



Chairman's Report

Alan Swindall

We have had an exciting year at ABEMFT. The board has strong, capable members who work diligently to maintain a balance that on the one hand protects the general public by maintaining ethical and professionally qualified MFT licensees and promotes as smooth a transition as possible through the state required steps to achieve and maintain status, Licensed Marriage and Family Therapist. It is an honor to serve with these members and the Executive Director's Team. Likewise, I am privileged to serve you and the state of Alabama in this capacity.

As chair of the Board, I want to take this opportunity to call your attention to a couple of significant issues. First, as you may already be aware, the Stan-

dards of Conduct of MFT's (Chapter 536-X-8 of the Rules and Regulations) was updated last year. If the update seems familiar, it is because the changes bring the Alabama Standards in line with the AAMFT 2001 Code of Ethics. I hope you will take time to familiarize yourself with the changes by clicking on the following link to the ABEMFT web site <http://www.mft.state.al.us/rules.htm#chapter 536-X-8>. I want to also express my appreciation to Blake Horne and Scott Ketting for their work on this task.

The board is charged with the responsibility to ensure professionally qualified marriage and family therapy practitioners. Through the years, this has been addressed after one initially achieves a license through

the requirement of continuing education. In order for an LMFT to renew his/her license, s/he must accrue a minimum of 40 CEU's every 2 years. The thinking has been that by meeting these state standards for continuing education, the practitioner stays abreast of changes in the discipline, develops additional skills, collaborates with other professionals, and avoids ethical pitfalls. However, across healthcare and mental healthcare delivery disciplines, there is voiced increasing concern that the current CEU system does not go far enough to adequately regulate professionals. Many disciplines are engaged in dialogue concerning this issue. At the Association of Marriage and (Cont'd Page 4)

Cha, Cha, Changes

The ABEMFT has had a busy year and seen many changes including a new office location, employee, and a Board member. You can see our new location and be introduced to our new faces on the ABEMFT web site. Our web site has been expanded with Board member and staff bios, as well as office directions with local accommodations listing. The Board has spent a lot of time this year reviewing the Rules and Regulations and the following Sections have been amended:

Chapter 536-X-1 Definition of Terms; Chapter 536-X-3—Board Approved Marriage and Family Therapy Designations; Chapter 536-X-4—Requirements for Designation; and Chapter 536-X-8 Standards of Conduct.

As detailed in the above Article, the amendments to Chapter 536-X-8—Standards of Conduct now reflect the National Standards or AAMFT Code. The remaining chapters were amended in kind. Specifically, Chapter 536-X-3 and Chapter 536-X-4 simply change, "Supervisor in Training", to "Supervisor Candidate". Again, this is in line with National language.

Chapter 536-X-1—Definition of Terms, was amended to include the following language (with new language underlined):

(11) Supervision of marriage and family therapy is expected to have the following characteristics:

(a) Face-to-face interaction with the supervisor, usually in

periods of approximately one (1) hour each on at least a weekly basis for a period of two (2) years; 25% of these face-to-face supervision hours may be conducted via electronic communication that is simultaneously interactive both visually and orally.

The ABEMFT continues to review the Rules and Regulations at each meeting to update where appropriate. As always, we are interested in your feedback. If there are any areas that you have a suggested change, please contact the office with your thoughts at paula.mccaleb@gmail.com. Proposed amendments will continue to be posted on our web site so that you will be aware of any upcoming changes.

Investigative Process

The investigative process has probably been the area most misunderstood about the Board. The *Investigative Procedure Outlined* (below article) explains the steps in the investigation from opening to closing a case, as advised by the Office of the Attorney General and the Examiners of Public Accounts. The Alabama Administrative Procedure Act governs all boards in many areas, but especially in investigative and disciplinary procedure.

The first step, we must receive a written complaint in order to investigate. Assumptions are sometimes made that the Board knows about all individuals operating without a license or otherwise illegally when, in fact, chances are very good that the allegation has never been reported to the Board. The Board has to prove that it hasn't acted in renegade

fashion and just decided to investigate someone for any reason whatsoever. This is why the law requires written complaints and cannot take anonymous complaints. Additionally, the complainant must be willing to testify.

