**Meeting Minutes**

**Association of Marital and Family Therapy Regulatory Boards**

**33rd Annual Meeting of State Delegates**

**September 17-18, 2019 Minneapolis, MN**

**Tuesday September 17 Rochester Room**

**Welcome and introduction of the Board of Directors**

Joanni Sailor, President (OK) welcomed the State Delegates to the 33rd Annual Meeting. Board of Directors introduced themselves, and briefly described their roles on the board. Jennifer Smothermon (TX) Member‐at‐Large assists the President and the Board in the discharge of the business of the Association, taking on special assignments as deemed important by the President or the Board. Mary Guth (SD)President Elect assists the President and steps up if the President is not able to fulfill their role. The President Elect is also responsible for reviewing the bylaws and identifying any changes that need to be addressed. Scott Cohen (MA) Treasurer is charged with monitoring the association’s financials and serving as a member of the Reserve Fund Committee. Tammy Austin (VT) Secretary is responsible for documenting the meeting minutes and assuring the accurate documentation of the history of the association. Also responsible for any other duties assigned by the Board of Directors. Pam Rollins (MS) Past President is responsible for assisting the President, and perform any other duties assigned by the board of Directors. Lois Paff Bergen, Executive Director and Steve Peluso, AMFTB Attorney

**Introduction of State Delegates:**

Lenora Erickson (AR), Suzanne Casey (AR), Kim Madsen (CA), Aisha Nixon (DC), Angela Sarafin (DC), Nadine Cepeda (Guam). Tami Kammer (ID), Spencer Zitzman (ID), David Norton (IL), Shawn Oak (KY), Scott Cohen(MA), Shonda Craft (MN), Jennifer Mohlenhoff (MN) Pamela Rollins (MS) Kimberly Gardner (MT), Lucy Richards (MT), Dale Battleson (NE), Lorraine Barry (NJ), Larry Giese (ND), Charlie Knerr (OH). Hollie Hinton (OH), Eric Ashmore (OK), Joanni Sailor (OK), Joy Corby (PA), Christian Jordal (PA), Danny Garnett, (SC), Nikita Harrison (SC), Mary Guth (SD), Lynell Rice Brinkworth (SD), Jennifer Stalley (SD), Jennifer Smothermon (TX), Lisa Merchant (TX), Tammy Austin (VT), Charlotte Lenart (VA), Greg Searls (WY)

Joanni provided an overview of the association and the work that has taken place over this past year. In addition, she provided information on the motion made in the Board of Directors Meeting that took place yesterday, with the goal of receiving delegate feedback on their priorities and ideas for research that the Board of Directors should consider conducting. The motion was as follows:

Motion to approve funding research to investigate the following, with the understanding that there may be some changes or additions based on the Delegate Meeting:

1.) how related work experience equates to academic credit?

2.) how the number of hours of pre degree supervised experience practice equates to minimum competency?

3.) how the number of hours of post degree supervised experience practice equates to minimum competency? This will include consideration of direct and indirect hours of clinical practice.

4.) how is the length of time obtaining experience and the kinds of cases (couples, families, individuals, groups) related to competency?

5.) how do we assess the competency of a supervisor? This will include consideration of the differences among types of supervision credential (state approved supervisors, AAMFT/COAMFTE approved supervisors, or specific state appropriate supervisors).

Joanni opened the floor for discussion and delegates suggested information to consider:

Jennifer Mohlenhoff (MN) asked “Do states have a defined process for applicants for licensure who have not sat for the National Exam? And has any state developed a protocol for licensure for applicants without the National Exam that includes initial licensure and grandfathering?”

Joy Corby (PA) asked “How are we determining the number of years required for licensure reciprocity? And how are we determining how many years of practice constitutes competence?”

Larry Giese (ND) asked “Is the exam a hindrance to licensure? And is it a hindrance for those who have passed the California Examination, but not the National Exam?”

Kim Madsen (CA) provided information that the California Exam is designed similarly to the AMFTRB National Exam, and California is working on their portability laws. She reported that currently there is a law on the Governor’s desk that will allow for the acceptance of the National Exam in California

Dale Battleson (NE) provided information that there is a great deal of dissent within the national professional organization and members are leaving (AAMFT). He asked the question “how does this affect supervision and quality of supervision?”

