

DRAFT
BOARD OF COUNSELING
QUARTERLY BOARD MEETING
FRIDAY, FEBRUARY 13, 2015

TIME AND PLACE: The meeting was called to order at 9:03 a.m. on Friday, February 13, 2015, in Board Room 2 at the Department of Health Professions, 9960 Mayland Drive, Henrico, Virginia.

ELECTION OF CHAIRPERSON PRO TEM: Ms. Chappell announced that Dr. Johnston Brendel, who had been serving as Chairperson, had not been reappointed and the Chairperson seat was vacant. Vice Chairperson, Ms. Sandra Malawer was unable to attend the meeting that day. Therefore, the board would need to nominate a Chairperson pro tem to preside in her absence.

Dr. Kevin Doyle was nominated by Dr. Scott Johnson, and the nomination was seconded by Ms. Joan Normandy-Dolberg. The Board voted unanimously to elect Dr. Doyle as Chairperson pro tem.

PRESIDING: Kevin Doyle, Ed.D., LPC, LSATP

BOARD MEMBERS PRESENT: Cinda Caiella, LMFT
Charles Gressard, Ph.D., LPC, LMFT, LSATP
Scott Johnson, Ph.D., LMFT
Benjamin Keyes, Ph.D., Ed.D., LPC
Leah Mills, Citizen Member
Jane Nevins, LPC, LSATP
Joan Normandy-Dolberg, LPC
Phyllis Pugh, LPC, CSAC
Vivian Sanchez-Jones, Citizen Member
Joseph Scislowicz, LPC, LMFT
Terry Tinsley, Ph.D., LPC, LMFT
Holly Tracy, LPC, LMFT

BOARD MEMBERS ABSENT: Sandra Malawer, LPC, LMFT

STAFF PRESENT: Tracey Arrington-Edmonds, Administrative Assistant
David Brown, DC, DHP Director
Catherine Chappell, MHRM, Executive Director
Donna Johnson, Administrative Assistant
Jennifer Lang, Deputy Executive Director
James Rutkowski, Assistant Attorney General
Elaine Yeatts, Senior Policy Analyst

WELCOME: Dr. Doyle introduced the new board members Dr. Gressard and Ms. Nevins, and welcomed members of the public in attendance which

included students from Hampton University and Longwood University.

ORDERING OF AGENDA: The agenda was accepted as presented.

APPROVAL OF MINUTES: A motion was made by Dr. Johnson to approve the minutes of the November 14, 2014 meeting as amended. The motion was seconded by Ms. Caiella and passed unanimously.

PUBLIC COMMENT: Dr. Brandy Richeson and Dr. Mary Sanderfer introduced themselves to the board and expressed their appreciation for the opportunity to bring their Hampton University graduate students to a board meeting and disciplinary hearing.

BOARD ELECTIONS: Ms. Chappell announced that a new Chairperson needed to be elected. Although unable to attend, Ms. Malawer had notified Ms. Chappell that she wished to remain as Vice-Chairperson, and urged the board to elect a new Chairperson. Ms. Chappell stated that members currently on the board were eligible for the open position.

Election of Chairperson:

Dr. Johnson nominated Dr. Doyle for Chairperson, which was duly seconded by Ms. Normandy-Dolberg. The board voted and Dr. Doyle was elected Chairperson by unanimous vote. Dr. Doyle's would serve in this capacity through June 30, 2016.

DHP DIRECTOR'S REPORT: Dr. David Brown reported that since his appointment as the Agency Director a year ago, he realized that he has two functions with the Agency. In addition to running the Agency, he has significant involvement in the General Assembly. Fourteen Agency bills were put forth, and the Governor approved 13 to move forward. Dr. Brown has also been serving on the Governor's Task Force on prescription drug and heroine abuse.

General Assembly

Dr. Brown commented that a bill presented by Senator Petersen to require criminal background checks for applicants of the Board of Counseling, had been withdrawn. However, a similar bill was introduced for the Board of Nursing and has moved forward. He anticipated that this process may eventually impact the Board of Counseling.

He commented that the Agency does not take a position on a bill unless the Governor's office has taken a position. He highlighted the following bills that he had been following with regard to the Board of Counseling:

SB 1417 – Introduced by Senator Petersen regarding standards of practice and requiring posting of a board issued license with notification of where clients can file a complaint against the practitioner. The standards of practice provisions are already in regulation, but the posting of a license will be a new policy if it passes. The bill passed the Senate and has been referred to the House Committee on Health, Welfare and Institutions.

