

Mississippi State Board of Examiners for Licensed Professional Counselors

EMERGENCY CALLED BOARD MEETING Via Teleconference MINUTES March 16, 2020

BOARD MEMBERS PRESENT

Dr. Richard Strebeck, Chair, Congressional District—At-Large
Dr. Kimberly Elam Sallis, Vice Chair, Congressional District I
Dr. Lynn Etheridge, Congressional District II
Steven Stafford, Secretary, Congressional District III

BOARD MEMBERS ABSENT

Isaac Boose, Jr.—Congressional District IV

Others Present

LeeAnn Mordecai, Board Executive Director
Ken Walley, Board Attorney, Special Assistant Attorney General

I. Call to Order

The Emergency Called Board meeting of the Mississippi State Board of Examiners for Licensed Professional Counselors (“Board”) was called to order at 12:05 p.m. by Dr. Richard Strebeck, Chair (“Chair”) on Monday, March 16th, 2020. The meeting was held via teleconference and was made available to the public at the Robert E. Lee Building, Suite 402, 239 North Lamar Street, Jackson, MS 39201. A roll call of Board members was taken and a quorum was present.

II. COVID-19 Response

The Board discussed Governor Reeves’ emergency declaration in response to COVID-19. After significant discussion, the Board issued a proclamation allowing licensees to utilize TeleMental Health services on a temporary basis so as to avoid unnecessary patient travel. The Board is aware of the concerns related to COVID-19 and is actively monitoring its impact on counseling services to best serve the state of Mississippi. The Board will release information when it becomes available. It will be shared with everyone via the Board’s website. The proclamation is attached to these minutes.

III. Adjourn

Mr. Stafford motioned to adjourn the meeting, Dr. Etheridge seconded the motion. The Board unanimously agreed to adjourn the Board meeting (4-0). Dr. Strebeck adjourned the meeting at 1:05 p.m.

Approved this the May day of 15, 2020.

/s/

/s/

Board Chair

Board Member

Mississippi State Board of Examiners For Licensed Professional Counselors

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PROCLAMATION

WHEREAS, by proclamation dated March 14, 2020, issued by Tate Reeves, Governor of the state of Mississippi, a state of emergency was declared pursuant to Miss. Code Ann. Section §33-15-11, in order to address the high risk for an outbreak of the novel coronavirus, identified as COVID-19, in the state of Mississippi; and

WHEREAS, the Proclamation has invoked the emergency powers of the Governor pursuant to Miss. Code Ann. Section §33-15-11(c)(1) to temporarily suspend or modify any rule or regulation of a state agency which would in any way prevent, hinder or delay necessary action in coping with the emergency; and

WHEREAS, the Mississippi State Board of Examiners for Licensed Professional Counselors, as an agency of the state of Mississippi wishes to comply with the Governor's proclamation and take those steps necessary to address access to needed medical care, including mental health care, to the citizens of the state of Mississippi during this time of emergency; and

WHEREAS, the Mississippi State Board of Examiners for Licensed Professional Counselors, recognizes that face to face visits may increase the risk of COVID-19 transmission; and

WHEREAS, Rule 7.5, *Practice of Distance Professional Services*, requires licensees to hold the Board Certified-TeleMental Health Credential to provide Distance Professional Services and practice in accordance with the current American Counseling Association's Code of Ethics, the current National Board for Certified Counselors Policy Regarding the Provision of Distance Professional Services, and Mississippi and Federal law; and

WHEREAS, the Board recognizes that enforcement of Rule 7.5 may result in unnecessary patient travel which may increase possible risks to patients during the state of emergency.

NOW THEREFORE, the Mississippi State Board of Examiners for Licensed Professional Counselors will allow licensees to utilize TeleMental Health services so as to avoid unnecessary patient travel; and in so doing, the Board will suspend enforcement of any statute, rule or regulation that would require licensees to obtain additional credentialing to provide TeleMental Health services excluding counseling performed by text messaging platforms and email.

FURTHER, licensees must continue to follow all HIPAA regulations related to providing TeleMental health services, including, but not limited to, secure video connection, signed Business Associate Agreement with the videoconferencing service, client's privacy, and confidentiality.

FURTHER, licensees must address confidentiality and privacy requirements at both the licensee's location and the point of service where the client is located. This should be documented as part of the informed consent for TeleMental health services.

FURTHER, licensees shall create a safety plan that includes (1) backup procedures if the videoconferencing connection fails, (2) a verified emergency contact for the client, and (3) the verified number(s) to emergency services for the client's location while in session. If an emergency occurs, 911 is routed to the caller's service area, which is not necessarily where the client is located.

FURTHER, a P-LPC may only engage in TeleMental Health services with permission of his or her LPC-S. The LPC-S is responsible for the P-LPC complying with the Board's statute and Rules and Regulations, the American Counseling Association's Code of Ethics, the current National Board for Certified Counselors Policy Regarding the Provision of Distance Professional Services, and Mississippi and Federal law.

FURTHER, this proclamation includes supervision (excluding text messaging and email) provided by an LPC-S.

SO ORDERED AND APPROVED by the Mississippi State Board of Examiners for Licensed Professional Counselors, this is the 16th day of March 2020.

MISSISSIPPI STATE BOARD OF EXAMINERS FOR
LICENSED PROFESSIONAL COUNSELORS

By:  _____

Dr. Richard Strebeck, Chair

For and on behalf of the Board