

DRAFT MEETING MINUTES
BOARD OF COUNSELING
QUARTERLY BOARD MEETING
Friday, November 13, 2015

- TIME AND PLACE:** The meeting was called to order at 10:04 a.m. on Friday, November 13, 2015, in Board Room 2 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
Leah Mills, Citizen Member
Jane Nevins, LPC, LSATP
Joan Normandy-Dolberg, LPC
Phyllis Pugh, LPC, LMFT, CSAC
Vivian Sanchez-Jones, Citizen Member
Joseph Scislowicz, LPC, LMFT
Holly Tracy, LPC, LMFT
- BOARD MEMBERS ABSENT:** Scott Johnson, Ph.D., LMFT
- STAFF PRESENT:** Tracey Arrington-Edmonds, Licensing Specialist
Christy Evans, Discipline Case Specialist
Jamie Hoyle, Esq., Executive Director
Marcie L. Hyman, Licensing Manager
Jennifer Lang, Deputy Executive Director
Brenda Maida, Administrative Assistant
Elaine Yeatts, Senior Policy Analyst
- WELCOME:** Dr. Doyle welcomed the Board members, staff and the general-public in attendance. Members of the public included former Board member Dr. Benjamin Keyes, representatives from Hampton University, Regent University, Virginia Commonwealth University, Virginia Tech, the Virginia Chapter of International Association Rehabilitation Professionals (IARP, VA).
- ORDERING OF AGENDA:** The agenda was accepted as presented.
- APPROVAL OF MINUTES:** A motion was made by Ms. Malawer, and seconded by Ms. Sanchez-Jones, to approve the minutes of the September 11, 2015 meeting. 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. No public comments were made.

DHP DIRECTOR'S REPORT:

Announcement

In Dr. Brown's absence, Ms. Hoyle announced that her former position has been filled. Governor McAuliffe has appointed Lisa R. Hahn to the position of Chief Deputy Director of the agency, effective immediately. Ms. Hahn has close to 30 years of state government experience. She has served in the position of Executive Director for 6 of DHP's regulatory boards and has also, held the position of Deputy Director of Enforcement. Prior to DHP, she has served as the Section Chief for the Department of Criminal Justice Services and was formerly a Richmond City Police officer. She holds a Master's Degree in Public Administration from VCU and a Bachelor's Degree in Criminal Justice from the University of Maryland.

**REGULATORY/LEGISLATIVE
UPDATE:**

Regulatory Actions

A detailed chart of the current pending Regulatory actions, as of November 2, 2015, was provided listing the status of Chapter 18VAC115-20-10 Regulations Governing the Practice of Professional Counseling and Chapter 18VAC115-30-10 Regulations Governing the Certification of Substance Abuse Counselors and Substance Abuse Counseling Assistants.

Requirement for CACREP accreditation for educational programs (Action 4259) – NOIRA – Register Date of 6/1/15 and Comment ended on 7/1/15.

Fee Increase (Action 4443) – NOIRA – at Governor's Office for 18 days.

Periodic review of Regulations (Action 4182) Proposed – at Governor's Office for 1 day.

Periodic review recommendations (Action 4366) – Fast-Track at Governor's Office for 1 day.

Action on Draft Guidance Document

115-1.4 Guidance on Technology-Assisted Counseling and Technology-Assisted Supervision: The Regulatory Committee revised the wording of each subsection number one to read as listed below respectively.

1. Counseling is most commonly offered in a *face-to-face relationship*. *Counseling that from the outset is delivered in a technology-assisted manner may be problematic in that the counseling relationship, client identity and other issues may be compromised.*

1. Supervision is most commonly offered in a *face-to-face relationship*. *Supervision that from the outset is delivered in a technology-assisted manner may be problematic in that the supervisory relationship, client identity and other issues may be compromised.*

Motion was made to accept the changes by Mr. Scislowicz, second by Mr. Brendel and passed unanimously.

115-2.2 Guidance on Planned Intervention Process: The Regulatory Committee revised the wording to read as listed below to clarify the intent.

Facilitation or participation in “planned interventions” by Certified Substance Abuse Counselors is within the scope of their practice as long as they are practicing under supervision as required by law and regulation. Motion was made to accept the changes by Ms. Normandy-Dolberg, second by Ms. Caiella and passed unanimously.

115-7 Guidance on Supervised Experience Requirements for the Delivery of Clinical Services for a Professional Counselor: The Regulatory Committee recommended that the definitions be revised to match the information in Chapter 35 of Title 54.1 of the Code of Virginia for Professional Counseling. Motion was made to accept the changes and passed unanimously.

BOARD OF HEALTH PROFESSIONS REPORT

Dr. Doyle informed the Board that he was reappointed for another term on the Board of Health Professions and that voting for the Chairperson position would take place at the next meeting.