Eric Ashmore (OK) provided information that his state is reviewing endorsement for unlicensed practitioners who have several years of practice experience.

Angela Sarafin (DC) provided information that her state is challenged with an increase in new applicants and asked “do other states have an interim associate license?”

Charlie Knerr (OH) provided the advice that the association work should be focused on establishing consistency.

**Regulatory Trends I**: State Updates and Policy Guidelines Status Updates: Mobility, Teletherapy, Impact of Deregulation**.**

**State Survey Summary: Mobility, Teletherapy** Jennifer Smothermon (TX) and Scott Cohen (MA)

Jennifer and Scott reviewed survey results completed by members states and reported additional data were gathered through state board website searches. Results indicated that a majority of states (96.2%) have adopted rules or regulation for licensure mobility for fully licensed MFTs, including types of mobility models adopted by each reporting state. Survey data also indicated that a majority of states have rules and regulations governing the practice of teletherapy; however, some states’ rules and regulations that are specific to LMFTs, some states have guidelines only, and some states are having discussion around teletherapy and are in the process of reviewing their rules and regulations. The survey also explored topics such as (a) board composition, (b) board duties, and (c) licensing exam policies. Please see PowerPoint slides for further information.

Questions and comments that were generated as a result of the survey results presentation included:

1. Are there recommended differences for how teletherapy is done for mental health as compared to other professions?
2. Charlie Knerr (OH) said that the information on Ohio’s guidelines for teletherapy for all 3 mental health professions is available on their website.
3. A question about whether there have there been teletherapy cases that impact the profession? The answer was thus far there have been no violations for MFTs reported.
4. A question about whether there has been case law with state boards exceeding their authority? Nothing thus far for mental health, but there have been instances in the medical field. This was in relation to trade restriction. Complaints have been filed, but no lawsuits.
5. Charlie Knerr (OH) reported that when Ohio tried to integrate the professions, an issue with restriction of trade came up, because there were already professionals practicing teletherapy within their state.
6. Charlie Knerr (OH) reported that a therapist cannot be held accountable for comments made about him or her online in the state of Ohio. She also stated Ohio would hold their 1st annual educators’ conference designed to promote stakeholder connection, and she is open to delegates connecting with her to learn more.

**State Delegate Panel**: Moderator: Joanni Sailor (OK) Panel: Eric Ashmore (OK), Jennifer Smothermon (TX), Kim Madsen (CA), Greg Searls (WY), Pamela Rollins (MS), Nadine Cepeda (Guam)

1. How does professional licensure protect the public?

There are a variety of ways licensure protects the public, including gate keeping, to ensure minimum competency, ensuring practitioners obtained required CEUS, and providing investigation and possible sanctions when there has been an ethical or legal complaint filed against a clinician. In addition, licensure assures accountability and responsibility on the part of the licensee, establishes criteria necessary to ensure competency, providing appropriate interpretation of statutes, and enforcing the statutes. Licensure boards also provide a registry of professionals, so the public can determine who is qualified to provide therapy, gives notice of disciplinary action, and insures due process.

1. Why should we have licenses in mental health?

Jennifer Smothermon reported that in Texas in 2017 there was a push to do away with the mental health licensing boards and move the licensing function to a state agency with an advisory committee, essentially removing mental health professionals completely from regulating their professions. The state board was able to block this movement but needed to return to the legislature in 2019 to continue the fight. The professional organizations were able to educate the legislature on why licensure needs to exist. The outcome was that regulators were able to sit down and create the Texas Behavioral Health council, which will be a new independent agency for the oversight of Mental health professionals. Jennifer reported a hope that AMFTRB can be supportive and provide the tools that states need to advocate for their boards.

Eric Ashmore (OK) reported that in 2012 there was a push to consolidate or get rid of the individual licenses. They were able to compromise and develop a composite board. Between December 2018 and April 2019, the Board Executive Director met with over 30 legislators to advocate and educate. As a result, the Occupational Licensing Blueprint was created, and administrative rule changes happened.

