

**DRAFT**  
**BOARD OF COUNSELING**  
**QUARTERLY BOARD MEETING**  
**NOVEMBER 15, 2013**

**TIME AND PLACE:** The meeting was called to order at 10:06 a.m. on Friday, November 15, 2013, in Board Room 2 at the Department of Health Professions, 9960 Mayland Drive, Henrico, Virginia.

**PRESIDING:** Johnston Brendel, Ed.D., LPC, LMFT, Chairperson, Credentials Committee

**BOARD MEMBERS PRESENT:** Kevin Doyle, Ed.D., LPC, LSATP  
Sandra Malawer, LPC, LMFT  
Charlotte Markva, LPC, LMFT, CSAC  
Leah Mills, Citizen Member  
Patricia Mullen, LPC  
Phyllis Pugh, LPC, CSAC  
William Scott, Ph.D., LPC, LMFT  
Linda Seeman, Ph.D., LPC, LMFT  
Terry Tinsley, Ph.D., LPC, LMFT

**BOARD MEMBERS ABSENT:** Zena Bowen, LPC, LMFT  
Donnie Conner, Ph.D.  
Michael Fletcher, Citizen Member

**STAFF PRESENT:** Tracey Arrington-Edmonds, Administrative Assistant  
Sharon Bowles, Administrative Assistant  
Catherine Chappell, Executive Director  
Christy Evans, Administrative Assistant  
Jennifer Lang, Licensing Manager  
Patricia Larimer, Deputy Director-Discipline  
Dianne Reynolds-Cane, DHP Director  
Arne Owens, DHP Chief Deputy Director  
Elaine Yeatts, Senior Policy Analyst

**WELCOME:** Ms. Chappell introduced the new board members Kevin Doyle, Leah Mills and Phyllis Pugh, and welcomed members of the public in attendance. She commented that the Board had not met since March 2013, due to quorum concerns. She thanked Dr. Brendel for leading the meeting that day and noted that both the chairperson and vice-chairperson had recently been replaced after eight (8) years of service. She thanked the expired board members who continued to serve the Commonwealth.

**ORDERING OF AGENDA:** The agenda was accepted as presented.

**APPROVAL OF MINUTES:** A motion was made by Dr. Seeman to approve the minutes of the March 1, 2013 meeting as presented. The motion was seconded by Ms. Mullen and passed unanimously.

**PUBLIC COMMENT:** There was no public comment.

**BOARD ELECTIONS:** Because both board Chairperson and Vice-Chairperson ended their appointed terms, Ms. Chappell announced that elections needed to be held. Members currently on the board were eligible for the open positions.

Chairperson:

Ms. Malawer nominated Dr. Brendel for Chairperson, which was duly seconded by Dr. Seeman. The board voted and Dr. Brendel was elected Chairperson by unanimous vote.

Vice-Chairperson:

Ms. Mullen nominated Ms. Malawer for Vice-Chairperson, which was duly seconded by Dr. Seeman. The board voted and Ms. Malawer was elected Vice-Chairperson by unanimous vote.

Ms. Chappell asked board members to consider serving on standing committees, as well as to consider serving in leadership roles within the committees. Ms. Lang circulated a sign-up sheet to board members.

**MEETING DATES:** 2014 Quarterly Meeting dates were proposed by Ms. Lang and approved by the board as follows:

February 14, 2014  
May 9, 2014  
August 15, 2014  
November 14, 2014

**DHP DIRECTOR'S REPORT:** Dr. Reynolds-Cane reported that the state plan to reduce prescription drug abuse was submitted to the National Governors Association (NGA) on August 30, 2013. She commented that Mr. Owens had been instrumental in the planning process.

She added that Virginia was also working with the NGA to expedite licensure for veterans in healthcare professions and was particularly supportive of practical nurses, emergency medical technicians and physical therapy professionals because of the outstanding need for specialists.

She announced that legislative proposals for the 2014 General Assembly

had been submitted to the Governor's office and the Department of Health Professions (DHP) was currently awaiting a response.

Additionally, Dr. Reynolds-Cane provided a brief statement on a survey which will be implemented into the renewals of licensees at DHP. She noted that she will present the findings of the survey at the Senate Health and Human Resources subcommittee upon completion.

**LEGISLATIVE UPDATE:**

Ms. Yeatts reported that the amendments to Chapter 20 regulations had been adopted as part of a fast track action and were currently in the Secretary's office for further consideration.

Board members were informed of a pending petition for rulemaking, which is would be considered at the February board meeting.

***Guidance Documents:***

Ms. Yeatts discussed the role of guidance documents in allowing the community, applicants and staff to understand the board's interpretation of the rules and regulations. She asked the board for consideration of the following guidance documents:

Delegation to the Executive Director and Board Staff

Ms. Yeatts presented a guidance document which would delegate certain administrative duties and decisions to the executive director and board staff. Upon a Motion by Dr. Seeman, which was seconded by Ms. Markva, the board voted and the Motion was passed unanimously.