EXECUTIVE DIRECTOR'S REPORT:

Executive Director, Ms. Hoyle, thanked the Board members, welcomed the new Board members and thanked staff for continuing the workload while she was still in the acting Executive Director roll. She is excited about her new position as the full-time Executive Director for the Behavior Science Unit (Board of Counseling, Board of Social Work and Board of Psychology). Ms. Hoyle emphasized the use of the laptops during meetings and bringing the Board to the modern age of technology and improving the process of getting information to the Board members faster by utilizing email to send secure documentation for them to review.

Questions: How are applications processed/handled? Why does it take months for some applicants to get a response?

Answers: After an application has been received:

- It is date stamped and the payment is processed.
- An administrative review will be completed on the file.

- The applicant' is notified of any deficiencies found in the application. (The applicant may have not completely answered all of the required questions or did not submit a complete application –missing transcripts, verification of internship and/or documentation that their proposed supervisor meets the supervisor qualifications.)
- Upon receipt of corrections and/or additional required documentation, the file then receives another administrative review. This process continues until it appears that the file is complete.
- When the file appears to be complete, it is presented to the Credentials Reviewer for review towards approval for licensure (endorsement applicants), approval to sit for the exam (examination applicants) or residency (approved clinical supervision). If the reviewer cannot determine eligibility, then the applicant is contacted to provide the additional information.
- The amount of time to complete a credentials review varies, depending on the complexity and volume of files. All applications are reviewed on a case-by-case basis and in the order in which they were received.

The process time for the Board of Counseling applications is different from other boards due to the fact that every application for licensure by examination or initial registration of supervision must be reviewed in detail per the regulations requirements for education, supervisor qualification and clinical experience. The endorsement applications sometimes require just as much time to review as well if the applicant does not meet the required years of post-licensure clinical experience. An on-line application process is still in the works (6 or more months until completed) that should eliminate a majority of the application process issues.

Ms. Hoyle welcomed members of the Board to review the applications and to submit their in-put to the staff for changes to consider. Dr. Doyle requested a motion to create a committee to review the application forms. Members voted and it passed unanimously –the members would consist of Ms. Nevins, Ms. Tracy, Ms. Normandy-Dolberg and Ms. Hunt with the other Board members receiving drafts of the proposed changes.

The agency processing standard for most boards is 30 to 45 business days if a complete application is received. Currently staff is working below the agency standard due to the volume of applications received and the time it takes to complete the detailed review process. Board members would like to receive a monthly report with the number of applications received and processed.

The approved supervisors' registry for the Virginia Board Counseling is now available online from the Board of Counseling website <http://www.dhp.virginia.gov/counseling/>. The registry is in the form of an Excel spreadsheet that will be updated every quarter, and license statuses may change between updates. It is the responsibility of the applicant to ensure that the licensee has an active, unrestricted license.

Website information: In accordance with § 54.1-3505(8), the Board of Counseling has posted [this registry of persons](#) (MS Excel) who meet the requirements for supervision of residents. This list should only be used as a tool to assist with an applicant's search for a supervisor. Using a supervisor from this list does not guarantee that the applicant meets requirements for residency, nor shall it be interpreted as board-approval to begin a residency.

Staff Update

Ms. Hoyle announced that she accepted the Executive Director position for the three behavioral boards. She also noted that two additional staff positions have been filled. The Discipline Case Specialist position for the three Behavioral Science Boards was filled with Christy Evans, and the Licensing Specialist for the Board of Counseling was filled with Tracey Arrington-Edmonds.

DEPUTY EXECUTIVE DIRECTOR'S REPORT:

Discipline Report

Ms. Lang provided detailed discipline report's (Attachment A) and noted that IFC's have been scheduled through April 2016.

A new process for probable cause review has already been implemented and the laptops are an addition to this process. Board members receive an electronic copy of the case files to review which saves time and money.

Board members would like a report listing the type and status of the open discipline cases. Ms. Lang recommended putting together a spreadsheet of the cases signed by Dr. Brown. The other discipline cases will be monitored by staff and updated as needed. The type of open cases consist of probable cause review, an active Enforcement Department investigation, IFC, FH or Consent Order being processed by APD or compliance monitoring for licensees following a Board order. The current average per days to close a Board of Counseling discipline case is 284 days and the agency standard is 250 days. With the hiring of additional staff (Ms. Evans), the days should be reduced within the agency standards.

LICENSING MAMAGER'S REPORT

Licensing Report

Ms. Hyman provided detailed report (Attachment B) with license and

application statistics.