Eric Ashmore (OK) was asked to talk about who is driving the legislation that is being put in front of legislators. Eric reported that in his experience not any one political party is being identified, but some the of larger questions have just now come to fruition. Newer legislators were handed down policies, and they are trying to move them forward. But it is essential, that regulators educate legislators on the importance of the regulation of our field. Regulation saw a shift with the NC dental case resulting in a shift in the roundtable discussions that have occurred. These discussions were very pointedly promoting deregulation. Other questions raised included what about good moral character causes, the impact of a criminal history on applicants, expediting licensures, teletherapy, telesupervision, criminal history or background checks, and streamlining administration. Shonda Craft (MN) asked if public members, and consumers testified as well. Eric Ashmore responded that no others participated in the hearings, but he also indicated that it would have been helpful to have additional voices. Eric suggested that regulators might consider asking legislators for a list of questions ahead of meeting, present the board’s existing accomplishments, and explain current projects that would indicate collaboration with legislators. Jennifer Smothermon (TX) reiterated the importance of the professional association’s input and support. Tami Kammer (ID) reported her board had been asked in 2018 to go through the licensing freedom act and write a report. She reported this process was helpful in determining the kind of discrepancies that existed, current rules, and preparing for the future.

1. Who are Board Stakeholders and what kind of relationship do you have with them?

Kim Madsen (CA) indicated her board had a lot of stakeholders, including licensees, registrants, applicants, educators, legislators and consumers. She recommended regulators work to develop a relationship with legislators. Eric Ashmore (OK) recommended boards treat their legislators as colleagues as they could become advocates in the future. Jennifer Smothermon (TX) recommended boards be responsive and ready to communicate with legislators. Dale Battleson (NE) added that sometimes there are some accidental stake holders that can be supportive.

1. In a climate where we are being asked to reduce standards, do you have recommendations on how boards improve their communication between themselves and their legislators?

Greg Searls (WY) reported that Wyoming had an organization come into the state that was providing clinical services within the area of corrections. Their organization was not making any attempt make sure that their employees were eligible for licensure in Wyoming. The legislators gave the board action steps to complete. With open communication, they were able to report that 4 of those action steps have already been achieved. Greg reported that for Wyoming there was a negative narrative about the board that they are trying to overcome. Currently, the board is working on changing rules regarding reciprocity to allow out-of-state applicants to be licensed if they possessed the correct degree, had passed the exam, and had a current license in good standing. Kim Madsen (CA) suggested that boards should feel comfortable to advocate for their position and enlist their associations to advocate as well. Jennifer Smothermon (TX) said although regulators are not able to lobby, they are constituents and can communicate as such, although members must identify that they are not appearing on behalf of the board.

1. In what ways has your state board been asked to implement deregulation?

Pam Rollins (MS) reported that the Fresh Start legislation in MS mandated the 40 boards not to deny a license based solely on the conviction of a felony. If boards deny a license, they will now need to show that the felony was directly related to the practice of the profession, and the decision was not based solely on the conviction. In addition, boards need to allow the applicant to come before the board. Boards cannot deny licensure based solely on good moral character, or moral turpitude clauses. Greg Searls (WY) shared that Wyoming underwent the same process related to removing the moral turpitude clause. Boards can only consider a felony conviction if it is under 20 years, unless it is domestic violence or sexual abuse charge. Rules must be sensitive to the military and supportive of their circumstances. In addition, Wyoming mental health board does not have the authority to require background checks. Jennifer Smothermon (TX) shared that Texas was asked to create a criminal conviction list that linked to board discipline options. Kim Madsen (CA) reported that California cannot consider convictions older than 7 years. In addition, the board was asked to develop criteria necessary to deny a license, removing the board’s discretion. Eric Ashmore (OK) shared that in Oklahoma has a moral turpitude clause in the rules, but their attorney has indicated it would not stand up legally.

1. In what ways has your board been asked to target deregulation specifically with military?

Nadine Cepeda (Guam) reported that, unlike the movement in the states to deregulate and form composite boards, regulators have been asked to separate out LPC, LMHC, and LMFTs. One of their Senators suggested that they branch out as a mental health board. Discussion about how this will impact regulation is ongoing. In Guam, someone licensed for 5 years is allowed to supervise. No special considerations are given to military personnel in Guam at this time. Kim Madsen (CA) added that California is addressing mobility with Senate bill 679 that is currently on the Governor’s Desk. This is a License Portability Bill. As a result of the Mobility Taskforce Committee, California created a subcommittee of board members and stakeholders who determined that states all have 3 things in common- education, experience and examination. After reviewing three portability models, AMFTRB, ASWB, and NBCC/AASCB, the committee crafted a model that required 2 years of licensure, 40 hours of CEUs that are CA specific, CA rules examination, and a background check. Kim reported that the resolution was founded on trusting each other. Joy Corby (PA) asked what are we doing for those that just got licensed, and have to move? Some states have temporary licenses. Pam Rollins (MS) asked do those incoming applicants need to establish residency? Kim responded that they did not.

