

**KENTUCKY BOARD OF LICENSED PROFESSIONAL COUNSELORS**  
**MEETING MINUTES**  
**October 18, 2024**

A meeting of the Kentucky Board of Licensed Professional Counselors was held in-person in Room 127CW, 500 Mero Street, Frankfort, KY and via teleconference on October 18, 2024.

**MEMBERS PRESENT**

Dr. Andrea Brooks, Chair  
Denise Hutchins, Vice Chair  
Beverly Martin  
Dr. Hannah Coyt  
Dr. Charles Pemberton  
R. Kyle May  
Wm. Jake Roberts

**DPL STAFF**

Kristen Lawson, Commissioner  
Lyndsay Sipple, Board Section Supervisor  
Stephanie Hilson-Robinson, Board Administrator  
Robert Brossart, Board Administrator  
Courtney Cook, Administrative Section Supervisor

**MEMBERS ABSENT**

**LEGAL COUNSEL**

Sara Janes, OLS

**OTHER**

Dawn Hinton (KCA)

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**CALL TO ORDER**

Chair Brooks called the meeting to order at 10:01 a.m.

**MINUTES**

Dr. Pemberton made a motion to approve the September 19, 2024, Board Meeting Minutes. Ms. Hutchins seconded the motion, which carried.

The September 26, 2024, Jurisprudence Ad Hoc Committee Meeting Minutes are deferred to the Committee's November meeting.

**MONTHLY FINANCIAL REPORT**

The Board reviewed the September 2024 financial reports. No action is needed.

Ms. Courtney Cook followed up regarding wages from July, which has been corrected. Board Counsel to submit August 2024 & September 2024 billing in November. It was reported several invoices were paid by MMN Consulting, while multiple invoices were returned to the company for correction.

**DPL REPORT**

Commissioner Lawson reported the Board and Commission Support Specialist position title has been changed to Administrative Specialist Senior to better reflect the job duties at hand. Commissioner Lawson reported a pay grade increase would accompany the title change.

Commissioner Lawson reported the Department is in the process of adding an additional merit position for a Staff Attorney.

### **NEW BUSINESS**

Dr. Coyt and Ms. Martin's terms expired on September 30, 2024. There has not been an update from the Governor's office regarding new appointments. Many thanks were expressed to Dr. Coyt and Ms. Martin for stepping in this month to assist with the Board and Committee meetings. Committees to be selected once the appointees are sworn in.

Board Counsel reported of the Office of Inspector General's inquiry about the Professional Counselor's scope of practice regarding the order of restraints. The Office of Inspector General, Division of Health Care is responsible for the regulatory oversight of Long-Term Care and all levels of Acute and Continuing Care providers including but not limited to Psychiatric Hospitals and Psychiatric Residential Treatment Facilities (PRTF's). Sections of the Long-Term Care, Psychiatric Hospital and PRTF regulations make reference the definition and use of various types of restraints and seclusion. OIG is seeking information with selected boards of licensure in KY to request information that will assist them. A survey was provided asking if it's in the scope of practice of LPCAs and LPCCs to order a personal restraints or seclusion, may a LPCA or LPCC accept a verbal order for a personal restraint, and can a LPCA and LPCC assess the physical and psychological well-being of the patient. In Board discussion it was noted KBLPC does not regulate this scope of practice and that PRTF's have the oversight of the accreditation that is required for such facilities. KRS Chapter 335 and 201 KAR Chapter 36, the LPC statutes and regulations, are not specific regarding the use of restraints or seclusion within the scope of practice. Scope of practice is dependent upon the qualifications and training of the individual licensee. Therefore, authority for ordering a physical restraint or seclusion, or accepting a verbal order for a physical restraint or seclusion, is dependent on the accreditation and training of the licensee, and the policies/requirements of the PRTF. Dr. Pemberton made a motion for Board Counsel and Board Chair to finalize the response to OIG regarding PRTF's. Mr. May seconded the motion, which carried.