By-laws

Ms. Yeatts presented revised Counseling By-laws for consideration. The revised edition included the previously accepted guidance document regarding delegation of board responsibilities and decisions, and would clarify committee structure as well as the committee roles and responsibilities. After a discussion by the board and suggested clarifying changes made to the presented document, a Motion was made by Ms. Mullen to accept the By-laws as amended. Dr. Tinsley seconded the motion and it passed unanimously.

Guidance Repeal

Ms. Yeatts requested that the board consider repealing guidance documents 115-4.6 and 115-4.2 in light of the changes made to Bylaws in the preceding action. Upon a motion by Ms. Malawer, and duly seconded by Ms. Markva, the motion passed unanimously.

### Criminal Convictions

Ms. Yeatts presented a proposed guidance document describing the impact of criminal convictions, impairment, and past history on applicants and licensees in Counseling. After a discussion by the board and suggested clarifying changes, a motion was made by Dr. Doyle to accept the document as amended, duly seconded by Ms. Mullen, and passed unanimously.

### Technology

Ms. Yeatts presented information for discussion regarding an updated guidance document on technology-assisted therapy and social media. The board requested that this matter be referred to the Regulatory Committee.

### ***Regulatory Review:***

Ms. Yeatts also reviewed Marriage and Family regulations and proposed changes, to mirror the LPC changes. Upon a motion by Dr. Seeman to approve the MFT regulations as amended, and duly seconded by Ms. Malawer, the amended regulations were accepted by a unanimous vote.

The remaining regulation reviews would be deferred to the February meeting.

### ***Registry:***

In order to implement statutory changes which became effective July 1, 2013, staff would develop a listing of qualified supervisors to be available online in early 2014. No regulatory amendment would be needed to effect this change.

### **CLOSED MEETING:**

Ms. Malawer moved that the Board of Counseling convene in closed session pursuant to §2.2-3711(A)(27) of the Code of Virginia in order to consider Recommended Decisions and Consent Orders. She further moved that Catherine Chappell, Patricia Larimer, Jennifer Lang, Sharon Bowles, Tracey Arrington-Edmonds and Christy Evans attend the closed meeting because their presence in the meeting was deemed necessary and they would aid the Board in its consideration of the matters. The motion was seconded and carried.

### **RECONVENE:**

Ms. Malawer moved that pursuant to §2.2-3712 of the Code of Virginia 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. The Committee agreed unanimously.

**DECISIONS:**

Bethany McLemore, LPC – The board considered a Consent Order accepting revocation of Ms. McLemore's rights to practice as a Professional Counselor. Ms. Mullen made a motion to accept the Consent Order as presented. Dr. Seeman seconded the motion and the motion carried unanimously.

Terry Law, CRP – The board considered a Consent Order accepting indefinite suspension of Ms. Law's rights to practice as a Rehabilitation Provider. Dr. Seeman made a motion to accept the Consent Order as presented. Dr. Doyle seconded the motion and the motion carried unanimously.

Robert King, LPC Applicant – The IFC Credentials Committee concluded that Robert King, LPC applicant, failed to satisfy the requirements of 18VAC115-20-45(B)(2)(b), 18VAC115-20-45(B)(1) and 18VAC20-52(C)(3) and has violated 18VAC115-20-130(D)(2) and 18VAC115-20-140(A)(3) and recommended that his application for licensure by endorsement be denied. Dr. Doyle made a motion to accept the recommendation as presented. Ms. Mullen seconded the motion and the motion passed unanimously.

Gloria Brown, LPC Applicant – The IFC Credentials Committee concluded that Gloria Brown, LPC Applicant, failed to satisfy the requirements of 18VAC115-20-49(B) and recommended that her application to register her supervision, as preliminary requirement in the process of obtaining licensure by examination, be denied. Dr. Doyle made a motion to accept the recommendation as presented. Ms. Mullen seconded the motion and the motion passed unanimously.

**EXECUTIVE  
DIRECTOR'S  
REPORT:**

Ms. Chappell recognized the new board members and welcomed them. She discussed their training packet and the need to complete the Conflict of Interest training. She also thanked the current board members for their continued dedication and support. Currently, of the 14 Counseling board members, there were seven (7) members with expired terms. She specifically thanked Dr. Seeman, who was now in her tenth year as a board member. She reminded board members that their attendance is essential in establishing a quorum.

Ms. Chappell recognized board staff for their dedication and hard work. The licensing staff now consisted of a licensing manager and three (3) temporary contract administrative assistants. She reported staff's continued efforts in community outreach and an ongoing effort to make the process more comprehensible, including updating applications and forms. As part of the outreach efforts, Ms. Chappell had presented to groups including students in VCU Rehab Counseling program and to the

Northern Virginia LPC Association. She also recently attended a conference held by NBCC, which included a discussion on expanding access to mental healthcare. She planned to give presentations in 2014 to students at Hampton University and Longwood University, and to the Virginia Association of Marriage and Family Therapy.

