



## Minnesota Board of Marriage and Family Therapy



### Minutes of the Regular Board Meeting May 18, 2012

#### **MEMBERS PRESENT:**

Herb Grant, Chair  
Mark Flaten, Vice Chair  
Kay Ek  
Denny Morrow  
Bruce O'Leary  
Shonda Craft

#### **MEMBERS ABSENT:**

John Seymour

#### **STAFF PRESENT:**

Jennifer Mohlenhoff, Executive Director

#### **GUESTS:**

Ben Garbe  
Steve Peltier  
Students

#### **I. CALL TO ORDER**

Chair Herb Grant called the meeting to order at 9:30 a.m., in the University Room of the University Park Plaza Building.

Herb Grant introduced Dr. Shonda Craft, a newly appointed member to the Board, and reported that Mark Flaten has been reappointed to the Board. Members introduced themselves and welcomed Dr. Shonda Craft to the Board.

#### **II. CONSIDER AGENDA**

Jennifer noted that there are three (3) additional variances to be reviewed today.

#### **APPROVAL OF MINUTES OF THE MARCH 16, 2012, BOARD MEETING**

Denny Morrow made a motion to approve the minutes of the March 16, 2012, Board meeting as written. Mark Flaten seconded the motion. The motion passed.

### III. ADMINSTRATIVE REPORT

Members reviewed Jennifer's Administrative Report as follows.

#### Budget Report

Members reviewed the Board's current budget report and vendor payment detail report, reflecting the first year budget numbers of a two year biennium budget.

#### Presentation to Bethel Graduate Students – April 16, 2012

Jennifer reported that she gave a presentation to Bethel graduate students on the MFT licensure process.

#### Collaborative Meeting

Jennifer reported that on April 13, 2012, she attended a collaborative meeting of the MFT academic programs, MFT licensure Board, and the MAMFT professional association.

#### Construction Update

Jennifer reported that heavy light rail construction continues to be a barrier to accessing the Board office building and urges people not to make unnecessary trips to the office.

#### Continuing Education Updates

Jennifer reported that a very small number of licensees remain in non-compliance with continuing education reporting as of the end of the administrative variance which was a 90 day extension through the end of March of this year. Jennifer stated that the topic of how to proceed with these individuals is being addressed by herself, the Board's attorney, Ben Garbe, and if necessary, the Board's Complaint Panel.

Jennifer reported that a five-percent random audit of continuing education reporting has been conducted and that she is in the process of reviewing the information submitted to determine whether it is in compliance with the continuing education requirement.

#### Oral Exam Scheduling

Jennifer reported that there will be close to 30 oral exams to be scheduled in June. Members discussed their availability to assist with oral exam administrations in June.

#### Legislative Update

Jennifer reported that she is reviewing final laws that were passed and thus far and has not found anything outside of the sunset legislation that significantly impacts the MFT Board or the profession of MFT.

Jennifer stated that included in the packets today is a confidential document that lists all of the application and oral exam activity that has occurred since the last Board meeting, and a copy of the public press release and notice of appointments for the new Board appointments.

#### **IV. SUNSET COMMISSION LEGISLATION REPORT**

Jennifer reported that on May 4, 2012, Governor Dayton signed the Sunset bill into law. All Health Licensing Boards, including the Board of Marriage and Family, are continued until June 30, 2018, at which time there will be another sunset review process. Relevant provisions of the law impacting the BMFT are listed below:

Article 2, Section 15. Adding civil penalties as a remedy against persons, institutions, insurers, or organizations that fail to report required information to the Board as required by Minn. Stat. 148B.07.

Article 2, Section 21. Requiring fee reductions when a health licensing board has more than one year of operating funds in reserve.

Article 2, Section 22. Prohibiting transfers from HLB special revenue funds to the state general fund.

Article 2, Section 24. Effective 7/1/13 for new licenses issued, and for current licenses upon renewal after 7/1/13, a requirement for the Board to post on its website (1) the name and business address of any individual who has a felony or gross misdemeanor conviction in any state or jurisdiction occurring on or after 7/1/13; (2) a malpractice judgment occurring on or after 7/1/13 with information describing the judgment; and (3) any disciplinary or corrective action or restriction of privileges taken against any license in this state or any other state or jurisdiction.

Article 2, Section 25. Requirement for an applicant or licensee to provide a primary business address at time of initial application of upon renewal.

Article 2, Section 26. Requirement the HLBs study and make recommendations for establishing uniform criminal history background checks of applicants and regulated individuals. Study must include procedure for conducting background checks, payment of costs, circumstances under which federal background checks are conducted, and standards to be applied to determine whether criminal records may disqualify individual from licensure. Report due 1/15/13.