OLD BUSINESS

Proposed Regulations – CACREP Accreditation

New Board members were asked to voice their opinion prior to voting. Dr. Brendel supports the proposed regulations because it would protect the client seeking services from a professional counselor on a certain level. Other members does not fully support the proposed regulations because multiple counseling related tracks may not be a CACREP program but the coursework would meet the requirements for a counseling related program. Dr. Doyle supports the proposed regulations change because it would assist in not having to review education in detail as it is currently being done. Other Boards has a standard so why is it that the Board of Counseling does not have a standard. The access to CACREP programs is available in many states.

Ms. Yeatts informed the member that a decision would need to be made either, to accept or oppose the change. If opposed then it would need to go back through the process again. Motion was made to accept the proposed regulations and it was passed with 8 yea's and 5 nay's (1 member was absent).

NEW BUSINESS

Discussion - Clinical Counseling Services During Residency

Dr. Doyle wants to know does the Board approved supervisor have to continue supervision after an applicant has been approved to sit for the licensure examination. Ms. Malawer believes that there is a need for some level of supervision in order to protect the client, resident and licensed supervisor. The Regulatory Committee will discuss at their next scheduled meeting.

Addition questions: What happens when a resident stop obtaining supervision? What happens when a resident never starts supervision? When and how should it be reported? How can a resident eliminate the hardship that supervision may be causing them? All questions will be discussed at the next scheduled Regulatory Committee.

Reciprocity Agreement Review

Dr. Doyle suggested that rather than waiting for a national level the Board of Counseling should create their own process that would relieve some of the credential review process in order to license someone that has an equivalent license from another jurisdiction. Ms. Yeatts informed the Board that they are allowed to make an agreement with other jurisdictions. The Board of Psychology and other boards have compacts. Dr. Brendel would like the Board of Counseling to take the lead on making a compact with other jurisdictions. The Regulatory Committee will discuss at their next scheduled meeting.

ADJOURN: The meeting adjourned at 12:30 p.m.

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

Jamie Hoyle, Esq.
Executive Director

Attachment B

**Virginia Board of Counseling
 Licensing Statistics**

**Current Licenses and Certificate Holders
 As of 11/12/15**

TOTAL Current Licenses/Certificates - 7,385

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|---|--------------|---------------------------------|
| License Professional Counselor | 3,675 | Current Active |
| | 55 | Current Inactive |
| | 504 | Current Active (out-of-state) |
| | 50 | Current Inactive (out-of-state) |
| Total LPC Licensee | 4,284 | |
| Licensed Marriage and Family Therapist | 708 | Current Active |
| | 15 | Current Inactive |
| | 97 | Current Active (out-of-state) |
| | 18 | Current Inactive (out-of-state) |
| Total MFT Licensee | 838 | |
| Licensed Substance Abuse Treatment Practitioner | 155 | Current Active |
| | 1 | Current Inactive |
| | 16 | Current Active (out-of-state) |
| | 2 | Current Inactive (out-of-state) |
| Total LSATP Licensee | 174 | |
| Certified Substance Abuse Counselor | 1,477 | Current Active |
| | 157 | Current Active (out-of-state) |
| Total CSAC Licensee | 1,634 | |
| Certified Substance Abuse Counselor Assistant | 154 | Current Active |
| | 14 | Current Active (out-of-state) |
| Total CSAC-A Licensee | 168 | |
| Certified Rehabilitation Provider | 223 | Current Active |
| | 64 | Current Active (out-of-state) |
| Total CRP Licensee | 287 | |

Attachment B

Licenses/Registrations Issued

09/10/15 - 11/12/15

Total Licenses/Approvals Issued - 179 (not including exam approvals)

| | | |
|---|----|-----------------------------|
| License Professional Counselor | 84 | Licenses Issued |
| | 72 | Supervision Approval Issued |
| Licensed Marriage and Family Therapist | 9 | Licenses Issued |
| | 7 | Supervision Approval Issued |
| Licensed Substance Abuse Treatment Practitioner | 3 | Licenses Issued |
| | 0 | Supervision Approval Issued |
| Certified Substance Abuse Counselor | 3 | Licenses Issued |
| Certified Substance Abuse Counselor Assistant | 1 | Licenses Issued |
| Certified Rehabilitation Provider | 0 | Licenses Issued |

Applications Received for Licensure/Supervision

09/10/15 - 11/12/15

Total Applications/Registrations Received - 423

| | | |
|---|-----|---------------------------------|
| License Professional Counselor | 89 | Applications for Licensure/Exam |
| | 269 | Registration Requests |
| Licensed Marriage and Family Therapist | 10 | Applications for Licensure/Exam |
| | 14 | Registration Requests |
| Licensed Substance Abuse Treatment Practitioner | 1 | Applications for Licensure/Exam |
| Certified Substance Abuse Counselor | 12 | Applications for Licensure/Exam |
| | 24 | Registration Requests |
| Certified Substance Abuse Counselor Assistant | 3 | Applications for Licensure/Exam |
| Certified Rehabilitation Provider | 1 | Applications for Licensure/Exam |