

DRAFT
BOARD OF COUNSELING
QUARTERLY BOARD MEETING
Friday, May 20, 2016

- TIME AND PLACE:** The meeting was called to order at 9:04 a.m. on Friday, May 20, 2016, in Board Room 3 at the Department of Health Professions, 9960 Mayland Drive, Henrico, Virginia.
- PRESIDING:** Kevin Doyle, Ed.D., LPC, LSATP
- BOARD MEMBERS PRESENT:** Johnston Brendel, Ed.D., LPC, LMFT
Cinda Caiella, LMFT
Charles Gressard, Ph.D., LPC, LMFT, LSATP
Danielle Hunt, LPC
Sandra Malawer, LPC, LMFT
Jane Nevins, LPC, LSATP
Joan Normandy-Dolberg, LPC
Phyllis Pugh, LPC, LMFT, CSAC
Holly Tracy, LPC, LMFT
- BOARD MEMBERS ABSENT:** Scott Johnson, Ph.D., LMFT
Leah Mills, Citizen Member
Vivian Sanchez-Jones, Citizen Member
Joseph Scislowicz, LPC, LMFT
- STAFF PRESENT:** Tracey Arrington-Edmonds, Licensing Specialist
David Brown, DC, DHP Director
Christy Evans, Discipline Case Specialist
Sarah Georgen, Licensing Manager for the Board (CSAC & CSAC-A only)
Jaime Hoyle, Executive Director
Jennifer Lang, Deputy Executive Director
Charlotte Lenart, Licensing Specialist (CSAC & CSAC-A only)
James Rutkowski, Assistant Attorney General
Elaine Yeatts, DHP Senior Policy Analyst
- WELCOME:** Dr. Doyle welcomed the Board members, staff and the general-public in attendance. The members of the public in attendance included representatives from Hampton University, National Counseling Group, and VCA.
- ORDERING OF AGENDA:** The agenda was rearranged and the new ordering accepted.
- APPROVAL OF MINUTES:** A motion was made by Dr. Brendel and seconded by Dr. Gressard to approve the February 12, 2016 meeting minutes and the motion passed unanimously to approve the minutes.

PUBLIC COMMENT:

Dr. Doyle advised the public that the Board would not accept comments related to the pending regulatory action, as that comment period has closed. The attendees introduce their self to without any addition public comment.

EXECUTIVE DIRECTOR'S REPORT:

Executive Director, Ms. Hoyle, thanked the Board members and thanked staff. She noted that a majority of the backlog has been caught up but the volume is always high. She informed the members that the licensing manager position is currently vacant. Along with Phyllis Pugh and Ms. Lang, Ms. Hoyle will be attending the NBCC meeting in May 2016. She asked that Board members submit requests for any training or conferences they would like to attend on behalf of the Board.

DEPUTY EXECUTIVE DIRECTOR'S REPORT:

Discipline Report

Ms. Lang reported that since January 1, 2016, 38 disciplinary cases have been closed. Staff continues to work on ways to streamline the review process, which includes utilizing an Agency Subordinate to hear some cases at informal conferences. This process will mainly be used for the credentials appeals. Each recommended decision by the Agency Subordinate will come to the Board for review and a vote before it becomes final.

Ms. Lang informed the Board that although the Board has closed many of the older pending cases, there is still a backlog of cases for board member review. There are currently 78 open cases ready for review and 33 additional cases are being investigated by the agency. She asked the members to consider scheduling a date to review files at the Board office, if they are available. Dr. Doyle stated that it was the duty of the Board members to review these cases, and it was their responsibility to help staff address the number of backlogged cases. He asked the Board members to indicate by a show of hands those willing to accept cases to review. All members volunteered and Dr. Doyle asked staff to follow up with the members.

Licensing Report

Ms. Lang informed the Board that the backlog of applications has been reduced and that staff is reviewing complete applications within 30 days. However, she reminded the Board that this accomplishment is a result of over 275 hours of staff overtime within the past 3 months, as well as continued use of contract workers. Ms. Lang commended staff on their dedication and diligent processing of applications but she acknowledged that any changes to the current staffing situation could cause a temporary backslide in the review timetable.

Ms. Lang provided details of the review process and indicated that since the last board meeting in February, staff has reviewed more than 1700 applications and additional documentation related to the application process. This includes a count for each time an application is incomplete and staff is required to follow up with an applicant, as well as the complete applications that move forward through the credentials review process.

The revised LPC applications are available on the website and updates to the other applications will be completed as soon as possible. If there are any suggestions to improve the applications, please email Ms. Lang. Staff will do a final review of the documents within the next few months and will take all suggestions into consideration.

**REGULATORY COMMITTEE
REPORT**

Regulatory Report

Dr. Gressard informed the members that Guidance Document 115-1.5 regarding Sanction Reference Points needs to be approved to reflect the use of the updated Sanction Reference Point report and worksheet that was previously approved by this Board and the other behavioral science boards. Ms. Caiella motioned to approve the document. It was seconded by Dr. Brendel and passed unanimously.