Article 2, Section 27. Requirement for the HLBs to study and submit draft legislation on the development of consistent reporting requirements that requires institutions, professional societies, other licensed professionals, courts, insurers, and other entities to report conduct constituting grounds for disciplinary action to the respective regulatory entity. Study and draft shall include self-reporting requirement and penalty provision for failure to report. Study due 1/15/13.

Article 2, Section 29. Requirement for the HLBs and AGO to review and make recommendations to the legislature on the respective roles of the HLBs and AGO in conducting investigations of licensees. Due 1/15/13.

Article 2, Section 30. The Commissioner of Administration, in conjunction with the HLBs, and OET, shall report to the legislature by 1/15/13 the best system for providing electronic licensing, disciplinary, regulatory, and investigative services for the HLBs.

Article 2, Section 31. The HLBs shall report to the legislature by 1/15/13 as to the degree to which fees imposed by HLBs comply with Minn. Stat. 214.055 & 214.06. If a board determines that its fees are expected to produce more revenue than needed to recover expenditures during a 5-year period, the board must propose fee reductions.

Article 2, Section 32. ASU must report to the legislature by 1/15/13 an evaluation of the units' services by HLBs.

Article 4, Section 1. No HLB board member may seek a paid employment position with the board.

Article 4, Section 2. Notification and resolution provisions for complaint handling.

Article 4, Section 3. HLBs may offer "guidance" to current licensees about the application of laws and rules. Such guidance is nonbinding in a court or other adjudicatory body.

Article 4, Section 4. A board may take administrative action against a licensee whose records do not meet the standards of professional practice. Such actions are not considered disciplinary.

Article 5, Section 6. Fiscal Year 2013 appropriation of \$10,000 to gather information needed, and develop and maintain, the required web posting re: convictions, malpractice, and disciplinary or correction actions.

**V. VARIANCES (#V-2012-005; #V-2012-006; #V-2012-007, #V-2012-008, #V-2012-009, #V-2012-010, #V-2012-011, #V-2012-012)**

V-2012-005 - Members reviewed and discussed a request for a variance to extend an LAMFT term. Mark Flaten made a motion to approve the variance. Kay Ek seconded the motion. The motion passed.

V-2012-006 – Members reviewed and discussed a request for a variance to extend an LAMFT term. Mark Flaten made a motion to approve the variance. Denny Morrow seconded the motion. The motion passed.

V-2012-007 – Members reviewed and discussed a request for a variance to the supervision requirement, to conduct up to 25% of supervision via electronic methods. Denny Morrow made a motion to approve the variance. Bruce O'Leary seconded the motion. The motion passed.

V-2012-008 – Members reviewed and discussed a request for a variance to the supervision requirement, to receive an extension of time to complete the required 30 hours of training. Mark Flaten made a motion approve the variance. Bruce O'Leary seconded the motion. The motion passed.

V-2012-009 – Members reviewed and discussed a request for a variance to the supervision requirement, to conduct up to 25% of supervision via electronic methods. Denny Morrow made a motion to approve the variance. Shonda Craft seconded the motion. The motion passed.

V-2012-010 – Members reviewed and discussed a request for reconsideration of a variance to the supervision requirement, which was denied at the March 15, 2012, Board meeting. Mark Flaten made a motion to allow the supervisee to count 25 hours of retroactive electronic supervision. The remaining 25 hours of retroactive electronic supervision will not be allowed. Denny Morrow seconded the motion. The motion passed.

V-2012-011 – Members reviewed and discussed a request for a variance to obtain electronic supervision by a Minnesota Board approved supervisor while working in another country, asking for a (1) year continuation to the original variance approved last year. Mark Flaten made a motion to deny retroactive counting, and approve proactive moving forward, 175 hours with both supervisors, to log all of her hours electronically or in-person for one more year, and 25 hours in-person upon returning to Minnesota. Denny Morrow seconded the motion. The motion passed.

V-2012-012 – Members reviewed and discussed a request for a variance to extend an LAMFT term. Mark Flaten made a motion to approve the variance. Bruce O’Leary seconded the motion. Kay Ek abstained. The motion passed.

## **VII. DELEGATION OF AUTHORITY**

Jennifer brought to the Board’s attention the following three (3) specific statutes that could require action be taken against an individual’s license in order to protect the public:

- 1) Minnesota Statute § 270C.72 requires that the state “must revoke, a license for the conduct of a profession, occupation, trade, or business, if the commissioner notifies the licensing authority that the applicant owes the state delinquent taxes payable to the commissioner, penalties, or interest.”
- 2) Minnesota Statute § 518A.66 requires that “if the court finds that the obligor is or may be licensed by a licensing board \*\*\* and the obligor is in arrears in court-ordered child support or maintenance payments \*\*\* the court shall direct the licensing board or other licensing agency to suspend the license under section 214.101.”
- 3) Minnesota Statute § 148B.175 requires that the Board “temporarily suspend the right of a licensee to practice if the board member finds that the licensee has violated a statute or rule that the board is empowered to enforce and that continued practice by the licensee would create a serious risk of harm to others.”

