

**BOARD OF COUNSELING
DRAFT MINUTES
QUARTERLY BOARD MEETING
FEBRUARY 8, 2008**

- TIME & PLACE:** The meeting was called to order at 9:37 a.m. on February 8, 2008 in Board Room 2 at the Department of Health Professions, 9960 Mayland Drive, Richmond, VA.
- PRESIDING:** Linda K. Seeman, Ph.D., Chair
- MEMBERS PRESENT:** Mary Lou Argow
Donnie Conner, Ph.D.
Kevin Doyle, Ed.D.
Philip Haber
Sandra Malawer
Charles McAdams, Ed.D.
Eric McCollum, Ph.D.
Yvonne Ortega
Vivian Sanchez-Jones
Linda Seeman, Ph.D.
John Penn Turner
- MEMBERS ABSENT:** Nan Haris
William Scott, Ph.D.
Natale Ward
- STAFF PRESENT:** Sandra Ryals, Director, DHP
Elaine Yeatts, DHP Senior Policy Analyst
Howard Casway, Senior Assistant Attorney General
Evelyn B. Brown, Executive Director
Patricia Larimer, Deputy Executive Director
Diana Pollick, Administrative Assistant
- OTHERS PRESENT:** Chris Reid, VCU Department of Rehabilitation Counseling
Shawn O'Brien, Director of Assessment & Research, NBCC
Nina Brown, Ph.D., Old Dominion University
- ORDERING OF AGENDA:** Dr. Seeman opened the floor to any changes in the agenda. The agenda was accepted as presented.
- APPROVAL OF MINUTES:** A motion was made by Yvonne Ortega to approve the minutes of the October 26, 2007 board meeting. John Penn Turner seconded the motion. The motion passed unanimously.
- PUBLIC COMMENT:** None

**CONSIDERATION
OF SUMMARY
SUSPENSION:**

Mr. Wayne Halbleib, Assistant Attorney General and Mr. Peter Opper presented the Commonwealth's evidence for the Board's determination as to whether Mr. Wooster's continued practice of counseling constituted a substantial danger to public health and safety.

Summary Suspension: Dr. Conner moved to convene a closed meeting pursuant to Section 2.23711(A)(28) of the Code of Virginia for the purpose of deliberation to reach a decision in the matter of Larry Wooster. Additionally, he moved that Evelyn Brown, Patricia Larimer, Howard Casway and Diana Pollick attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations. The motion was seconded and approved.

Dr. Conner moved that only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion for closed session were heard, discussed or considered during the closed meeting. The motion was seconded and approved.

Mary Lou Argow moved that according to the evidence presented the counseling practice of Larry Wooster poses a substantial danger to the public, and therefore the license of Larry Wooster to practice as a licensed professional counselor be summarily suspended with a consent order offered to Mr. Wooster for the indefinite suspension of his license in lieu of a hearing. The motion was seconded and approved.

**REPORT ON AASCB
CONFERENCE:**

Dr. Linda Seeman and Dr. Donnie Conner:

Dr. Seeman reported that the first keynote was ethicist Barbara Herlihy who discussed a hierarchy ethics and, in addition, the ACA code of ethics was changed so that dual relationships is no longer mentioned and has changed to professional and non-professional behavior. Dr. Seeman also reported that there is a section on end of life issues in the code of ethics. Dr. Seeman further reported that CACREP is revising its standards for full time faculty members which should be finalized by 2013. Dr. Conner reported that Charles Farley of Florida State University gave an excellent presentation on Trauma "Informed Standards". More information on this topic can be accessed at www.greencross.org. Dr. Conner further reported that Virginia is one of the states in the lead with portability. Currently there are 22 states involved with portability and 7 reported as not actively involved. AASCB is now the bank for portability documents.

**DHP DIRECTOR'S
REPORT:**

Sandra Ryals, Director, Department of Health Professions
Ms. Ryals reported that the cost cutting measures for the state budget have been put into effect immediately for both general and non-general (self supported) agencies. This includes a hiring freeze and travel restrictions. Any discretionary spending must have documented proof that it is absolutely essential to core business functions of the Agency.

**NBCC COMPUTER
BASED TESTING:**

Shawn O'Brien, Director of Assessment and Research, NBCC and Nina Brown, Ph.D., Old Dominion University:
Mr. O'Brien gave a power point presentation describing the steps taken to develop the computer based examination as well as to how monitor its reliability and validity. An examination was given with Dr. Brown being the exam candidate. In summary the exam is proven to be user friendly, uses application as well as theory and is sequential and process oriented.

**EXECUTIVE
DIRECTOR'S
REPORT:**

Evelyn B. Brown, Executive Director, Board of Counseling:
Ms. Brown reported that the Board has a contract with NBCC and implementation of the Computer Based Testing (CBT) is scheduled to begin in May. Ms. Brown thanked Mr. O'Brien and Dr. Nina Brown for their presentation. Ms. Brown further reported that some research had had been done regarding the contracting out of newsletters for DHP boards, however current budget restrictions may hamper this venture at this time.

**LEGISLATIVE
UPDATE:**

Elaine Yeatts, DHP Senior Policy Analyst
Ms. Yeatts presented the "Report of the 2008 General Assembly" which contained the House and Senate Bills that may impact the Board of Counseling.