SB 1221 – Introduced by Senator McWaters. The bill would require administrators of a health care institution to determine if a licensed provider, who is in need of treatment or is committed as a patient for treatment of substance abuse or psychiatric illness, is a danger to himself, his patients, or others before reporting the information to the Department of Health Professions. The bill was stricken in the Senate.

HB 1695 – Introduced by Delegate Yost. The bill would regulate how the Agency handles cases in which there is a finding of mental illness. The House subcommittee had recommended it to be stricken from the docket. However, the Agency will have further discussions with stakeholders about the concerns presented.

Individual meetings with Board Member

Dr. Brown expressed his interest in meeting with board members, in order to get to know more information about each member and why he/she is interested in this role. He mentioned that he had met with Ms. Normandy-Dolberg the previous day and thanked her for taking the time to give him feedback. He reminded the board members of the importance of putting the board before their professional association affiliations and not mixing the two roles.

LEGISLATIVE UPDATE:

Regulatory Review

Ms. Yeatts reported that the periodic reviews of proposed regulatory changes to Regulations Governing the Practice of Marriage and Family Therapy and Regulations Governing the Practice of Licensed Substance Abuse Treatment Providers are in the Attorney General's office (60 days). Also, the NOIRA (Notice of Intended Regulatory Action), related to the proposed requirement for CACREP accreditation in the Regulations Governing the Practice of Professional Counseling, is in the Governor's Office (122 days) There seems to have been a national email campaign to send expressions of oppositions to governors of states considering the requirement of CACREP accredited education as part of their licensing requirements.

General Assembly

Ms. Yeatts provided highlights on current bills in the General Assembly.

HB 1445 – Provides for possession or distribution of marijuana, in the form of THC-A oil, to be used for treatment of epilepsy. The bill has passed the House vote.

HB 1458 – Provides for pharmacists to dispense Naloxone in cases of opiate overdose.

HP 1963 – Allows the Department of Health Professions to disclose information about a suspected violation of state or federal law or regulation to other agencies within the Health and Human Resources Secretariat or to federal law enforcement agencies having jurisdiction over the suspected violation or to request an inspection or investigation of a license by such state or federal agency when the Director has reason to believe that a possible violation of federal or state law has occurred. The Senate has referred this bill to the Committee on Education and Health.

HB 2243 – Allows a psychologist who completes more than 14 hours of continuing education in a single year to carry up to seven hours forward to meet the requirements for the next year. The Senate has referred this bill to the Committee on Education and Health.

SB 1045 – Requires the Board of Medicine to make information about the identification, diagnosis and treatment of autism spectrum disorder and the role of health care providers in identifying, diagnosing and treating autism spectrum disorder available to licensees on a website maintained by the Board. This bill passed the Senate and has been referred to the House Committee on Health, Welfare and Institutions.

EXECUTIVE DIRECTOR'S REPORT:

Ms. Chappell announced that the board is now fully seated, with 14 members appointed. She noted that since the last meeting, Ms. Patricia Mullen and Dr. Brendel had not been reappointed, but that the board appreciated their support and service over the last five years. Two board members' terms expire in June and she encouraged them to reapply at the Secretary of the Commonwealth's website.

Staff Update

Ms. Chappell announced that Ms. Lang received a competitive promotion within the Behavioral Science unit, and is now the new Deputy Executive Director for the three boards. She noted that Ms. Lang brings energy, creativity, knowledge, and organizational skills to make the team successful.

Outreach Efforts

Since the last meeting, Ms. Chappell participated in a presentation with Dr. Doyle at the VCA Conference in Williamsburg, in which they focused on disciplinary matters. She has presentations scheduled for counseling graduate students at Liberty, Capella, VCU Rehabilitation Counseling, Eastern Mennonite and Hampton University, in the next couple of months. Four of the presentations will be by video conference and one will be face-to-face.

Financial Update

Ms. Chappell presented an updated financial analysis for the fiscal period ending December 31, 2014, which indicates a cash balance of \$430,127. Because of the annual renewals, the Board is able to sustain itself.

