

**DRAFT MINUTES
BOARD OF COUNSELING
QUARTERLY BOARD MEETING
Friday, November 14, 2014**

TIME AND PLACE:

The meeting was called to order at 9:00 a.m. on Friday, November 14, 2014, in Board Room 3 at the Department of Health Professions, 9960 Mayland Drive, Henrico, Virginia.

ATTENDANCE:

Presiding:

Johnston Brendel, Ed.D., LPC, LMFT, Chairperson

Board Members Present:

Cinda Caiella, LMFT
Kevin Doyle, Ed.D., LPC, LSATP
Scott Johnson, Ph.D., LMFT
Benjamin Keyes, Th.D., Ph.D., Ed.D., LPC
Sandra Malawer, LPC, LMFT
Phyllis Pugh, LPC, CSAC
Joseph Scislowicz, LPC, LMFT
Holly Tracy, LPC, LMFT

Board Members Absent:

Leah Mills, Citizen Member
Jane Nevins, LPC, LSATP
Joan Normandy-Dolberg, LPC
Vivian Sanchez-Jones, Citizen Member
Terry Tinsley, Ph.D., LPC, LMFT

Staff Present:

David Brown, D.C., DHP Director
Catherine Chappell, Executive Director
James Rutkowski, Assistant Attorney General
Elaine Yeatts, Senior Policy Analyst

WELCOME:

Dr. Brendel welcomed the board members and greeted members of the public in attendance. He stated that the Educational Summit would be held immediately following the board meeting, in Board Room 2, with approximately 50 educators from Virginia's graduate programs expected to be in attendance. He looked forward to a productive discussion between educators and the Board regarding recent proposed regulatory action to require applicants to complete education through a CACREP accredited program.

ORDERING OF AGENDA:

The agenda was accepted as presented.

APPROVAL OF MINUTES:

The minutes of the September 19, 2014 meeting were approved as presented.

REGULATORY/LEGISLATIVE UPDATE:

Ms. Yeatts distributed a chart of regulatory actions currently pending for the Board of Counseling. She responded to questions from board members relating to the rulemaking action that had been initiated at the last board meeting, commenting that the Board could expect a lengthy process from the initial Notice of Intended Regulatory Action (NOIRA) stage to finalization. There would be several opportunities for public comment in the process, and the Board would consider such comments and decide whether to adopt regulations based upon the original petition.

She also provided a summary of the Agency's 2015 legislative proposals which would be introduced at the upcoming General Assembly session. She highlighted a proposal to require applicants for licensure as registered nurses or licensed practical nurses to submit criminal background checks. She added that she understood that a legislator had expressed interest in requiring criminal background checks for counseling applicants as well.

Dr. Doyle commented that the impact of criminal background information on licensure was also a topic of discussion in counselor education programs.

DHP DIRECTOR'S REPORT:

Dr. Brown provided an update on Agency activities which included his participation in the Governor's task force to address the rise in substance abuse in Virginia. He reported that the task force would offer recommendations for possible legislative action at the General Assembly in 2015.

He commented that as a result of the interest in initiating criminal background checks for nursing applicants, that the Agency had recently completed a sex offender registry query and was in the process of analyzing the results. He would report back to the Board once more information was available.

Ms. Chappell added that the Board of Counseling continues to query the National Practitioner Databank for each applicant for licensure, which reflects any actions taken against an applicant by another jurisdiction.

EXECUTIVE DIRECTOR'S REPORT:

Ms. Chappell referred the Board members to her written report, provided in the agenda packet, and highlighted the following information:

Board Membership. Ms. Chappell thanked the board members for their continued dedication and support. She reported that Patricia Mullen, LPC had recently learned that her seat had been filled by Jane Nevins, LPC, LSATP. Ms. Chappell expressed her appreciation for Ms. Mullen's service to the Board and looked forward to welcoming Ms. Nevins to the next Board meeting. One board member continued to serve on an expired term, in light of recent statutory changes to the Board's composition. She thanked Dr. Brendel for his dedication to the Board by continuing to serve as Board Chairperson until replaced.

Staff Update. Ms. Chappell announced that the new deputy for the three behavioral sciences boards would be named in the next few days. That position's former duties had been realigned to meet the present business needs of the three behavioral sciences boards, with the scope of duties encompassing discipline, licensing, and regulatory work.

Financial Update. Ms. Chappell distributed a financial analysis for the period ending September 30, 2014 for the Board, which reflected a cash balance of \$569,811. Because of the annual renewals, the Board is able to sustain itself.

Communication. Ms. Chappell commented that she had received requests from several licensees to reinstitute a newsletter, and that she would be working with the Agency's communication staff to develop a newsletter template to update licensees, with the goal to provide this information following each board meeting.

LICENSING MANAGER'S REPORT:

As Ms. Lang was preparing for the Education Summit, Ms. Chappell reported on her behalf. She referred the Board members to Ms. Lang's report, included in the agenda packet, which addressed both licensing and disciplinary matters.

Licensing Report:

The Board of Counseling regulates **7090** licensees, which includes:

3,995 Professional Counselors
823 Marriage and Family Therapists
180 Licensed Substance Abuse Treatment Practitioners
1625 Certified Substance Abuse Counselors
154 Certified Substance Abuse Counseling Assistants
313 Certified Rehab Providers

Since the September board meeting meeting, board staff has received 342 applications and supervision registration requests and issued 76 new licenses and more than 150 registration approvals. Staff continues to receive hundreds of calls and emails each week.

With respect to the Supervisor Registry, Ms. Lang continues to work closely with the data department to implement the online listing of approved supervisors. In order to provide a listing that is updated daily, database changes are necessary, and have required a later start date than originally anticipated.

Discipline Report:

The Board currently has **93** open cases in the disciplinary process, which includes the following:

28 cases in investigation
46 cases in probable cause review
6 cases in process for drafting notices
4 cases pending informal conferences
9 cases in compliance monitoring

Ms. Chappell commented that staff would be reaching out to board members over the next couple of months for their assistance in making probable cause review. Ms. Mullen had served as the point of contact for the board staff for probable cause review in the past, but had recently rotated off the Board.

NEW BUSINESS:

Supervisory Summit

Ms. Chappell asked the Board to consider hosting a Supervisory Summit later in the year, which would be modeled after the Education Summit. The Supervisory Summit would serve as a forum for discussion of the challenges faced by and opportunities found by supervisors and residents in the current workforce environment. The board members expressed interest in participating in such an event and asked the Regulatory Committee to consider the matter further.

Letter from Maryland Chapter of AMHCA

Ms. Chappell presented a letter received from the Maryland Chapter of AMHCA relating to the recent petition for rulemaking. Ms. Yeatts advised that the comment period had closed with respect to the petition and opportunity to make public comment would be available once the NOIRA is issued.

ADJORN:

The meeting adjourned at 9:45 a.m.

Johnston Brendel, Ed.D., LPC, LMFT, Chairperson

Catherine H. Chappell, Executive Director