**COMMITTEE
REPORTS:**

Board of Health Professions: John Penn Turner
Mr. Turner reported that there is a current work plan in progress to determine the need for criminal background checks. He also reported that the BHP is reviewing requests for licensure/certification for Central Sterile Techs, Orthopedic Techs, Prostheticists & Ortheitists and Medical Interpreters. A request has been made for the DHP to post a link for appropriate health care services for the culturally and linguistically challenged on their website. More information can be obtained regarding these services at www.vdh.virginia.gov/ohpp/CLASact/default.aspx.

Mr. Turner further reported that the Sanction Reference Committee is in the process of interviewing board members from Counseling, Social Work and Psychology, who have served on disciplinary committees, for the purpose of developing a Sanction Reference form that all three boards would utilize. Mr. Turner also update the Board on HJ 207 which directs the Joint Commission on Health Care to study the feasibility, advisability and necessity of considering the competency of licensed health care professionals as a condition of licensure renewal.

**REGULATORY
COMMITTEE:**

Charles McAdams and Elaine Yeatts:

Ms. Yeatts presented the proposed language to achieve conformity of regulations and statute regarding 18VAC 115-30-150: Denial of Issuance and 18VAC115-30-160: Reinstatement After Discipline. Howard Casway, Board Counsel, recommended that “restrict” be added to align with §2407. Discussion followed. Dr. McAdams made a motion to adopt the exempt action and accept the inclusion of “restrict” in both cited regulations. Mary Lou Argow seconded the motion which passed unanimously. Philip Haber made a motion to replace “three years” in 18VAC115-30-160 with “two years” so that the regulation would align with statute. Yvonne Ortega seconded the motion which passed unanimously.

Dr. Doyle gave a summary of what has been done to date regarding “distance counseling” and then turned the discussion over to Dr. McAdams.

Dr. McAdams reported that the Regulatory Committee reviewed the research done by Dr. McAdams and graduate student, Kristi Wyatt, regarding Technology Assisted Distance Counseling (TADS). Online materials were difficult to find so they developed a telephone survey to gather data. The information received was divided into categories of counseling and supervision. The research showed that only a few states boards are working on regulation of distance counseling. Issues of jurisdictional licensing were discussed as well as definitions of terms used in TADS.

Dr. Doyle recommended that an Ad Hoc committee be formed consisting of the Boards of Counseling, Social Work and Psychology to determine whether the Behavioral Science Boards need to develop a guidance document and/or propose regulatory change. Evelyn Brown will contact the other boards

to arrange a meeting of representatives of the three boards.

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**CREDENTIALS
COMMITTEE:**

Patricia Larimer, Deputy Executive Director

Ms. Larimer presented the Informal Conference Committee's recommendation regarding Deanna Petit Sailor, LPC applicant. Upon a motion by Dr. Conner and duly seconded by Philip Haber, the Board voted to convene in a closed meeting pursuant to §2.2-3711(A)(7) of the Code of Virginia for the purpose of deliberation to reach a decision in the matter of Deanna M. Petit Sailor, L.P.C. applicant. Additionally, he moved that Ms. Brown, Ms. Larimer, Ms. Jones, Ajudication Specialist, and Ms. Pollick attend the closed meeting, because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberation.

Having certified that the matters discussed in the preceding closed meeting met the requirements of §2.2-3712 of the Code, the Board reconvened in open session and announced its decision.

Upon a motion made by Mary Lou Argow, and duly seconded by Sandra Malawer, the Board unanimously accepted the recommendation of the Informal Conference Committee to deny Deanna Petit Sailor's application for licensure.

Ms. Argow reported that six applications were reviewed. Four coursework appeals resulted in one being approved, two being denied, and one applicant was requested to submit more information. Two supervision appeals were reviewed with both receiving Committee approval. The Committee reviewed topics of concern to the Credentials Committee. A topic of discussion focused on recently submitted requests for the Board to approve newly developed educational trainings for CSAC's. The Committee determined that it is not the Board's function to approve educational programs and that requests for such approval should be referred to the organizations listed in LPC, MFT and LSATP regulations for approval. Another topic of discussion was to determine if the Virginia Commonwealth University degree in "Patient Counseling" was counseling related. After much discussion the Committee determined that under 18VAC115-20-49 it did not meet the requirements set forth in regulation.

**DISCIPLINE
COMMITTEE:**

Donnie Conner, Co-Chair & Patricia Larimer, Deputy Executive Director:

Ms. Larimer distributed a summary of cases that have been closed by board staff for the Board's review.

Dr. Conner reported that no IFC's were held since the last meeting, there are 12 complaints in investigation, 2 cases at board level to be reviewed for probable cause, 1 IFC scheduled, 1 IFC to be scheduled, no consent orders to presented to the Board, 1 formal hearing currently scheduled and 1 formal hearing to be scheduled.

**CONTINUED
COMPETENCY
COMMITTEE:**

Yvonne Ortega, Chair:

Ms. Ortega reported that the Continued Competency Committee (CCC) met on January 3, 2008 at the Department of Health Professions for the purpose of reviewing CE audit files of licensees, and, that out of the 75 audited 54 were in compliance. For those not in compliance seven (7) are being offered Confidential Consent Agreements, two (2) are being offered Consent Orders and twelve (12) are being noticed for Informal Fact Finding Conferences due to their failure to respond to the audit.

OLD BUSINESS:

None

NEW BUSINESS:

None

ADJORN:

Yvonne Ortega made a motion to adjourn at 2:00 p.m. Sandra Malawer seconded the motion which passed unanimously.