The Annual AASCB Conference will be February 10 and 11, 2025 in Myrtle Beach, SC. The Board discussed break-out sessions geared toward the Board Administrator and Board Counsel and the importance of KY's position within AASCB:

- Chair Brooks is Chair of the Research Committee and a member of the AI Committee,
- Dr. Coyt is President elect and Chair of the Conference Planning Committee, and
- Ms. Hutchins is a member of the AI Committee

Dr. Coyt made a motion to accept and submit the AASCB Conference TA37. Attendees include Dr. Andrea Brooks, Denise Hutchins, Dr. Charles Pemberton, R. Kyle May, Wm. Jake Roberts and the two Board appointees, Board Counsel, and the Board Administrative Senior Specialist. Dr. Pemberton seconded the motion, which carried.

Chair Brooks reported the Counseling Compact will have a Full Commission meeting following the AASCB conference on 2/12, in the same location.

### **OLD BUSINESS (out of order)**

Dr. Coyt relayed AASCB is open to partnerships, and as such, KCA joined the conference as an organizational table.

Ms. Dawn Hinton updated the Board on the KCA Conference, which will be held November 4 – 6, 2024, in Covington, KY. Since it falls during the week of the presidential election, they are expecting attendance to be down by roughly 100. Ms. Hinton stated there are over 100 breakout sessions and 3 keynote speakers.

She also stated the conference programs will be finalized October 18, 2024, awards are ready to be presented, the food has been chosen, and all audio and visual equipment is ready to be set up.

Ms. Hutchins made a motion to submit a TA37 for reimbursement to the KCA Conference in Covington, KY for November 4-6, 2024. Ms. Martin seconded the motion, which carried.

Chair Brooks reported on the Counseling Compact. The Full Commission meeting was held on October 8, 2024, and new rules were adopted. All states must require and consider an FBI background check for initial privilege to practice. It was determined a statutory amendment is required in order the Board to qualify for direct receipt of an FBI criminal background check from the FBI. Board Counsel recommended finding a sponsor and engaging in the legislative session to achieve a statutory amendment. The Commission adopted rules for passage of a nationally recognized exam, completion of a 60-hour master's degree, requirement of supervised experience, and legacy eligibility.

Chair Brooks discussed the upcoming February 2025 Counseling Compact elections for the Executive Committee Board Chair, Board Secretary, and Member- at- Large. It was reported an individual must be a member of a state licensing Board to be eligible for election. Chair Brooks tenure will end with KBLPC in October 2025, making her ineligible to be a member of the Counseling Compact Board. It was asked if a position could be created to allow for Chair Brooks to remain a member of the Counseling Compact Board. It was stated many states are creating a Counseling Compact Consultant, Liaison, or State Actor for the Counseling Compact.

Mr. Jake Roberts made a motion to enter closed session at 11:40 a.m., pursuant to KRS 61.810(1)(c), (f) (j) and (k) regarding deliberations of quasi-judicial bodies at which information protected by federal and state law may be discussed, to discuss applications, pending litigation/complaints, hearings, and/or procurement. Ms. Hutchins seconded the motion, which carried, and the board entered closed session at 11:40 a.m.

Ms. Hutchins made motion to come out of closed session at 12:55 p.m. Dr. Pemberton seconded the motion, which carried. No action was taken during the closed session.

### **APPLICATIONS COMMITTEE**

Dr. Pemberton made a motion to accept the Applications Committee's recommendation for approvals and denials. Motion seconded by Ms. Martin, which carried.

Dr. Pemberton made a motion to accept MW mandatory trainings as a general training, and to grant a one-year extension for licensees to complete a Board-approved mandated course in replacement. Complete Board approved CEUs within one year. Ms. Martin seconded the motion, which carried.

In relation, Dr. Pemberton made a motion to initiate a Board complaint against the CEU provider for providing a mandated course without Board approval. Motion seconded by Ms. Martin, which carried.

### **Licensed Professional Counselor Associate (LPCA)**

*Kelly Renee Baker, Megan Rechelle Bradley, Brittany Nichole Brooks, Mckenzie Taylor Buchanan, Marty Cobb, Heather Wilson Cole, Tamorra Vivian Fee, Chastity Griffin, Rebekah Elizabeth Harris, Haley Elizabeth Hensley, Julie Ellis James, Daniel Keith Jeffries, Jateziah Lively, Sara Lynch, Ian Matthew Madden, Lisa Marie McClees, Blake Allen Morris, Elizabeth L Murphy, Feona Lee Oller, Carleigh Corinne Phillips, John D Shaver, James Adam Smith, Daniel Jacob Solomon, Alivia Jill Sturgill, Kristen Truty, Sheila Marie Whippo, Elizabeth Clara Williams, Grace Yu*

