

## RECORD OF PROCEEDINGS

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### COLORADO BOARD OF LICENSED PROFESSIONAL COUNSELOR EXAMINERS PUBLIC MINUTES January 19, 2007

Notice of this meeting was published at [www.dora.state.co.us/mental-health](http://www.dora.state.co.us/mental-health), at least 7 days in advance of the meeting date.

#### I. CONVENE

The meeting of the Colorado State Board of Licensed Professional Counselor Examiners was convened in the Denver Post Building, 1560 Broadway, Suite 1380A&B, Denver, Colorado 80202, 9:12 a.m., by Vice-Chair, Susan L. Garcia, LPC, Professional Member.

**Present, in addition to Board Vice-Chair, Susan L. Garcia, were Board members:**

Alice Bovard-Taylor, Public Member  
Randal G. Kittelson, M. Div., Public Member  
Charles Knoeckel, LPC, Professional Member

**The following Board members were unable to attend:**

Jason B. Brinkley, Public Member  
Board Chair, Alan L. Cook, Professional Member  
Carol S. Hansen, Public Member

**Staff present:**

Rose McCool, Division Director  
Gayle D. Fidler, Program Director  
Linda Caudillo, Program Assistant  
Melissa Garner, Program Assistant  
Paul Burczyk, Administrative Assistant  
Ilene Wolf Moore, Assistant Attorney General  
Brett Van Winkle, DU Intern, AGO  
Cynthia Greenfield, Expedited Settlement Process Director

#### II. APPROVAL OF MINUTES

A motion was made, seconded and carried to approve the minutes of the November 17, 2006 meeting, as submitted.

#### III. OPEN FORUM

#### IV. ADDITIONS TO THE AGENDA

Additions to Agenda Items Nos. 2, 3A, 3B, 3C and 9A.

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### V. REPORTS

- **Alan L. Cook, Board Chair**
  - Not present, no report.
- **Gayle Fidler, Program Director**
  - Outlined what Rose McCool, Division Director, would be speaking to the Board about today, regarding recently passed and proposed legislation affecting the Mental Health boards.

### VI. NEW BUSINESS

Susan L. Garcia and Randal G. Kittelson asked that Board member expectations, commitment to attendance, length of meetings, and Board process be topics of discussion at the next Board meeting.

**Gayle Fidler** advised that she is looking for a condensed version of Robert's Rules to provide at the next Board meeting for Board members to use as a resource.

#### **Rose McCool, Division Director – Recently passed and proposed legislation.**

Ms. McCool reported how new immigration legislation would impact Registrations and that we had 6 months to implement the new legislation, which would be effective January 1, 2007. This legislation will affect anyone who receives a new license or who renews, and an affidavit will be required and recorded in our databases at that time. It was also reported that DORA is taking a risk based approach, reserving the right to ask anyone for a copy of documents that would attest to their lawful presence.

Additional legislation for discussion included:

- 1) Reported on possible staggering of Board member terms. When the original Grievance Board was broken apart 8 years ago they did not stagger the terms of new Board members. The impacts of new legislation in this regard would result in the shortening of some Board member terms in order to accomplish the necessary staggering effect. The legislation would provide that we can only shorten terms, not lengthen them. Therefore, we are asking for Board member support and cooperation in this process. It was noted that we will lose no more than one professional member at a time.

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- 2) In the audit that was done 2 years ago, efficiencies for licensing were considered. When the auditors were here they recommended reviewing testing, which required the Board to approve applicants before they took the exam. The proposed bill would allow applicants to test without first obtaining Board approval.
- 3) Reported on legislation providing title protection for art therapists, noting that we needed additional clarification and noting their current protections under the mental health statute.

### VII. OLD BUSINESS

### VIII. LICENSING - Administrative Issues

#### Agenda Item #1                      Problem Application

The Board reviewed SF's application for review of "yes" answers to questions #1 and #2.

After thorough review and discussion, the Board tabled action on these matters, pending completion of SF's education equivalency review and additional information.

