

THE VIRGINIA BOARD OF COUNSELING
REGULATORY COMMITTEE MEETING
DRAFT MINUTES
Friday, December 10, 2010

The Regulatory Committee of the Virginia Board of Counseling ("Board") convened at 10:05 a.m. on Friday, December 10, 2010 at the Department of Health Professions, 9960 Mayland Drive, Richmond, Virginia. Dr. Charles McAdams called the meeting to order.

COMMITTEE MEMBERS

PRESENT:

Mary Lou Argow
Michael Fletcher
Charlotte Markva
Charles McAdams, Ed.D.
Linda Seeman, Ph.D.

COMMITTEE MEMBERS

ABSENT:

None

OTHER BOARD MEMBERS

PRESENT:

Donnie Connor, Ph.D.

STAFF PRESENT:

Evelyn B. Brown, Executive Director
Howard Casway, Senior Assistant Attorney General
Catherine Chappell, Deputy Executive Director
Elaine Yeatts, Senior Policy Analyst

PUBLIC COMMENT

There was no public comment.

APPROVAL OF MINUTES

Dr. Seeman moved that the minutes from the November 13, 2008 Regulatory Committee, the last held, be approved as written. The motion was seconded and carried.

PROCEDURAL OVERVIEW FOR PERIODIC REVIEW OF REGULATIONS

Ms. Yeatts provided a procedural overview for the periodic review of regulations process as well as a general timeline involved in promulgating regulations.

PRIORITIZING AND ADDRESSING PROPOSED REVISIONS

Dr. McAdams addressed the need for the Committee to carefully review each set of regulations of the Board for consistency and to assure that no requirements would be proposed to regulations that are unenforceable.

The Committee agreed that the Regulations Governing the Practice of Counseling would be the first set of regulations that the Committee would review, and that it would be noted when a similar requirement may be applicable to any of the other Board's regulations. Dr. McAdams reported that he, Ms. Brown, and Ms. Yeatts had identified a number of sections of the Regulations Governing the Practice of Counseling which needed clarification or amendment:

18VAC115-20-45. Prerequisites for Licensure by Endorsement. A suggestion was made to add language requiring verification that an applicant have held an LPC license in other jurisdictions. Some endorsement applicants have interpreted the regulations to accept the holding of licensure as a psychologist, for example, towards eligibility for licensure by endorsement.

Additionally, Dr. McAdams suggested that an explicit definition of "clinical practice" be added to 18VAC115-50-10 to address the required post-licensure clinical practice needed for licensure by endorsement. Ms. Brown presented the guidance document recently prepared by the Board of Social Work which clarified the definition of "clinical social work services". She suggested that the Committee consider drafting a similar document for the Board of Counseling. Ms. Yeatts agreed to prepare a guidance document for consideration by the Committee.

18VAC115-20-51. Coursework Requirements. Specification of essential courses necessary to fulfill a graduate degree in counseling is needed. Some applicants do not have internships or coursework in theories, professional identity, etc. as part of their graduate program, even though the degree conferred is a masters in counseling. Mr. Casway suggested that a guidance document be drafted to address the minimum coursework needed to be eligible to begin supervision. Ms. Yeatts agreed to draft a guidance document to be considered at the next Regulatory Committee meeting. The Committee noted that the topic should be included in future Summit discussions.

18VAC115-20-51.B. Residency Requirements. Currently, there is no limit on the length of time a resident may remain a resident. Dr. McAdams suggested language stating that the residency requirement be completed in no more than four (4) years. Some residents may not have completed 60 hours of coursework needed to be eligible to apply for licensure, and therefore remain in the resident status for years.

Additionally, Dr. McAdams suggested that the Committee consider restricting eligibility to provide supervision to only those individuals licensed by the Board of Counseling. Currently, the regulations allow eligible individuals holding active, unrestricted licenses as school psychologists, clinical psychologists, clinical social works, or psychiatrists to

provide supervision for LPC residents. The Board has no jurisdiction over a supervisor who is licensed in a profession not regulated by the Board of Counseling.

Because of concerns relating to the quality of clinical experience obtained during supervision, Ms. Brown noted that the guidance document clarifying “clinical practice”, as discussed previously, would assist staff and reviewers in determining if acceptable supervision would be obtained toward licensure.

18VAC115-20-70. General Examination Requirements; Schedules; Time Limits.

Currently there is no limit on the number of times an applicant can sit for the exam and there is no requirement other than paying a new application fee if the applicant has not taken the exam with two (2) years of approval to sit. Ms. Argow suggested that the language be changed to require that an applicant pass the exam within two (2) years of approval.

18VAC115-20-130.D. Standards of Practice. The Committee received a suggestion to include “students” in the prohibited category relating to prohibitions on sexual relationships. Additionally, the Committee discussed including the term “romantic” in addition to the term “sexual” intimacies and relationships in light of recent disciplinary cases.

NEXT MEETING

Each committee member agreed to focus on reviewing a section of the Regulations Governing the Practice of Professional Counseling and provide their thoughts and comments for discussion at the next Regulatory Committee meeting. The next Regulatory Committee meeting was scheduled for February 17, 2011.

ADJOURNMENT

The meeting was adjourned at noon.

Charles McAdams, Ed.D., Chair

Evelyn B. Brown, Executive Director