### **Licensed Professional Clinical Counselor (LPCC)**

*Joseph Paul Alexander Ayers, Sarah E-W Beeghly, Callie Jo Bradford, Stephanie Nicole Bruce, Ladonna Nicole Butler, Russell Cash, Jeri Cincotta, Emalee Ann Copeland, Darla Kay Davis, Vanessa Ashley De La Llama, Lindsay Suzanne Fisher-Worster, Megan Ford, Cherish Shadae Forney, Teea Rosetta Fullen-Barnes, Megan Christine Hadley, Leah Hammer, Amanda Kathryn Hawkins, Alethea J Hayes, Hannah Marie Hogue, Bobby James Ison, Selina Nicole Keeney, Alyssa Nichole Lawrence, Nikki Lee Layne, Richard John Lee, Lindsey Renee May, Shelby Rhea Miller, Adam Hunter Moore, Matthew David Mountjoy, Debra K Nixon, Jessica Rachel Noe, Clayton Thomas Osborne, Brooke Wilson Richart, Jamie Renee Risch, Eric Glenn Rudd, Brittany Annita Schmidt, Kaylee Danielle Shipley, Elizabeth Ashley Simpson, Abigail Lynn Stone, Erica Danielle Swisher, Dana Janell Whitt*

A suggestion will be added to the FAQs for acquiring the Professional Experience Verification at the end of a supervision agreement, with a hyperlink to the paper form.

The Board and Board Counsel discussed rejected fingerprints for an FBI background check. Historically the Board would require documentation from the FBI regarding 2 attempts and then accept the KSP report as a standalone, but there is no longer a regulation requiring the KSP report therefore the Board cannot require an applicant to submit a KSP report. The Board will accept official documentation from the FBI showing three (3) attempts were made.

Dr. Pemberton reported the Applications Committee will begin dividing the applications alphabetically between the three committee members in hopes of a more efficient flow of review, deferral, approval, and/or denial. It was suggested Committee members review applications throughout the month to alleviate the length of Committee meetings.

The requested eServices change to the Board dashboard (initial applications list) has been added to the IT Task List.

Board Counsel recommended calling a Special Meeting in a couple of months to review needed regulation changes.

Ms. Martin made a motion to approve the recommended approval of amended AO for 2022-LPC-00022. Dr. Pemberton seconded the motion, which carried.

### **COMPLAINTS COMMITTEE**

Complaints Committee makes the following recommendations as its Motion for approval:

- 2023-LPC-00001 – Dismiss. Insufficient evidence submitted by Complainant and Respondent provided proof of transition of clients.
- 2023LPC-00023 - Request Respondent’s attorney provide a copy of the family evaluation report for review. Send a C&D to licensee via her attorney for calling herself a “counseling psychologist” on social media page; and report her to PSY Board for advertising as a psychologist w/o a license.
- K.M. - Recommend Board Complaint for Texas federal conviction and KY DUI fugitive status.
- 2024LPC-00015 – Private admonishment with six (6) CEUs on boundaries, inappropriate dual relationship, and informed consent.
- HCA - Courtesy letter relating to KY licensure requirements for licensed professional counseling and a request for a response for whether they use counselors for telehealth services in KY who are not licensed. If no response, issue board subpoena for a list of those employees who provide these services in KY.
- 2024LPC-00034 - Recommend FFD Eval and hold for FFD eval report and pending charges to be resolved.

### Quarterly Reports / Self-Reports / Correspondence

- 2021LPC-00003 - Quarterly Report is accepted. Board Specialist to determine whether all terms, including CEU requirements, have been completed. If completed, letter of completion to be sent to the Respondent. If not, report to the Committee in November.
- 2023LPC-00053 - Quarterly Report: Approve quarterly report submitted and request submittal of a letter from new therapist when Respondent is able. Board respects Respondent's freedom of choice to select the providers so there are no modifications required under the terms of the Agreed Order provided Respondent complies with treatment plan.
- GH – Self Report – Quarterly Report – Approved.

Motion seconded by Mr. May, which carried.

