

**PROFESSIONAL COUNSELORS SECTION
MEETING MINUTES
FEBRUARY 3, 2012**

PRESENT: Nancy Clark, Charles Lindsey, Leslie Mirkin

STAFF: Dan Williams, Executive Director; Colleen Baird, Legal Counsel; Kimberly Wood, Bureau Assistant; and other Department Staff

CALL TO ORDER

Charles Lindsey, Chair, called the meeting to order at 10:45 a.m. A quorum of three (3) members was present.

APPROVAL OF AGENDA

MOTION: Leslie Mirkin moved, seconded by Nancy Clark, to approve the February 3, 2012 agenda as published. Motion carried unanimously.

APPROVAL OF MEETING MINUTES OF NOVEMBER 18, 2011

MOTION: Leslie Mirkin moved, seconded by Nancy Clark, to approve the minutes of November 18, 2011 as published. Motion carried unanimously.

ADMINISTRATIVE MATTERS

The Section discussed the status of appointments. Nancy Clark informed the Section that she does not plan to pursue reappointment. Nancy Clark will send an e-mail to Dan Williams, regarding her intent not to continue as a member of the Section. Dan Williams will forward this information to the Governor's Appointment Office.

Annual Policy Review – Board Member Guidebook

Dan Williams informed the Section that the Department has requested review of the Board Member Guidebook and that each board member should acknowledge receipt and understanding of this information by signing the statement page at the end of this publication. Dan Williams asked that completed signature forms be returned within 30 days of the meeting.

Section Appointments

Charles Lindsey, Chair, made the following appointments for 2012.

- Credentialing & Education Review: Charles Lindsey/Leslie Mirkin
- Examination Liaison: Charles Lindsey
- Continuing Education: Charles Lindsey
- Legislative Liaison: Leslie Mirkin
- Travel Liaison: Nancy Clark
- Division of Enforcement Monitoring Liaison: Leslie Mirkin
- Professional Assistance Procedure (PAP): Leslie Mirkin
- Practice Question Liaison: Charles Lindsey
- Screening Panel: Nancy Clark, Leslie Mirkin

SECTION DISCUSSION REGARDING AMENDMENTS TO MPSW 10, 11 & 14, RELATING TO MINIMUM DEGREE REQUIREMENTS, MINIMUM CREDIT REQUIREMENTS AND EDUCATION APPROVAL

Report from Charles Lindsey Regarding the Creation of the Section's Taskforce on Educational Requirement Increases

Charles Lindsey reported to the Section regarding his efforts in terms of organizing a taskforce to address the Section's pursuit of educational requirement increases. He has extended invitations to several individuals to participate on this taskforce and is still awaiting responses. He indicated that he will be working to arrange and conduct a teleconference meeting of the taskforce within two (2) weeks of today's meeting. Section discussion ensued.

CONTINUING EDUCATION COURSE REVIEW FOR APPROVAL

Amanda Barbian, Continuing Education Specialist, joined the Section to discuss the results of an audit conducted of continuing education compliance of licensees for the 2009-2011 biennium. The Section was advised that a significant number of audited licensees have been identified as being out of compliance due to confusion surrounding the ethics and boundaries provision of the continuing education requirement. Amanda Barbian requested feedback from the Section on how to proceed in terms of licensees that are found to be out of compliance with their continuing education requirements. Amanda Barbian will bring the continuing education audit compliance report, of the 2009-2011 biennium, to the Section's next meeting for consideration of how to address licensees that are out of compliance with their continuing education requirements.

The Section reviewed requests for waivers from the provisions outlined in Wis. Admin. Code § MPSW 14.04(1) – (5).

- Marinette County Health and Human Services
- University of Wisconsin – Milwaukee
- University of Wisconsin – Eau Claire
- University of Wisconsin – Stevens Point

MOTION: Leslie Mirkin moved, seconded by Nancy Clark, to deny the request for a waiver of Wis. Admin. Codes, § MPSW 14.04 (1) – (5) submitted by the programs listed above. Motion carried unanimously.

The Section requested that Amanda Barbian, in collaboration with Charles Lindsey, work to prepare and send a letter of communication to the programs who requested waivers of the requirements set forth in Wis. Admin. Codes, § MPSW 14.04 (1) – (5).

CLASS 1 HEARINGS ON DENIAL OF APPLICATIONS FOR LICENSURE

11:15 A.M. APPEARANCE: Hearing on the Denial of the Application of Tara Rollins for Professional Counselor License

Tara Rollins appeared before the Section to support her appeal of the denial of her application for a professional counselor license. During the hearing Leslie Mirkin informed the Section of his need to recuse himself from deliberation of this item.

LEGISLATION/ADMINISTRATIVE RULE MATTERS

2011 Senate Bill 280

The Section discussed 2011 Senate Bill 280, and received an update on the status of this legislation from Sharon Henes, Paralegal.

