

# *Oklahoma Board of Licensed Alcohol and Drug Counselors*

## Minutes of the Meeting

Monday, October 9<sup>th</sup>, 2006 at 1:30 p.m.

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The Oklahoma Board of Licensed Alcohol and Drug Counselors met on October 9, 2006, in accordance with the Administrative Procedures Act and Open Meeting Act. The meeting was held at 5104 North Francis Avenue, Suite C, in Oklahoma City, Oklahoma. Members present were:

Patty Gail Patten, Chair  
Robert Stevens, Vice Chair  
Jane Lepak  
Evelyn Phyffer

Others present included:

Tricia Everest, Assistant Attorney General for the Board  
Ric Pierson, Executive Director Board of Licensed Alcohol & Drug Counselors  
Stori Johnson, Administrative Staff  
Lyle Kelsey, Executive Director of the Medical Board  
Jan Ewing, Deputy Director of the Medical Board

Patty Gail Patten, Chair, called the meeting to order at 1:30. Patty Gail asked for the guests in the audience to introduce themselves; Deborah Anderson from Opportunities in Watonga; Annette Carrierre, Lynn Carr and Judy Brink from ODAPCA. Linda Winton and Kyle McGraw also joined the meeting, but did not introduce themselves.

The minutes from the September 7<sup>th</sup>, 2006 meeting were reviewed. Evelyn Phyffer noted changes on the bottom of page 1. Reference from the letter of Ms. Canup to 38:10-9-3 is a Rule NOT a Statute. Ms. Phyffer also noted on page 3, paragraph 2, line 3 that Reji referred to Ric needing to record personal phone use, the word "he" was unclear. Bob Stevens moved to approve the minutes with Ms. Phyffer and Ms. Johnson's changes. Ms. Phyffer seconded the motion and the vote was unanimous in the affirmative.

Ric asked the Board when they would like to receive the minutes of the previous Board meetings. The Board would like to have the minutes sent out with the meeting agenda prior to the meeting in time to review for the Board meeting.

The Board addressed a letter submitted by **Lynn Carr**. Ms. Patten read the letter to the Board to remind them of the domestic violence situation, of the 1-year deferred sentence and the 6 months left on her sentence. Ms. Carr was present at the Board meeting and addressed the Board regarding the letter she sent to the office. She wishes for the Board to allow her to be under supervision. The Oaks, her employer, is waiting on the Board's decision on whether they will allow her to remain employed. The Board declined her supervision because she was on active probation, noting that she has never been in any other trouble. Ms. Carr is hoping that the charges are going to be expunged and that the Board will reconsider her supervision. The Board offered to allow Ms. Carr to be under supervision contingent upon getting a letter from the District Attorney's office before the next Board meeting (within 1 month) clearing her 6 months

of remaining supervised parole. The Board will pull her supervision contract if she does not get a letter to support the fact that the remaining 6 months of her parole has been dismissed. We will use the original date of August 29, 2006 as the starting date of her supervision with Brenda Seay. Ms. Johnson will contact The Oaks, her employer, by phone and by letter to inform them of the decision of the Board.

The Board reviewed a letter from Opportunities, Inc., represented by Randy VanNostrand and **Deborah Anderson, CADC**, who was present at the meeting and spoke on behalf of the agency. Ms. Anderson is requesting the opportunity to process clinical supervision by Dr. Randy VanNostrand via web cam and the Internet. Ms. Anderson says that it is very hard to find clinical LADC supervision in Watonga (70 miles NW of OKC). Ms. Lepak stated that this is a very common problem in the State of Oklahoma. Ms. Phyffer asked if there are advantages of “face-to-face” vs. technical/electronic time with the supervisors. Ms. Lepak and Mr. Stevens stated there is no comparison between the two; you get the whole picture; non-verbals are read, the face-to-face experience, and delayed movement. Ms. Everest stated that the Rules require that you have and average 1 hour of face-to-face per week of live, interactive and visual supervision and that the supervisor be aware of the supervisee’s practices if not in the agency and that they know their ethical practices so they can provide constructive feedback. The supervisor must supervise ethical and professional practices even if not at the agency. Ms. Everest quoted Rules-Subchapter 9 Administrative Rules-Oklahoma Title 38-Chapter 10 Section 9-4. Ms. Anderson spoke of the cost of bringing in supervisors or sending out counselors and her frustrations. Mr. Stevens moved to **deny** the motion. Ms. Phyffer seconded the motion and the vote was unanimous in the affirmative.

**Annette Carrierre** petitioned the Board for the possibility to Grandfather in as an LADC. Ms. Carrierre came into the State of Oklahoma through reciprocity with the State of Texas. She did not have a Masters degree so she was asked to give back her LADC and was then given her CADC. Ms. Carrierre wishes to get back her LADC so that she can use it for gambling addiction counseling. She states that she will not practice on her own, but through an agency, however, she must have an LADC to meet the Department of Mental Health regulations to practice as a gambling addiction counselor. Ms. Carrierre is not eligible for LADC in Oklahoma because she does not have a Masters degree.