Complaints Committee made an amended motion to include quarterly reports. Motion seconded Mr. May

Complaints Committee, sans Mr. Roberts, makes the following recommendations as its Motion for approval:

#### Mr. Roberts recused from the following cases due to a conflict:

- 2024LPC-00020: Private admonishment with six (6) hours of CEUs on ethics and documentation w/n 3 months.
- 2024LPC-00041 - Private admonishment and three (3) hours of CEUs on testifying in court and three (3) hours of CEUs on diagnosis and assessment w/n 3 months.
- 2024LPC-00043 –Requesting Respondent obtain a substance use assessment at her own expense with a report to the board by November 10. The committee will review he report and make a recommendation at the November 15 meeting.
- 2024LPC-00044 – Informal settlement with the following terms:
  1. Respondent shall obtain a mental health evaluation at his expense and provide a copy of the report to the board w/n 60 days.
  2. Respondent shall follow all treatment recommendations; if any.
  3. If treatment is recommended, Respondent shall provide proof of compliance with treatment recommendations for 6 months.
  4. Comply with all requirements of KRS Chapter 335 and 201 KAR 36:005 through 36:100.

Dr. Coyt seconded the motion, with Mr. Roberts abstaining, the motion carries.

### LEGAL COUNSEL

Board Counsel relayed the FFD Evaluator RFP was submitted to fiscal, and it has been posted.

Mr. Brossart delivered and filed amended 201 KAR 36:050 Section 7 and Section 8. The regulation is on the register for November, with the public hearing taking place in December.

Board Counsel will file an OREG and EREG no later than December 6. Board Counsel will send a copy of the regulation changes to the secretary's office the 1<sup>st</sup> week of November.

The Board discussed an email blast to all LPCAs and LPCCs which receive supervision, are a supervisor, or who may become a supervisor regarding requirements of the supervision agreement. Dr. Pemberton made a motion for Ms. Hutchins to pen a memo blast regarding supervision agreements and email to Board Counsel for review before sending. Ms. Martin seconded the motion. Dr. Pemberton amended the motion to send to all. Ms. Martin seconded the motion, which carried.

### ADMINISTRATIVE HEARINGS

## **OLD BUSINESS**

The RFP for Training Series to be reviewed and sent to Ms. Cook.

A need arose to reschedule the Special Meeting (required database for Compact), currently scheduled for November 1, 2024, at 10:00 a.m. Since all members of the Ad Hoc Jurisprudence Committee will be in attendance, the meeting on November 1, 2024, will be an Ad Hoc Jurisprudence Committee. Motion by Dr. Pemberton to hold the 11/1/24 meeting, 2nd by Dr. Coyt, which carried.

Dr. Pemberton made a motion to update the currently scheduled Counseling Compact Database Special meeting on November 1, 2024, to the Ad Hoc Jurisprudence Committee meeting. Mr. May seconded the motion, which carried.

Dr. Pemberton made a motion to reschedule the Special Meeting on the Counseling Compact database for November 22, 2024, at 2:00 p.m. est. Having no second, motion failed.

## **PER DIEM**

Ms. Martin made a motion to pay per diem for today's meeting as well as the following days:

- Dr. Andrea Brooks: 10//2024 (Meeting with Board Counsel and Board Administrator), 10//2024 (Applications Review), 10/14/2024 (Applications Committee Meeting), 10/15/2024 (Regular Meeting),
- Denise Hutchins: 10/14/2024 (Complaints Committee Meeting), 10/15/2024 (Regular Meeting)
- Beverly Martin: 10/12/2024 (Complaints Review), 10/13/2024 (Complaints Review), 10/14/2024 (Complaints Committee Meeting), 10/15/2024 (Regular Meeting)
- Dr. Charles Pemberton: 10//2024 (Applications Review), 10//2024 (), 10/13/2024 (Applications Review), 10/14/2024 (Applications Committee Meeting), 10/15/2024 (Regular Meeting)
- Dr. Hannah Coyt: 10/15/2024 (Regular Meeting)
- Wm. Jake Roberts: 10/15/2024 (Regular Meeting)
- R. Kyle May: 10/13/2024 (Applications Review), 10/15/2024 (Regular Meeting)

Mr. May seconded the motion, which carried.

## **ADJOURN**

Ms. Hutchins motioned to adjourn at 1:43 p.m. Second by Dr. Coyt. Motion carried.

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Dr. Andrea Brooks, Board Chair