuss her supervision hours. At this time, she has not applied for licensure. The Board stated they could accept whatever appropriate number of hours the supervisor signs off on, and that some settings are not approved and that she may want to consider whether her clinical setting meets the Boards requirements. Additionally, if four years is not enough time to complete supervision that a letter should be written for the Board to review and consider a one-year extension.

### **Discuss and consider revisions to all Board rules**

#### **Professional Counselor Rules**

Ms. Speakman inferred the community mental health definition comes from the statute and it is not a definition that the Department of Mental Health uses. She is trying to make contract with that Department. There will be a need to define Community Human Services instead.

The Board read through and discussed all the latest revisions of the proposed draft rules.

#### **Marriage and Family Therapist Rules**

The Board discussed the definition of telehealth and clinical practice and experience. They discussed a need for licensure qualifiers to be defined. Ms. Steel will work with Connie Crossley to create these qualifiers in line with TCA 63-22-121(b)(5).

The requirement of a certified birth certificate was changed to a photocopy of their certified birth certificate.

The Board discussed the requirement of temporary licensees to take the national exam within nine months of being issued a temporary license and the need to specify the requirement of the Tennessee Jurisprudence exam.

Dr. Nelson left the meeting at 3:26 p.m.

The MFT association representatives stated they will review the unprofessional conduct section further to determine if more language needs to be added. Additionally, the new rules should require licensees to notify their clients right to complain to the Department of Health.

Currently, only three states limit synchronous and asynchronous continuing education. Currently the rules require 50/50 be in person and web based. Discussion was held on the difficulty of rural area therapists in finding courses that are in person. The association will look over this requirement again because initially they were in favor of the 50/50 split.

The Board read through and discussed all the latest revisions of the proposed draft rules.

This meeting adjourned at 4:14 p.m.