

DRAFT

**VIRGINIA BOARD OF COUNSELING
SPECIAL CONFERENCE COMMITTEE
MEETING MINUTES
June 28, 2013**

CALL TO ORDER: A Special Conference Committee (“Committee”) of the Board of Counseling (“Board”) convened on Friday, June 28, 2013, at 10:40 a.m., in Board Room 4 of the Conference Center, at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Henrico, Virginia.

MEMBERS PRESENT: Patricia Mullen, L.P.C., Chair
John Brendel, Ed.D., L.P.C., L.M.F.T.

STAFF PRESENT: Catherine Chappell, Executive Director
Patricia L. Larimer, Deputy Executive Director - Discipline
Anne Joseph, Deputy Director, APD
Peter Opper, Adjudication Specialist, APD

MATTER SCHEDULED: Kelly E. Carter, L.P.C.
License No.: 0701-004449
Case No.: 126941

DISCUSSION: Ms. Carter appeared before the Committee in person in accordance with a Notice of the Board dated May 24, 2013, to review allegations that she may have violated portions of the regulations governing the practice of professional counseling in the Commonwealth of Virginia. Ms. Carter was represented by Kimberly Ann Murphy, Esquire.

Ms. Carter had previously appeared before a Special Conference Committee of the Board on July 9, 2010. No decision had been rendered that day because additional records were needed in order to make a decision. The matter was continued generally.

With respect to Ms. Carter’s attorney’s motion to dismiss the matter, the Special Conference Committee denied the request. However, the second motion was approved in part. The objection to the subpoenas was overruled because the records were obtained as part of the investigative process. The motion to go into closed session for discussion of medical records was approved.

CLOSED SESSION: Upon a motion by Dr. Brendel and duly seconded by Ms. Mullen, the Committee voted to convene a closed meeting pursuant to § 2.2-3711(A)(15) of the Code of Virginia for the purpose of discussion or consideration of Ms. Carter’s medical records. Additionally, he

moved that Ms. Carter, Ms. Murphy, Ms. Chappell, Ms. Larimer, Ms. Joseph and Mr. Opper attend the closed meeting, because their presence in the closed meeting was deemed necessary and would aid the Committee in its discussion.

The Committee fully discussed the allegations contained in the notice with Ms. Carter.

RECONVENE: Having certified that the matters discussed in the preceding closed meeting met the requirements of § 2.2-3712 of the Code, the Committee reconvened in open meeting.

CLOSED SESSION: Upon a motion by Dr. Brendel and duly seconded by Ms. Mullen, the Committee voted to convene a closed meeting pursuant to § 2.2-3711(A)(27) of the Code of Virginia for the purpose of deliberation to reach a decision in the matter of Kelly Carter, L.P.C. Additionally, he moved that Ms. Chappell, Ms. Joseph and Mr. Opper attend the closed meeting, because their presence in the closed meeting was deemed necessary and would aid the Committee in its deliberations.

RECONVENE: Having certified that the matters discussed in the preceding closed meeting met the requirements of § 2.2-3712 of the Code, the Committee reconvened in open meeting and announced its decision.

DECISION: Upon a motion by Dr. Brendel, and duly seconded by Ms. Mullen, the Committee found that there was insufficient evidence of a violation of the laws or regulations governing the practice of professional counseling to warrant disciplinary action and dismissed the case.

VOTE: The vote was unanimous.

ADJOURNMENT: The Committee adjourned at 2:35 p.m.

Patricia Mullen, L.P.C., Chair

Catherine Chappell, Executive Director

Date

Date