

OKLAHOMA BOARD OF LICENSED ALCOHOL AND DRUG COUNSELORS
MINUTES OF THE MEETING
January 9, 2006

The Board of Licensed Alcohol and Drug Counselors met on January 9, 2006 at the office of the Board of Medical Licensure and Supervision, 5104 North Francis Avenue, Suite C, Oklahoma City, Oklahoma. The meeting was held in accordance with the Administrative Procedures Act and Open Meeting Act of Oklahoma.

Members present:

Patty Gail Patten, Chair
Londa Johnson
Jane Lepak
Evelyn Phyffer
Art Christie

Members not present:

Robert Stevens, Vice Chair

Others present:

Tricia Everest – Assistant Attorney General
Judy Brink – Board Staff
Jan Ewing – Deputy Director of the Medical Board
Lyle Kelsey – Executive Director of the Medical Board
Linda Winton – ODMHSAS Policy Analyst and Rules Liaison

Noting that a quorum was present, Ms. Patten called the meeting to order at 1:35 p.m.

The minutes of the December 12, 2005 meeting were reviewed. Scrivener errors were noted as well as a correction to the discussion on applicants verifying their supervision. Mr. Christie moved to approve the minutes as amended. Ms. Lepak seconded the motion and the vote was unanimous in the affirmative.

Ms. Patten reported that she and Dennis Auld met with Marsha Goff regarding amendments to the law. They considered adding mental health issues to the section regarding the Peer Assistance Program, however, decided to just go forward with the alcohol and drug for now. Ms. Goff noted that the proposed amendments on degrees was addressed in another section. The deadline for submission of the official language is January 19, not December 19 as previously thought.

The Board discussed the need to define standards of a practicum that will be accepted by the Board. Mr. Christie noted that the ODAPCA already had general requirements the schools are following and that he would present a proposal at the next meeting.

The Rules Committee had been unable to meet and no report was presented. Staff noted that the Notice of Rulemaking Intent would be published February 1, 2006 and the public

hearing was scheduled for March 13, 2006, 10:00 a.m. The final recommendations from the Rules Committee would need to be submitted to staff by February 1st. The Committee scheduled a meeting for Thursday, January 12 at Ms. Patten's office. Ms. Johnson moved to give the Committee the authority to submit changes from the emergency rules. Mr. Christie seconded the motion and the vote was unanimous in the affirmative.

Ms. Brink presented some questions for staff clarification.

- First was the need for someone to review and approve continuing education. Ms. Patten stated that she would conduct this review.
- The next question was from a LCDC licensed in Texas with an associates degree. Can she apply for licensure by reciprocity? The Board responded she would have to have a bachelors degree.
- Can CEU's be approved for teaching substance abuse? After discussion, the Board approved a policy granting double credit for teaching. The licensee must apply for approval as required by rule.
- An applicant called asking for supervision to be waived; applicant works for the Department of Corrections. The Board stated they must have the supervision.
- An applicant has taken the written and oral tests but did not obtain ODAPCA certification. Is she eligible to apply? Board answered "yes".
- One person sent a letter to Ms. Lepak saying she never received the information to apply for a license and does not have a degree. Ms. Everest stated she must have a degree or prove she has not received any mail from anyone for a period of time.
- Ms. Brink asked for one of the members to review applicants and their transcripts to determine which courses include co-occurring disorders. The law requires 45 clock hours of co-occurring disorders for the CADC. Ms. Patten stated she would review the transcripts.

The Board discussed the use of "clock hours" and "class hours" in the law and the need to clean up the language using the word "class" not "clock" hours and to include "class hours" in the definition. This should also be done in the rules while reviewing for permanent adoption.

Ms. Patten report on the Advisory Committee. The Committee has looked at how the Medical Board and Nursing Board handle complaints. When a complaint is received by the Board office, it is reviewed by the Complaint Committee to see if the alleged act(s) would be a violation of the Law. If so, an investigation would be initiated. If it is a lesser infraction, the Complaint Committee may recommend a Letter of Concern, which is not public. The Advisory Committee will meet in the next two weeks and bring a proposal to the Board at the next meeting.

In the report from the Chair, Ms. Patten asked Ms. Everest about the discussion from last meeting where the Clinical Director called and stated that an employee had self-reported a relapse and wanted to know how the Board was going to handle it. No response has been sent to the Director or licensee at this time. Ms. Everest stated that the Board could recommend they get an evaluation, however, the Board cannot require anything without due

process. There is also a question of jurisdiction and whether a client was affected. Mr. Kelsey suggested the Advisory Committee could meet with them and ask if they would agree not to practice and go off for an assessment. If they do not agree, the Board would have to issue a Complaint and Citation to do anything. Ms. Lepak stated that if they are self reporting they are asking for help. Mr. Christie stated if it is a re-lapse, they should not continue working without an evaluation and treatment for the protection of the public.

Ms. Patten had received an e-mail from Linda Winton regarding the rule-making process for the Department of Mental Health. The rules will be amended to remove the requirement for a Letter of Intent. Ms. Winton encouraged the Board to review the proposed amendments and send in written comments.

Ms. Patten asked Lyle Kelsey to remind the Board of the seminar the Medical Board is having. Mr. Kelsey stated the seminar will be January 25, 2006, 6:00 p.m. - 8:00 p.m. and will most likely be held at the Marriott on Northwest Highway. Michael Wilkerson, M.D. from Talbott Recovery Campus and Lanny Anderson, M.D., from the Health Professionals Program will be the featured speakers. Ms. Lepak, Ms. Patten and Ms. Everest stated they would be attending.

Laura Clarkson from the Nursing Board Peer Assistant Program appeared to discuss their program. The program is mandated by the legislature, is a department within the Board, and is funded and controlled by the Board. Files are kept separate and confidential. Nurses can voluntarily enter the program and the Board will not taken disciplinary action. If they fail in the program, they are referred to the Board. Action may be taken on failure in the program; proving substance abuse is not required. The Peer Assistant Program has Board approved referral sources. Approximately 65% complete the program, which is a minimum of 24 months; 7% relapse. The average time of suspension is two months. They do not provide treatment, strictly monitoring. They want to help the nurse but the first priority is to protect the public. There is no charge to be in the program but the licensee pays for the evaluation, testing, treatment.

Lyle Kelsey from the Medical Board stated their program is run by the Oklahoma State Medical Association. If a physician joins the program and stays in compliance, the Medical Board is not notified. The Pharmacy Board has a third type of program in that they contract out to a 3rd party.

The Board thanked Ms. Clarkson for appearing and stated that all of her assistance is greatly appreciated.

Mr. Kelsey presented the financial report (Attachment 1).

There being no further or new business the meeting was adjourned at 3:35 p.m.