#### Agenda Item #2                      Problem Application

The Board reviewed SF's LPC application for review of "yes" answer to question #2, with additional information that included documentation dated January 5, 2007.

Upon thorough review of the information available, the Board referred this matter to the Attorney General's Office with directives, for conditional licensing.

#### Agenda Item #3                      Problem Application

The Board reviewed AP's LPC application, for review of appeal of 48 semester hour minimum requirement.

After thorough review and discussion of the material, the Board found no reasonable grounds to warrant further review. Accordingly, the Board determined that its previous decision should not be disturbed.

#### Agenda Item #3A                      Problem Application

The Board reviewed GW's LPC application, as it relates to dismissed Grievance Board case

Upon thorough review of the information available, the Board determined that GW's application should be returned to LPC Board staff, where it will move forward for a review of education equivalency.

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### IX. MONITORING REPORTS

**Agenda Item #3B**                      **Case #2005-001280**

The Board reviewed a practice monitoring report from JW for GF, requesting a change in status of monitoring.

Upon review and consideration, the Board approved JW's request to decrease the frequency of monitoring sessions after GF has been on probation for 18 months.

**Agenda Item #3C**                      **Case #2005-003232**

The Board reviewed a current performance evaluation for KW from LL and additional information from KW regarding previous employment.

Upon review and consideration, the Board tabled this matter to the next Board meeting for additional review.

### X. INVESTIGATIVE REPORTS

**Agenda Item #4**                      **Case # 2006-003935**

The Board reviewed a report of investigation dated December 22, 2006, from Carla Dickinson Pardee, DORA Investigator, concerning an anonymous complaint joined by LA, against DM.

Upon thorough review of the information available, the Board found probable cause that a violation may have occurred and referred the case for commencement of disciplinary proceedings concerning DM's licensed professional counselor practice in Colorado.

### XI. INITIAL REVIEW

**Agenda Item #5**                      **Case #2006-004939**

The Board reviewed an inquiry received June 13, 2006, from GG alleging BB violated a Colorado Mental Health Statute. In addition to the inquiry, the Board reviewed additional information requested by the Board on November 17, 2006 from GG, received December 13, 2006.

Upon thorough review of the information available, the Board found probable cause that a violation may have occurred and referred the case for commencement of disciplinary proceedings concerning BB's licensed professional counselor practice in Colorado.

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### **Agenda Item #6**                      **Case #2007-000910**

The Board reviewed an inquiry received August 3, 2006 from DM alleging SB violated a Colorado Mental Health Statute. In addition to the inquiry, the Board reviewed a response received November 18, 2006, from DD for SB.

After thorough review of the information available, the Board found that it does not have jurisdiction to intervene in this matter because the services complained about involved persons who are licensed pursuant to Section 22-60.5-210, and who are not licensed under the Mental Health Statutes for work undertaken as part of their employment by, or contractual agreement with, the public schools. Accordingly, the Board dismissed the complaint.

### **Agenda Item #7**                      **Case #2007-001547**

The Board reviewed an inquiry received November 9, 2006, from LS alleging LM violated a Colorado Mental Health Statute. In addition to the inquiry, the Board reviewed a response received December 20, 2006, from LM.

After thorough review and discussion, the Board found that there were insufficient grounds to warrant the commencement of formal disciplinary proceedings as required by the provisions of Colorado law. Accordingly, the Board dismissed the complaint.

### **Agenda Item #8**                      **Case #2007-001343**

The Board reviewed an inquiry received November 1, 2006, from KW & PM alleging MS violated Colorado Mental Health Statutes. In addition to the inquiry, the Board reviewed a response received November 27, 2006, from MS.

Upon thorough review of the information available, the Board found probable cause that a violation may have occurred and referred the case for commencement of disciplinary proceedings concerning MS's licensed professional counselor practice in Colorado.