MOTION: Leslie Mirkin moved, seconded by Nancy Clark, to authorize Charles Lindsey to draft and send a letter, on behalf of the Section, to the Department of Safety and Professional Services, State Senator Terry Moulton, State Representative Keith Ripp, and the Chair of the Committee on Health, State Senator Leah Vukmir, expressing concerns about protection of the public and asking that the Professional Counseling profession be taken out of the bill. The Section authorizes Charles Lindsey, or his designee, to speak on behalf of the Section, at any hearings that may arise in relation to this bill. Motion carried unanimously. Motion carried unanimously.

CLOSED SESSION

MOTION: Nancy Clark moved, seconded by Leslie Mirkin, to convene to closed session pursuant to Wisconsin State statutes 19.85(1)(a)(b)(f) and (g), to consult with legal counsel to deliberate on proposed stipulations, deliberate on administrative warnings, deliberate on monitoring issues, application review, monitoring report and DOE case status reports. Roll Call Vote: Nancy Clark-yes; Charles Lindsey-yes; and Leslie Mirkin-yes. Motion carried unanimously.

The Board convened into Closed Session at 1:08 p.m.

RECONVENE TO OPEN SESSION

MOTION: Nancy Clark moved, seconded by Leslie Mirkin, to reconvene into open session. Motion carried unanimously.

The Board reconvened into Open Session at 2:31 p.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION, IF VOTING IS APPROPRIATE

DELIBERATION ON CLASS 1 HEARINGS

Tara Rollins – Professional Counselor License

The Section was unable to act upon this matter due to the need for Leslie Mirkin to recuse himself from deliberation. The Section deferred deliberation of this Class 1 Hearing until another Section member is appointed. DSPS Staff will contact Ms. Rollins regarding the Section's inability to act due to the lack of quorum. The Section requested that the recording of the Class 1 Hearing for Ms. Rollins be retained until a new Section member is appointed and is able to review this recording.

DELIBERATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

Lawrence Kane, III, L.P.C (07 CPC 010, 08 CPC 010, 08 CPC 020, 08 CPC 022, 09 CPC 007, 09 CPC 008, 09 CPC 009, 09 CPC 017, 09 CPC 019, 09 CPC 025, 09 CPC 029, 09 CPC 036, 10 CPC 004, AND 11 CPC 018)

MOTION: Nancy Clark moved, seconded by Leslie Mirkin, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of disciplinary proceedings against Lawrence Kane, III, L.P.C (07 CPC 010, 08 CPC 010, 08 CPC 020, 08 CPC 022, 09 CPC 007, 09 CPC 008, 09 CPC 009, 09 CPC 017, 09 CPC 019, 09 CPC 025, 09 CPC 029, 09 CPC 036, 10 CPC 004, and 11 CPC 018). Motion carried unanimously.

Denise M. Dill (10 CPC 027)

MOTION: Nancy Clark moved, seconded by Leslie Mirkin, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of disciplinary proceedings against Denise M. Dill (10 CPC 027). Motion carried unanimously.

Kristin R. Brighty (11 CPC 030)

MOTION: Nancy Clark moved, seconded by Leslie Mirkin, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of disciplinary proceedings against Kristin R. Brighty (11 CPC 030). Motion carried unanimously.

DELIBERATION OF ORDERS FIXING COSTS

Susan J. McAley, LPC, Respondent (Order # 0001227)

MOTION: Leslie Mirkin moved, seconded by Nancy Clark, to adopt the Order Fixing Costs in the matter of Susan J. McAley, LPC, Respondent (Order # 0001227). Motion carried unanimously.

REVIEW OF APPLICATIONS

The Section review applications files.

DIVISION OF ENFORCEMENT

Case Status Report

The Section received a report outlining its pending enforcement cases.

Case Closings

09 CPC 017 & 09 CPC 019

MOTION: Leslie Mirkin moved, seconded by Nancy Clark, to close case numbers 09 CPC 017, against L.W., and 09 CPC 019, against S.P., for insufficient evidence. Motion carried unanimously.

10 CPC 013

MOTION: Leslie Mirkin moved, seconded by Charles Lindsey, to close case 10 CPC 013 for insufficient evidence. Motion carried. Abstained: Nancy Clark

11 CPC 010

MOTION: Nancy Clark moved, seconded by Leslie Mirkin, to close case 11 CPC 010 for no violation. Motion carried unanimously.

OTHER SECTION BUSINESS

The Section identified that it will not have a quorum of members sufficient to conduct business on April 9, 2012 and as such, this meeting will be cancelled. The available members of the Section will meet to review applications in lieu of a formal meeting.

ADJOURNMENT

MOTION: Nancy Clark moved, seconded by Leslie Mirkin, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 2:36 p.m.