Jennifer stated that suspension or revocation under these three statutes requires Board action with respect to licensure be taken within a specific timeframe or swiftly to protect the public. In light of

such time constraints, staff requests a delegation of administrative authority to take necessary licensure action mandated by either Minn. Stat. § 270C.72, § 518A.66 or § 148B.175.

Denny Morrow made a motion to approve staff authority as requested under Minn. State. 270C.72 and 518A.66. Kay Ek seconded the motion. The motion passed.

Denny Morrow made a motion to allow the Board's Complaint Panel to take action necessary under Minn. Stat. 148B.175. Bruce O'Leary seconded the motion. The motion passed.

Denny Morrow made a motion to delegate authority to staff to grant a variance requesting that up to 25% of required supervision be provided via electronic methods when such a request is supported by a showing of hardship (e.g. travel, weather). Discussion on the motion clarified that variances with multiple issues or other significant factors would not be handled under delegated staff authority, but would instead be brought to the Board. Mark Flaten seconded the motion. The motion passed.

### **VIII. ELECTION OF BOARD OFFICERS**

#### **Chair**

Kay Ek nominated Mark Flaten as Chair of the Board effective July 1, 2012. Denny Morrow seconded the motion. The motion passed.

#### **Vice-Chair**

Kay Ek nominated Denny Morrow as Vice-Chair of the Board effective July 1, 2012. Mark Flaten seconded the motion. The motion passed.

#### **Secretary Treasurer**

Kay Ek made a motion to nominate John Seymour as Secretary Treasurer of the Board effective July 1, 2012. Denny Morrow seconded the motion. The motion passed.

#### **AMFTRB Delegate**

Denny Morrow made a motion to nominate Mark Flaten as the Delegate to AMFTRB. Bruce O'Leary seconded the motion. The motion passed.

#### **AMFTRB Alternate Delegate**

Mark Flaten made a motion to nominate Shonda Craft as the Alternate Delegate to AMFTRB. Denny Morrow seconded the motion. The motion passed.

#### **HPSP Representative**

Denny Morrow made a motion to nominate Bruce O'Leary as the HPSP Representative. Shonda Craft seconded the motion. The motion passed.

### **IX. POLICY DISCUSSION: PROVISION OF THERAPY VIA AUDIO OR AUDIOVISUAL ELECTRONIC MEANS**

Jennifer stated that agenda item IX is tabled until the July Board meeting.

## **X. PUBLIC INPUT**

Bruce Minor expressed gratitude to Jennifer for her outstanding efforts in keeping the MFT public informed of what was happening during the sunset process.

## **XI. COMMITTEE REPORTS**

### Continuing Education:

Jennifer provided a report of continuing education statistics.

### Applications Committee:

The Applications Committee met on March 16, 2012, and April 20, 2012.

- Applications approved for the State oral exam: 24
- Applications (Non-COAMFTE) approved for the national exam: 10
- Applications for Reciprocity: 2

### Rules Committee:

Jennifer reported that the Rules Committee has met four (4) times and is working toward completion of a draft to come before the Board possibly as early as the July meeting.

### Complaint Panel:

Jennifer provided a report of complaint and complaint panel statistics.

## **XII. OTHER ITEMS**

Denny Morrow provided an update on information obtained at a recent HPSP meeting where issue of timeliness of reporting by HPSP back to the licensing board was discussed. Two boards with larger numbers of licensees participating in HPSP are attempting to obtain reports from HPSP in a timelier manner so that current information is available when boards are reviewing possible disciplinary action against a licensee. Overall, work of HPSP very valuable to health professionals and the communities they serve.

## **ORAL EXAMINATIONS**

### May 9<sup>th</sup>, 2012:

11 candidates sat for the State oral exam. Upon successful completion, licenses were issued to:

Adam Arnold, Michael Boike, Heidi Edgett, Erin Johnson, Trisha Matter, James McAuley, Tamera Mensink, Holly Traynor, Palmer Van Beest, Sarah Williams.

**April 20<sup>th</sup>, 2012:**

12 candidates sat for the State oral exam. Upon successful completion, licenses were issued to: Mary Sanders, Jessica Sullivan, Tarah Pringle, Christie Haustein, Judith Pinke, Laura Feile, Sandra Rickertsen, Melodie Illies, Kimberly Morri, Denae Ruble, Miriam Zachary.

**XIII. EXECUTIVE SESSION (CLOSED TO THE PUBLIC)**

**XIV. ADJOURNMENT**

Herb Grant adjourned the meeting at 2:00 p.m. on a motion by Denny Morrow and seconded by Mark Flaten. The motion passed.

I hereby attest that these minutes were read and approved by the Board of Marriage and Family Therapy on July 20, 2012.

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John Seymour, Secretary