### **Agenda Item #9**                      **Case #2007-001032**

The Board reviewed an inquiry received October 3, 2006, from EB alleging SU violated Colorado Mental Health Statutes. In addition to the inquiry, the Board reviewed a response received October 30, 2006, from SU.

After thorough review and discussion, the Board found that there were insufficient grounds to warrant the commencement of formal disciplinary proceedings as required by the provisions of Colorado law. Accordingly, the Board dismissed the complaint.

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### **Agenda Item #9A**                      **Case #2006-004809**

The Board reviewed an inquiry received May 26, 2006, from BK alleging JO violated a Colorado Mental Health Statute. In addition to the inquiry, the Board reviewed a response received July 14, 2006, from JO, additional material received January 5, 2007, from BK; and a response to the Board's November 17, 2006 request received January 8, 2007, from JO.

After thorough review and discussion, the Board found that there were insufficient grounds to warrant the commencement of formal disciplinary proceedings as required by the provisions of Colorado law. Accordingly, the Board dismissed the complaint.

## **XII. CASE CONSIDERATION – Prior to Mailing 20-day Letter**

### **Agenda Item #10**

The Board reviewed an inquiry received November 1, 2006 from JL, regarding AG.

After thorough review and discussion, the Board found that there were insufficient grounds to warrant the commencement of formal disciplinary proceedings as required by the provisions of Colorado law. Accordingly, the Board found that further review and mailing of the Board's 20-day notice letter is not warranted.

### **Agenda Item #11**

The Board reviewed an anonymous inquiry received December 11, 2006, regarding TK.

After thorough review and discussion, the Board found reasonable cause to believe that a violation of the Colorado Mental Health Statute may have occurred, and directed that a 20-day letter be sent.

### **Agenda Item #12**

The Board reviewed an inquiry received November 27, 2006 from DV, regarding KR.

After thorough review and discussion, the Board found that it does not have jurisdiction to intervene in this matter because the services complained about involved fee disputes. Accordingly, the Board found that further review and mailing of the Board's 20-day notice letter is not warranted.

### **Agenda Item #13**

The Board reviewed an inquiry received November 27, 2006 from DV, regarding AW

After thorough review and discussion, the Board found that it does not have jurisdiction to intervene in this matter because the services complained about involved fee disputes. Accordingly, the Board found that further review and mailing of the Board's 20-day notice letter is not warranted.

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### XIII. RE-CONSIDERATIONS/APPEALS (Open Session)

**Agenda Item #14**                      **Case #2006-004628**

The Board reviewed a reconsideration request received October 18, 2006, from BB & TW, regarding LM.

Upon due consideration of the additional information provided, the Board found no reasonable grounds to warrant further review or commencement of formal proceedings. Accordingly, the Board determined that its previous decision should not be disturbed.

**Agenda Item #15**                      **Case #2007-000045**

Reconsideration request received December 11, 2006, from KM, regarding SR.

Upon due consideration of the additional information provided, the Board found no reasonable grounds to warrant further review or commencement of formal proceedings. Accordingly, the Board determined that its previous decision should not be disturbed.

### XIV. EXECUTIVE SESSION (CLOSED)

A motion was made and seconded that the Board enter into executive session, in order to discuss with counsel the following matters: Agenda Items No. 4, 5 and 8 and to discuss pending or imminent court action involving the Board as a party pursuant to CRS 24-6-402(3)(a)(II).

Disciplinary items referred for discipline during Open Session were considered in Executive Session.

By unanimous agreement, the Board moved to go out of Executive Session.

### XV. RETURN TO OPEN SESSION

**Agenda Item #8**                      **Case #2007-001343**

After a thorough review of the information available, the Board referred it to the Office of Investigations.

### XVI. ADJOURN

The Board formally adjourned the meeting at approximately 2:18 pm. The Board will reconvene on Friday, March 16, 2007, at the Denver Post Building, 1560 Broadway, Suite 1380A&B, Denver, CO 80202, at approximately 9:00 a.m.

  
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Board Chair

  
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Vice-Chair