The Board also needs to approve a new exam vendor for CSACs and LSATPs. The recommendation of the Regulatory Committee is that the NAADAC NCAC I be approved for a trial period of one year. This exam will be administered to those seeking the CSAC credential. The NAADAC MAC exam will be administered to those seeking the LSATP credential. The use of this exam will also be reviewed after a year. The Board stipulated that they would not allow testing to take place at home and applicants must take the tests at the approved testing sites. It was motioned by Ms. Normandy-Dolberg to approve the exam per the Regulatory Committee recommendation. It was seconded by Ms. Pugh and passed unanimously. Staff was asked to get the contract process started.

DHP DIRECTOR'S REPORT:

Dr. Brown commended Ms. Hoyle and staff for working hard on the application backlog. He announced that the agency would be conducting an all-day training for all DHP boards in May.

**REGULATORY/LEGISLATIVE
UPDATE:**

Legislative Report

There are no new legislative update(s) to report at this time but Secretary Hazel would like the Board to revisit the Regulations Governing the Practice of Professional Counseling periodic review. The two items he would like the Board to reconsider are the number of months to complete the residency and the type of professional allowed to supervise residents. A motion was made to revise the minimum time to complete the residency to 21 months for all 3 licenses. The Secretary's office was not inclined to approve the

proposed regulation change that would limit the type of profession allowed to supervise those within the Board of Counseling. After discussion, the Board felt that it wanted to continue with the proposed regulation and it was decided that the Board chair would submit a letter to Secretary Hazel justifying its position.

Regulatory Actions Report

Ms. Yeatts reported on regulatory actions of the Regulations Governing the Practice of Professional Counseling: The proposed requirement for CACREP accreditation for educational programs has been at the Secretary's office for 40 days; the proposed fee increase has been at the Secretary's office for 26 days; and, the final periodic review has been at the Secretary's office for 63 days.

Petition for Rulemaking

A response to the petition for rulemaking of LSATP regulation section 18VAC115-60-55 Time-limited waiver of certain licensure requirements submitted by Denise A. Knox is required. The options are: the Board may reject the request for amendments, or accept the requested amendments to the regulations and initiate rulemaking by adoption of a Notice of Intended Regulatory Action or a proposed amendment by Fast-track action. A motion was made to deny the request because it would not protect the public and ensure the client's welfare. The motion was seconded and passed with all members in favor to deny the petition.

Economic Impact Analysis

The cost initially submitted to the Joint Commission on Administrative Rules, House Committee on Appropriations, and Senate Committee on Finance (COV § 2.2-4007.04C) was revised on May 5, 2016. The results of the revised analysis by the Virginia Department of Planning and Budget was that the cost will likely outweigh benefits for 18VAC115-20 Regulations Governing the Practice of Professional Counseling proposed educational change.

BOARD OF HEALTH PROFESSIONS REPORT

Dr. Doyle informed the Board members that he continues to get reports from the Healthcare Workforce Data Center (HWDC) and that it has interesting information for all counselors. He suggested that telehealth might need to be revisited based on the information in the report.

OLD BUSINESS

Supervisor/Education Summit

September 9, 2016 has been the date selected for the summits with the supervisor summit beginning at 10:00 a.m. and ending at 1:00 p.m. and the education summit beginning at 2:00 p.m. and ending at 4:00 p.m. The location and agenda is in the works and being finalized by staff.

NEW BUSINESS

Psychological Assessments

Dr. Doyle suggested that the Regulatory Committee Chair and the discipline staff schedule a meeting to discuss who can do psychological assessments.

Next Meeting

Scheduled for August 19, 2016 at 9:00 a.m.

CLOSED SESSION

Dr. Brendel moved that the Board of Counseling convene in a closed session in order to consider the consent orders of two licensees. He further moved that Jaime Hoyle, James Rutkowski, Jennifer Lang, Christy Evans, Tracey Arrington-Edmonds, Sarah Georgen, and Charlotte Lenart attend the closed meeting because their presence in the meeting was deemed necessary and they would aid the Board in its consideration of the matter. The motions was seconded and carried.

Reconvene

Dr. Brendel moved that the Board heard, discussed or considered only those public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act and only such public business matters as identified in the original motion.

Decisions

Dr. Brendel made a motion to accept the Consent Order to reinstate the license of Leon Wilson, LPC. The motion was seconded and the Board voted unanimously in favor of the motion.

Ms. Malawer made a motion to accept the Consent Order to suspend the license of John Lancaster, LPC. The motion was seconded and the Board voted unanimously in favor of the motion.

ADJOURN:

The meeting adjourned at 11:00 a.m.

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

Jamie Hoyle, Esq.
Executive Director