The **complaint review committee** will be meeting Tuesday, October 10, 2006 to discuss a new complaint that had come into the office. Ric Pierson briefly updated the Board on the complaint review committee and complaint log sheet. Kyle McGraw, Linda Winton, and Tricia Everest from the committee also were present to respond.

**Mark Westfall** had a complaint filed against him for a possible HIPAA violation. Bobby Tidwell and Gary Eastridge, from The State Medical Board Investigation Department (“Investigation”), were present to talk about the case. An audio file was made available for the Board to hear. Ms. Patten asked that the Board not listen to the audio file at this time. When investigation began, OBLADC did not have Mr. Westfall in the database or any information at all. Investigation called his place of employment and realized he had been practicing without a license for a year under the assumption that he had a license in Kansas and was starting the reciprocity process. However, he had never started this process with IC & RC or the Licensing Board. Mr. Eastridge made a call to Mr. Westfall and discussed the issues with him and Mr. Westfall told him that he did have a license in Kansas and Texas and was under supervision in Oklahoma. Mr. Westfall was not under supervision in Oklahoma at the time of the phone call with Mr. Eastridge, nor had he started the reciprocity process-nor could he because Oklahoma does not have a reciprocal agreement with Kansas. Mr. Eastridge said that Mr. Westfall never

felt he was at fault for not getting a license...it was everyone else's fault. Tricia Everest will write a letter to inform Mr. Westfall of the denial of his application. Mr. Kyle McGraw also asked that the agency where he works be notified for the protection of the public. Tricia Everest said that she would forward the letter to OBLADC and the Board then would send the letter on to the office to send out on agency letterhead to his employer, Turning Point. Ms. Everest said a letter would also be sent to the DA's office because he was guilty of misdemeanor charges as well. Application denied. Mr. Westfall has **numerous violations of Rules and Statutes, and other possible legal consequences and legal actions.**

**Bill Vanatta** is on active unsupervised parole and probation until 2008 and 2015. The Board discussed his offenses and convictions and the terms of each. Mr. Vanatta was honest on his application when asked if he had been convicted of a felony or was on probation. The Board allowed Mr. Vanatta to continue the application process.

**Tailynn Tindall** petitioned the Board for acceptance of prior supervision. Ms. Tindall recorded supervision with Kirk Wester from 8-23-05 to 8-17-06, for 1780 hours with Human Skills and Resources. Ms. Tindall failed to turn in her supervision contract prior to starting her supervision. Mr. Stevens moved to accept the supervision. Ms. Lepak seconded the motion and the vote was unanimous in the affirmative.

**Jackie McKenzie** petitioned the Board for acceptance of prior supervision. She has recorded supervision with Dennis Dodson from June 2002 to August 2003, approximately 15 months for 2400 hours with Rightway Medical in Tulsa. The Board will approve her supervision on the condition that Ms. McKenzie provides the office with the supervision log and supervision evaluation signed by Dennis Dodson. Ms. Phyffer moved to accept the supervision, conditioned on Ms. McKenzie providing the appropriate forms and that she be allowed to sit for the December written test. Ms. Lepak seconded the motion and the vote was unanimous in the affirmative.

**Shawn Shirley** petitioned the Board for acceptance of prior supervision. She has recorded supervision with Deborah Anderson from December 1, 2004 to September 13, 2006 with Opportunities, Inc. The Board will approve her supervision on the condition that Ms. Shirley provides the office with the supervision log and supervision evaluation signed by Ms. Anderson.

**Connie O'Brien** petitioned the Board for acceptance of prior supervision. Ms. O'Brien has recorded supervision with Dr. DeSecottier on 3-31-05 with Youth and Family Services. Ms. O'Brien failed to turn in her supervision contract prior to starting her supervision. The Board will approve her supervision on the condition that Ms. O'Brien provides the office with the supervision log and supervision evaluation signed by Dr. DeSecottier. Mr. Stevens moved to accept the supervision, conditioned on Ms. O'Brien providing the appropriate forms and that she be allowed to sit for the December written test. Ms. Lepak seconded the motion and the vote was unanimous in the affirmative.

**Victor Price** petitioned the Board for acceptance of prior supervision. Mr. Price has been employed at Care for Change and wanted the Board to consider his employment since August 1, 2005, 12 months to count for his 2000 hours of supervision, 300 practicum hours and 12 months of employment toward obtaining his LADC. Ms. Patten has requested that Mr. Price present the Board with more formal documentation. The Board wanted to remind Mr. Price that no one could sign as an LADC or CADC until they have received the appropriate certification or license.

The Board reviewed a letter from **Jo L. Soske** asking if she could take her Continuing Education Credits by correspondence due to her medical disabilities. The Board decided that she must do 10 hours by correspondence and 10 hours by attendance. Ms. Soske will need to work it out with her instructor to get up and move around or whatever the arrangement necessary to work through her condition. Ric Pierson will write her a letter notifying her of the Board's recommendation.