Why can't the
ABEMFT accept
anonymous
complaints?

Second, the Board does not have police power or the authority to arrest. Very few licensing boards are given these powers by the State Legislature. Upon receipt of a written complaint by an individual willing to

testify, the Board can send an investigator to collect information. The Investigative Committee uses the evidence collected by the investigator to determine probable cause to proceed to a hearing. If probable cause is met, the Board will hold a disciplinary hearing. The Administrative Law Judge and the Board agree on the final order and the respondent is notified.

After the hearing process has been completed, the Board can take the matter to circuit court if the respondent has not complied with the Board's order. There is certainly a mechanism for stopping individuals who operate illegally. Although, not as quick or dramatic as a police arrest, it is legal and effective in the long run.

Investigative Procedure Outlined

1. A complete complaint form must be received in the Board office.
2. An investigative file is then opened establishing a case number and taken under consideration by the Investigative Committee, consisting of one Board member, legal counsel, investigator, and executive director. The complainant is notified in writing, verifying receipt of the complaint; and the respondent is given an opportunity to respond in writing.
3. The Committee reviews and actively pursues an investigation to a legal and logical conclusion.
4. Once probable cause has been met, a hearing will be scheduled and the parties notified at least 21 days in advance. If the complaint is not substantiated by the evidence, the case is then closed. The respondent and complainant are both notified of the investigative conclusion.
5. For cases progressing to hearing, the Investigative Committee does have the option of entering into a consent

agreement with the respondent once the investigation has been concluded and the allegation(s) supported by the evidence. The Committee makes a recommendation as to what punishment and/or fines to impose on the respondent. The respondent can then agree by signing the consent order. All consent orders are voted on by the entire Board in open session and, if an agreement is reached, is public information and posted. If the respondent chooses not to agree to the arrangements proposed by the Board, the respondent can choose to continue with a hearing before the entire Board.

legal counsel for the Board and the respondent's attorney.

3. Once the hearing is concluded, the Administrative Law Judge will write a final order of the case which is then voted on by the Board to accept, amend, or reject the judge's findings. The Board member serving on the Investigative Committee abstains from voting in order to guarantee due process.

4. The order is then sent to the respondent and the case is closed.

DISCIPLINARY HEARINGS

1. Hearings are conducted at Board headquarters in the conference room. This process is subject to the Open Meetings Act which provides for the forum to be open to the public.
2. An Administrative Law Judge conducts the hearing as argued by

5. Disciplinary actions are then published in the *ABEMFT Newslines* and on the web site.

Who?



*Who...Who...
Who is on the
ABEMFT Staff?*

Who are the staff members of ABEMFT? Probably not what you would guess....The ABEMFT has been devoted to developing in a cost effective manner since its inception. Therefore, instead of hiring state employees with benefits, etc., ABEMFT contracts with a management company for experienced office staff, office space, furniture, and equipment. This contract was competitively bid through the Department of Purchasing and allows the Board to operate at approximately 66% less than the cost of agencies who hire and purchase these expenses separately.

Leadership Alliance was the low and responsible bidder for these services and

provides three experienced staff members in the area of professional regulation. These staff members and their areas of responsibility and expertise are:

Paula "Scout" McCaleb, *President of Leadership Alliance and serves as the Executive Director for Client Boards.*

Contact for: Investigation/consumer complaints, legislation/law, rules and regulations, newsletter and publications, and other executive inquiries.

Education/Experience: Ms. McCaleb graduated with a B.S. from Troy University and has fourteen years experience as a professional regulator.

Brandy L. Isenhour, *Operations Manager*

Contact for: Budgeting, accounts receivable and payable, and required state

reports.

Education/Experience: Mrs. Isenhour is finalizing her degree in Accounting at South University. She has two years experience specifically in professional regulation.

Patrick Woodham, *Licensing Agent*

Contact for: Application, renewal, change of address/name processing, general questions, web site updates, IT Coordinator, records archivist, and Board meeting notice and preparation.