**Regulator Trends II**: **Navigating the Anti-Regulatory Environment and the Responsibility and Liability of Board Members.**

Steven Peluso, Esq., AMFTRD Counsel; Chair, ANSI State Legislation Taskforce

Steve discussed the challenges that occupations/professions are experiencing regarding de-regulation. He explained that the term “deregulation” was more appropriate than “antiregulation,” because it constitutes an effort to uncomplicate existing regulation based on the premise that the government regulates too many occupations. He also emphasized the importance of nomenclature in terms of job vs occupation vs profession. Steve reported that the Institute for Justice and American Legislative Exchange Council (ALEC) are two groups currently focusing on the “deregulation effort.” Their goals are to increase efficiency and decrease unnecessary regulation that results in burdensome criteria imposed on job seekers and entrepreneurs.

Nahale Freeland Kalfas, Esq., Counsel to the National Center for Interstate Compacts

Nahale provided an overview of how regulators view the world versus how outsiders view the regulatory community and the link to Anti-Trust Liability issues. Nahale provided recommendations for Boards on important issues and specific things to avoid so they are not putting themselves at risk for to Anti-Trust Liability. Nahale also provided critical information on Best Practices for Handling meetings, including topics such as rulemaking, complaints, investigations, settlements, hearings and communications with applicants, licensees and the public. She discussed specifics on conducting meetings and approaches to take as board members and emphasized the importance of rulemaking, hearings, and settlements. Nahale also reviewed the benefits of interstate compacts.

The meeting adjourned and will reconvene Wednesday September 18, 2019

**Wednesday September 18 Rochester Room**

Welcome: Joanni Sailor welcomed delegates to the second day of the meeting and thanked everyone for their participation in the discussions. She reviewed the meeting evaluation and feedback form and encouraged everyone to complete it as well as fill out the volunteer section for committee work and board positions, if they were interested in serving in that capacity. In addition, all delegates were asked to read and sign the exam confidentiality agreement. Joanni also informed delegates that could access their CEU Letter via the following web link:

https://amftrb.org/annual-meeting/ceu-letter-2019/

**CLOSED SESSION**

Joanni announced the closing of the open session and moved into the closed session at 8:52 am

**Regulatory Trends III: MFT National Examination Annual Report**

Vicki Gremelsbacker presented the 2019 Annual Report of the MFT National Exam.

Joanni concluded the Closed Session at 10:04 a.m. moving into a break and opening the subsequent session.

**OPEN SESSION**

**Regulatory Trends IV: Quality Assurance, Compliance & Discipline**

Pam Rollins (MS)Disciplinary Trends and Consistency in Regulatory Board Sanctions for LMFTs

Pam provided an overview of her research on state licensure disciplinary trends. Data was collected via state licensure board website. Top 5 most common violations:

1. Unprofessional Conduct- catch all category
2. Nonsexual dual relationship
3. Sexual Dual relationships
4. Failure to meet CEU requirements
5. Breach of confidentiality

Pam also provided an overview of the top disciplinary violations for other mental health fields, emphasizing the similarity among the professions. For females, the top three violations were: breach of confidentiality, unlicensed practice or practicing with an expired license, and failure to meet minimum standards. For male’s the top three violations were: sexual dual relationship, misrepresentation on licensure application, and moral turpitude. Pam indicated that the states studied exhibited consistency of sanctions for all of the most common violations.

Delegate comments:

Have you considered a study of disciplinary actions for AAMFT approved supervisors vs. non approved supervisors? Pam responded that AAMFT Approved Status is not part of the information available on consent agreements or final orders.