AASCB Annual Meeting

Ms. Chappell reported that she attended the annual meeting of the American Association of State Counseling Boards in Georgia in January 2015, which is the first time in many years that the Board has had a presence at the meeting. The meeting gave her an opportunity to discuss trends and mutual concerns among jurisdictions. Specifically, there is an initiative to have all states enter into a compact, in which all agree to license individuals from other states that have held licensure for at least 5 years. However, Virginia has endorsement requirements which are more favorable to applicants, with 24 out of the past 60 months of post-licensure clinical practice. There was also an interest in requiring CACREP accreditation, and Dr. Carol Bobby was in attendance to present to the group.

Increased Communication with Licensees

Ms. Chappell announced that the Board sent out the first e-newsletter last week, which is also the first newsletter to be sent to licensees in many years. Because licensees provide their email addresses when they renew, the Agency was able to "blast-email" the document. The newsletter was also sent to residents/applicants who had a current email listed with the Board. Licensees may also expect the same technology to be used for renewal notices, possibly this coming renewal cycle. Those notices are anticipated to be deployed by the first of May.

DEPUTY EXECUTIVE DIRECTOR'S REPORT:

Licensing

Ms. Lang thanked the board members for their support. She expressed her excitement in her new role as the Deputy Executive Director, but noted her continuation in serving as the Licensing Manager for the Board of Counseling until that position is filled.

The Board of Counseling had 7,211 licensed and certified providers, with over 76% of those licensed as LPC's. Since the last meeting in November, staff had received 440 applications/supervision registrations (29% increase). Approximately 115 supervision registrations have been approved, and 93 new licenses have been issued (22% increase).

Staffing

Ms. Lang noted that the Board staff continues to receive hundreds of calls and emails per week. The Board continues to use contracted staff to process applications, calls and emails. She introduced Ms. Donna Johnson who started with the Board in January and has been amazing in her ability to catch on quickly, especially considering that the Board has six different license types with different regulations for each.

Ms. Tracey Arrington-Edmonds is the other contracted staff member. She has been with the Board for approximately 2.5 years, and is wonderful in her ability to take the lead with the review process. Ms. Charlotte Lenart, contract worker under the Board of Social Work, has been temporarily reassigned to help with the workload under the Board of Counseling.

Ms. Lang reported that although she continues to serve as the Licensing Manager for the Board, her time is split between licensing duties and her duties in leading disciplinary matters for the three behavioral science boards. Ms. Lang thanked Dr. Brown, as well as Jason Brown, Agency Deputy for Administration, for recognizing the Board's need for additional staff and working with her and Ms. Chappell on both short-term and long-term goals to address the issues.

Licensing Trends

Board staff continues to receive many applications which arrive incomplete. Approximately 10% of the applications and registrations are received with all documentation included. The application is very specific about the information needed in the submission packet. The Board is hoping to implement online applications in the future, which will help in this process.

Renewals

Renewals for Certified Rehabilitation Providers took place in January, with 282 certificates renewed.

Supervision Summit

The Board plans to host a summit in late fall of 2015 or early 2016 for supervisors. More information will be presented at a later date.

Discipline:

Ms. Lang reported that the Board has 102 files currently in the disciplinary process. There are 31 in investigations, 59 are in the process of probable cause review/hearings, and 12 cases are being monitored for compliance with board orders.

Ms. Lang thanked board members, specifically Ms. Tracy and Dr. Johnson, for their assistance in completing recent reviews of disciplinary matters.

Discipline Trends

The Board is seeing an increase in unlicensed practice. Ms. Lang is working with the Executive Director, Board Counsel, the Agency's Enforcement Division and the Administrative Proceedings Division to develop policies to address this trend. This will also be discussed with the board, at the next Regulatory Committee meeting.

WORKFORCE REPORT:

Elizabeth Carter, Ph.D., Director of DHP Healthcare Workforce Data Center, and Justin Crow, Deputy Executive Director of Healthcare Workforce Data Center reported on their workforce studies for the Agency and presented the workforce report for 2014 for the Board of Counseling. The workforce initiative in Virginia began in 2008 under former Governor Kaine. Since 2011, the Workforce Data Center has created a template for licensee surveys for the health boards. Counseling has an 89% response rate. Further information was provided on the aging licensee population, a regional analysis, and also a measure of population diversity compared to provider diversity. Additional information, as well as results of the workforce study, can be found at <http://www.dhp.virginia.gov/hwdc/default.htm>.

ADJOURN:

The meeting adjourned at 10:00 a.m.

Kevin Doyle, Ed.D., LPC, LSATP
Chairperson

Catherine Chappell, MHRM
Executive Director