Education/Experience: Mr. Woodham joined our team in 2009. He brings over ten years experience in customer service and five years experience in office administration. He attended Auburn University in Montgomery pursuing a degree in Economics and Finance and will be returning this year.

What?

What is the purpose of ABEMFT and what is the difference between the State Board and the Association? We get this question a lot in our office, and it is a good one.

Let's start with the purpose of ABEMFT. Our purpose is very clearly defined by state law: to solely protect the public welfare (and not to promote the profession of MFT within Alabama). A board carries out this purpose by ensuring that the public is served by competent and honest LMFT's by establishing minimum standards of proficiency in

the regulated profession of MFT. This is done by licensing and discipline procedures. Other goals or objectives may not supersede this purpose. When one serves on a regulatory board, the focus shifts from professional advocacy to the protection of the public.

In contrast, the Alabama Association of MFT (AlaMFT) is the professional advocate for the MFT profession in Alabama.

Although our purposes are different, one the consumer advocate and one the professions advocate, it benefits the state as a whole as our two organizations work

together creating confidence in MFT services in Alabama. This in turn accomplishes both professional advocacy and consumer protection.

As a licensed MFT you can be proud of your License as a representation that you have met or exceeded competency standards established by state law.

What is the purpose of ABEMFT and what is the difference between ABEMFT and AlaMFT?

When & Where?

All Board meetings are held at the Board office in Montgomery. Meetings are open to the public for observation. Meetings are subject to change, but are always advertised on the Board web site located at (www.mft.alabama.gov) and the Secretary of State's web site located at (www.sos.alabama.gov) at least seven days in advance in accordance with the Open Meetings Act (OMA).

In addition, approved Minutes are posted on the Board web site. Now it couldn't be easier to stay current on Board actions and events.

Remaining 2010

BOARD MEETINGS

August 6th —9:00 a.m.

November 5th—9:00 a.m.



Mark your Calendar

ABEMFT Yearbook



Rev. Charles Alexander (right) is presented with the Governor's Certificate of Appreciation from Alan Swindall (left) for his service on the ABEMFT. Rev. Alexander served over five years and during a crucial time for ABEMFT. Specifically, Rev. Alexander was Chairman during substantial disciplinary hearings. His leadership was a great asset to the Board and he will certainly be missed.



New Board Member, Anne S. Chipman receives the Oath of Office.

Mrs. Chipman is from Fairhope, Alabama.



ABEMFT Headquarters: 2011 Berry Chase Place; Montgomery, AL 36117

ABEMFT Alabama Board of Examiners in Marriage and Family Therapy

Board Members

Chair

Alan Swindall

Vice Chair

Dr. K. Blake Horne

Member

Ann S. Chipman

Member

Kelly Dorr Moates

Member

Mitzi Sears

Chairman's Report (Cont'd from Page 1)

Family Therapy Regulatory Boards (AMFTRB) meeting in Alaska last year (attended by Chair, Charles Alexander) and at Denver in September, 2009, which I attended, a primary topic of the conference was what is known as Continuing Competency. Many states are considering changes to their licensing laws from the required CEU's (which only demonstrate that a practitioner has attended a conference or workshop but does not measure mastery or integration of new skills) to a means that demonstrates to the consuming public continuous professional development or continuing competency. Under the current system, there is virtually no assurance that a practitioner has progressed beyond initial competency. The goal of this initiative is to develop systems that will not only monitor and evaluate initial competency but will regulate professionals across the span of their careers. This will continue to be a "hot topic" of discussion at the AMFTRB meeting in Atlanta in September. I'd like to hear your thoughts about this important issue which is sure to have an influence on your professional MFT license in the near future.

ABEMFT *Newsline* is an official publication of the Alabama Board of Examiners in Marriage and Family Therapy. This publication is intended for a wide audience to alert licensees to matters of possible procedural, legal, legislative, and regulatory interest. It should not be relied upon, nor is it intended to provide legal, insurance, or accounting advice. Licensees should consult their lawyers, insurance agents, and accountants before taking any action in response to this newsletter, as the opinions expressed herein may be completely altered by the licensees' actual facts.