Ms. Chappell distributed a financial analysis for the period ending September 30, 2013, which indicated a cash balance of \$569,206.00, attributed in part to annual renewals. Annual renewals allowed the board to sustain itself. She added that the board continued to utilize contract employees because of the limited number of full-time employees able to be allocated to DHP. She added that the board had scaled back the use of reviewers because of the matrix of coursework developed by staff.

Ms. Chappell announced that Board Counsel, Howard Casway, had been out on approved leave for several months and advised that he will officially retire effective January 1, 2014. She recognized him for his many years of contribution and guidance to the Behavioral Sciences Boards and added that Allyson Tysinger, Senior Assistant Attorney General, and her staff will assist the board in the interim.

She added that March 2013 minutes indicated that an update on the CRP exam would be given at the next meeting, but because of the time that had lapsed since that meeting she suggested that the Regulatory Committee consider the matter further.

**DEPUTY DIRECTOR'S  
REPORT-DISCIPLINE:**

Ms. Larimer reported that there were currently 71 open cases for the Board of Counseling. 27 cases were being investigated by the enforcement division, two (2) cases were being processed in the Administrative Proceedings Division, 11 cases were scheduled/ready to be scheduled for Informal Conferences, 27 were at board level (with 25 waiting to be reviewed for probable cause), and four (4) cases were in compliance monitoring. In addition, a Formal Hearing was scheduled for December 13, 2013 at 10:00 a.m.

Ms. Chappell added that Ms. Larimer would report on the CE Audit, which included approximately 1% of the licensees, at the February 2014 meeting. Additionally, she reported that Ms. Larimer was compiling a comprehensive report on prior disciplinary actions which would assist in future board decisions and be an invaluable tool.

Ms. Chappell reminded the board that staff was tasked with meeting standards with respect to case closure timeframes and that she was appreciative of Ms. Mullens' and Dr. Tinsley's efforts in reviewing cases for probable cause.

**LICENSING  
MANAGER'S  
REPORT:**

Staffing update:

Ms. Lang acknowledged Ms. Bowles, Ms. Arrington-Edmonds and Ms. Evans for their dedication to the board and to the applicants. Due to their continued efforts, a decision on an application was typically made in less than 30 days following receipt of a complete application.

Education:

Staff had developed a matrix of courses, based upon previously accepted coursework by board reviewers as meeting regulatory requirements. This list allowed staff to review many applications without waiting for feedback from contract reviewers. In addition, staff was continuing to work on applications and FAQ's, in order to make the process easier for applicants.

Trends:

Staff had observed increased supervisor involvement, with regards to board contact and in being certain that the board was aware of unethical practice by residents. Supervisors also contact the board staff for reassurance that they are providing supervision within regulations. This ongoing effort to open the line of communication between the board and supervisors will be beneficial to the Counseling community and will ensure that the public is receiving appropriate services from competent providers.

Staff was also seeing a trend of fraudulent paperwork from applicants, along with unlicensed practice. They diligently remind applicants that they cannot receive direct payment for services, whether through insurance or cash payments. All payments must go through their board-approved supervisor and/or employer. Also, Residents cannot advertise as independent practitioners. All advertisement and patient forms must clearly indicate their title as a Resident in Counseling, and must provide the name and contact information of their board-approved supervisor(s).

Licensees:

Currently, there are 3,766 Licensed Professional Counselors (LPC), 825 Licensed Marriage and Family Therapist (LMFT), 181 Licensed Substance Abuse Treatment Practitioners (LSATP), 1,627 Certified Substance Abuse Counselors (CSAC), 132 Certified Substance Abuse Counseling Assistants (CSAC-A) and 336 Certified Rehabilitation Providers (CRP). There was a 95% renewal rate for 2013.

Applications:

Since January 1, 2013, for LPC and LMFT applicants only, board staff has received 1,197 LPC applications and registrations and 100 LMFT applications and registrations. Compared to the prior year, these totals

indicate an increase of 16.4% and 15%, respectively. Staff had approved 42% more exam requests compared to the prior year and had licensed 26% more applicants. In addition, the customer service satisfaction rating had increased 16% from the beginning of the fiscal year.

Acknowledgement:

On behalf of staff, Ms. Lang acknowledged the guidance and leadership of Ms. Chappell. As the Executive Director of the Boards of Counseling, Psychology and Social Work, Ms. Chappell is always supportive of staff. She is dedicated, not only to staff and board members, but also to the Counseling community.

**NEW BUSINESS:**

Psychological Evaluations:

Ms. Chappell noted a recent discussion by the Board of Psychology as to who could provide psychological evaluations. She asked for board members to consider whether there was a need to express through a guidance document concerns about appropriate administration of psychological evaluations. The board requested that the Regulatory Committee discuss this matter and return to the board with their recommendations.

Trauma Training:

Ms. Mullen discussed the need for Counselors to have education in trauma treatment, and would work on a presentation for a future meeting. Ms. Mullen reported that 92% of CSB patients have experienced trauma and CACREP regulations include PTSD training. The board would consider this as a possible topic for the next Educational Summit.

**ADJOURN:**

The meeting adjourned at 1:05 p.m.