The Board reviewed the following requests for continuing education approval:

Center for Psychotherapy, Education, and Spiritual Growth, Inc. - requesting 3 hours for instruction on – *“The Shepherd and the Shrink”* – Dr. Curtis Abbott. Mr. Stevens moved to approve and Ms. Lepak seconded. - **Approved**

Center for Psychotherapy, Education and Spiritual Growth, Inc. – requesting 3 hours for instruction on *“The Therapist and God”* – Dr. Curtis Abbott. Mr. Stevens moved to approve and Ms. Lepak seconded. – **Approved**

St. John Medical Center – requesting 3 hours for instruction on *“Blended Families”* – William Westmoreland, LCSW, LMFT and Dala Jarolim, M.D. Ms. Phyffer moved to approve and Ms. Lepak seconded. – **Approved**

Oklahoma State Department of Education – requesting 6 hours on *“8<sup>th</sup> Annual Safe & Healthy Schools Conference”* – various presenters. Ms. Lepak moved to approve and Ms. Phyffer seconded. – **Approved**

Mr. Kelsey presented the financial report (Attachment 1). Reji Varghese commented on the revolving funds. Ms. Phyffer asked Mr. Varghese questions about the revolving fund and the copy machine. Mr. Kelsey presented the Management contract (Attachment 2) between the Medical Board and the Licensing Board. Mr. Kelsey suggested that the Board sign the contract to run through the end of the year, December 2006, and then re-negotiate the contract based on Mr. Pierson and Ms. Johnson's duties in the office. After review, Mr. Stevens moved to approve the budget as presented. Ms. Phyffer seconded the motion and the vote was unanimous in the affirmative.

Patty Gail Patten	Yes
Robert Stevens	Yes
Evelyn Phyffer	Yes
Jane Lepak	Yes

Ms. Johnson presented the list of candidates that have passed the written and oral exams between June 2, 2006 and October 3, 2006. Each Board member received a copy of the names and credentials of each candidate and their hometowns. Ms. Johnson reported that there are 594 LADC and 308 CADC counselors to date. After review, Ms. Lepak moved to approve the list of candidates as presented. Ms. Phyffer seconded the motion and the vote was unanimous in the affirmative.

Mr. Pierson presented the Executive Director's Report (Attachment 3). All files were audited and 28 letters were sent out to clear up discrepancies in supervision contracts. There were 46 letters sent out for applicants who are ready to take their written tests and need to contact the office. Two requests have been made for licenses to go inactive. Mr. Pierson has contacted

local colleges regarding opportunities to speak. Someone called regarding LADCs offering domestic violence services and Mr. Pierson contacted Susan Krugg from the Attorney General's office to get more information. Ms. Everest said that the rules are getting ready to change. Their rules are going to become far more stringent when offering domestic violence services. Ms. Everest said this would be a good time for Mr. Pierson to get to know and get close to the people making these rules so that the CADC and LADC will be included in the process of domestic violence. DUI assessors and ADSAC instructors are self-employed and if they are CADCs they must be under supervision of an LADC, our Rule 38:10-7-3 requires this. Mr. Pierson has attended the OSASA meetings and was asking the Board about joining other State organizations and if the Board will pay for the dues and fees. Ms. Everest said that the State cannot pay for membership fees because it is not under his "powers and duties" as a requirement for his job. IC & RC only allows one governing body per State and ODAPCA already holds that position. IC & RC's bi-annual meeting is in San Diego at the end of October and Mr. Pierson and Ms. Patten will be attending the conference. Mr. Pierson reported on a counselor's relapse. If the employee does not comply with the plan, the Board at that time needs to be informed and a complaint may be filed and investigated to determine the best course of action to be taken in order to protect the public. The Board moved to accept the recommendation of the employer.

Mr. Kelsey asked to postpone the report on *Track 1* – regarding the criminal background checks.

Ric Pierson updated the Board regarding the new Board members to be appointed. He spoke with Robin McAlester from Governor Brad Henry's office and she said we should know something by the end of next week.

The Board decided to reformat its meetings by starting at 10:00 a.m. This would allow for plenty of time to finish the meetings before late in the evening. There was a request to have a Board meeting on November 1, 2006 at 10:00 a.m.

The Department of Mental Health and Substance Abuse Services will be holding a conference in January in Tulsa, OK and Ms. Patten would like for OBLADC to have a booth and to conduct an ethics workshop. Mr. Pierson has been trying to contact Sarah Dunn to make arrangements for us to do the workshop at the conference.

Ms. Patten had a counselor contact her with questions regarding grandfathering. Ms. Patten told her that she would be considered a lapsed counselor. Ms. Patten said she would definitely have to take the written exam because it had been more than 5 years since she took that exam. The woman was in good standing until June of 2006 and is a school counselor. All applicants must be under supervision for 6 months; however, we can accept their prior supervision until December 31, 2006. For example, Michelle Wason-Tise and Brent Katigan are counselors that allowed their licenses to lapse. They would like to test immediately, have worked in the field for many years and definitely have over 6 months of supervision.

Ms. Patten is taking supervision training under the LPC Board and it is equivalent to a 3-hour college credit course. The Board of Licensed Alcohol & Drug Counselors needs to have written criteria by the next Board meeting. Ms. Patten thinks that we should be strict when it comes to supervision training and attendance.

There being no further business, the meeting was adjourned at 7:00 p.m.