Shonda Craft (MN) asked about those instances where complaints are coming against licensed individuals at Higher Education programs? Is there any way to get access to that and have you thought about that? Students make a complaint about their professor, but the report goes to the school, and never finds its way to the board. Pam responded that we are unsure how we would be able to collect that data. Follow up comment, from a parity perspective, applicants are asked if they have had any discipline action at their training program, why are we not having parity in asking the same question for supervisors. MN asks the question in the application for licensure, if they have had any sanctions, or discipline in their training programs. Pam’s responded that she hadn’t thought of that and will take that into consideration.

Regulatory Trends V: Panel and Discussion

Discussion and comments on the Board of Directors’ proposed research questions for the association’s future work.

1. Suzanne Casey (AK) how do we access and pay for independent expert research that can back up our practice?
2. How many states have a settlement meeting? California has minimum and maximum offer for terms of a settlement within which there can be negotiation. Montana reported they had a similar process in which they have separate screening and adjudication panels when the cases go to the AG for prosecution. All of this process happens without the board. Arkansas reported their process is the same as Montana and Texas reported using a settlement meeting if complaints proceed that far
3. Jennifer (MN) asked if any state had ever adopted a policy to allow someone who had not passed the exam to be licensed.
4. Question was asked if it was possible to collect data on the number of exam retakes and if applicants haven’t been successful, what is their response as a state? Wyoming reported their cut off is after 4 failed attempts
5. Mary Guth (SD) asked how long academic credentials were valid? Other delegates responded that the degree is acceptable forever, but coursework can be called into question after 7-8 years.
6. Question was asked what states required in terms of remedial education and whether it was graduate credit or CEUs? Illinois reported that they specify which of the exam domains that the applicant needed to take a 3-hour graduate course in. Texas reported remedial education varied depending on which domain applicants failed and is decided on a case by case basis.

**AMFTRB Business Meeting**

Joanni called the Business Meeting to order at 11:32 am

**Secretary’s Report and Approval of 2018 Minutes.** Tammy Austin (VT), secretary, presented the 2018 Delegate Meeting Minutes for discussion and approval, noting that there was a spelling adjustment made to a delegate’s name.

Motion: Greg Searls (WY) motioned to approve the 2018 Delegates Meeting Minute with the change of the spelling of a delegate’s name. Kim Madsen (CA) seconded the motion. The Motion carried unanimously.

**Treasurer’s Report** Scott Cohen presented the treasurers report. Scott thanked Danny Garnett (SC) and Jeremy Blair (AL) for their participation in the Reserve Fund Committee. Scott reported that the association’s income stream had remained stable, and there was a positive income over expense ratio. He stated that the association remained in good financial standing. Adjustment to this year’s proposed budget was the addition of a new category for Board Member training that allowed for clarity in how the association allocates and codes board member trainings. Another addition to the budget for 2020 was for Cyber Insurance. This addition is considered critical given the increase in cyber risks.

Motion: David Norton (IL) motioned to approve the 2020 proposed budget, Larry Giese (SD) seconded the motion. The motion carried unanimously.

**Elections Committee Report**: Lynell Rice Brinkworth (SD), Election Committee Chair presented the report

Lynell thanked the members of the election committee: Nikita Harrison, and Susan Gillespy (FL) for all of the work and support. Additionally, she thanked all of the individuals who chose to run for positions, stating there was a highly qualified base resulting in a solid 4 candidates on our election ballot. The results are Secretary - Jeremy Blair (AL) and President Elect – Jennifer Smothermon (TX). The 2020 election will be for Treasurer and Member at Large.

**Awards Presentations**: Joanni presented awards and thanks for their service to Pam Rollins, Past President (MS) and Tammy Austin, Secretary (VT). Both will be transitioning out of their roles at the end of the calendar year. Joanni was thanked by Mary Guth for her services as President.

Joanni presented Mary Guth with the official presidential gavel. Joanni’s term as President will end on December 31and Mary Guth’s term as President will begin January 1st, 2020.

**2020 Annual Meeting** will take place in Seattle Washington in conjunction with the CLEAR Conference. September 21-23, 2020.

Motion: Joy Corby (PA) motioned to adjourn the meeting, the motion was seconded by Charlie Knerr (OH). The motion carried unanimously. The meeting adjourned at 12:00.

Minutes Submitted by Tammy Austin 11/2019

Approved September 22, 2020 by Delegates at the 2020 Annual Meeting of State Delegates.