

DRAFT

Virginia Board of Counseling MINUTES May 30, 2002

- TIME AND PLACE: The meeting was called to order at 10:33 a.m. on May 30, 2002 at the Department of Health Professions, Conference Room 4, Richmond, Virginia.
- PRESIDING: Rosemarie S. Hughes, Ph.D., and Chair of the Board, presided.
- MEMBERS PRESENT: Abigail C. Barnes (arrived at noon)
Barbara M. Chrisley, Ph.D.
Maurice G. Graham, D. Min.
Howard R. King, Jr., Ph.D.
Jack Knapp, D.D.
Janice F. McMillan, Ph.D.
Eric T. Scalise
- MEMBERS NOT PRESENT: Timothy E. Clinton, Ed.D.
Susan D. Leone, Ed.D.
Lynnette Lewis Shadoan
Pamela P. Siegel
- STAFF PRESENT: Evelyn B. Brown, Executive Director
Benjamin Foster, Deputy Executive Director
Joyce D. Williams, Administrative Assistant
Robert A. Nebiker, Director, Department of Health Professions
Gail Jaspens, Chief Deputy Director, Department of Health Professions
Mark Monson, Deputy Director for Administration, Department of Health Professions
- OTHERS PRESENT: David Naylor, VAADAC
- CHAIR: Dr. Hughes announced that public comment would not be heard at today's meeting. Public comment would be taken at beginning of the Board meeting on May 31st. Dr. Hughes also announced that a public hearing on the time-limited waiver for Substance Abuse Treatment Practitioner licensure will be held on May 31st and that Dr. McMillan will chair that hearing.

Dr. Hughes also informed the board members that the Board did not have a quorum and, therefore, would have only non-official business related discussions at Thursday's meeting.

She further stated that the work groups would be cancelled and the Credentials Committee and the Regulatory/Supervision/Legislative Committee meetings would be moved up to meet immediately following the Board meeting held on May 30th. The Examination Committee would meet on May 31st at 9:00 a.m.

Department Director:

Mr. Nebiker introduced Gail Jaspen, Chief Deputy Director and Mark Monson, Deputy Director for Administration.

Mr. Nebiker discussed his objectives for the Department of Health Professions (DHP) (attached as part of the minutes).

On behalf of the Board Dr. Hughes asked Mr. Nebiker the following:

1. What was the status of the budget? Mr. Nebiker indicated that the budget was not good but that the Governor was not going to transfer funds from our special funded agency to the General fund.
2. Had a decision been made on the agency move? Mr. Nebiker indicated that the location where the Department will move is not ready to be announced. The announcement will be made soon. The lease on DHP's current office space will expire in November.
3. What is the Department's position on protecting job titles in exempt settings? Mr. Nebiker indicated that there might be an administrative position taken on this issue, but that any legislative change would affect several state agencies.
4. Will the Board be able to continue its annual retreat? Mr. Nebiker indicated that there is a written process by which the Boards can request to have meetings outside of DHP. Two criteria are that the public would have to have

access to the Board meeting, and it would have to cost less than meeting at DHP.

5. Is there an application process in place for board members who want to attend specific conferences? Mr. Nebiker stated that the out of state conference process remains the same as it has been.

ADJOURN: The meeting adjourned at 11:55 a.m.

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MEMBERS PRESENT: Abigail C. Barnes
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Janice F. McMillan, Ph.D.
Eric T. Scalise
Pamela P. Siegel

MEMBERS NOT PRESENT: Susan D. Leone, Ed.D.
Lynnette Lewis Shadoan

STAFF PRESENT: Evelyn B. Brown, Executive Director
Benjamin Foster, Deputy Executive Director
Joyce D. Williams, Administrative Assistant
Howard Casway, Esq., Assistant Attorney General
Gail Jaspens, Chief Deputy Director, Department of Health Professions
Elaine Yeatts, Regulatory Coordinator, Department of Health Professions

OTHERS PRESENT: David Naylor, VAADAC

- PUBLIC COMMENTS:** Mr. Naylor spoke as a representative of the Virginia Association of Alcoholism and Drug Abuse Counselor (VAADAC). He indicated that VAADAC continues to support the Board's work in developing regulations for Certified Substance Abuse Counselors (CSACs) and Certified Substance Abuse Counselor Assistants (CSACAs). VAADAC thanks the Board for its regulatory work on these two professions.
- MINUTES:** The minutes of February 8, 2002 were approved as amended.
- CHAIR:** Dr Hughes announced that a public hearing would be held at 1:30 on the time-limited waiver for Substance Abuse Treatment practitioner licensure. Public comment will be taken at this hearing and written comment would be accepted until July 19, 2002.
- As a way of assisting members not present at the May 30th meeting, Dr. Hughes reported that Mr. Nebiker attended the meeting and discussed his objectives for the Department of Health Professions. Dr. Hughes gave an overview of Mr. Nebiker's objectives. Dr. Hughes also reported on some of the questions the Board asked Mr. Nebiker, and his response to the questions.
- There was considerable discussion of use of the agency website as an extension of Mr. Nebiker's objective number 7. Ms. Jaspen advised that Board that the Department is making every effort get information on the Internet that will benefit the consumer. No actions were taken at this Board meeting regarding updating the Counseling web page, but Board staff and Dr. Hughes and Mr. Scalise will meet to recommend information to make the site more consumer friendly. Suggestions were also given to post questions about mental health services that consumers should ask.
- ENDORSEMENT:** The Board went into closed session in accordance with §2.3711(a)(7) to consult with legal counsel.
- The Board reconvened in open session. Ms. Siegel certified in a motion that the Board discussed only issues exempt from the Freedom of Information Act while in closed session.

A motion was made by Dr. King and seconded by Dr. McMillan that the Board reaffirm its policy when reviewing applications for licensure by endorsement. The requirements of 18 VAC 115-20-45(4) require compliance with 18 VAC 115-20-40(1). Specifically, applicants must have completed the education and experience requirements prior to being approved to sit for the licensure examination. In the case of an applicant for endorsement, the applicant is required to have completed substantially equivalent education and experience requirements in the order required of Virginia applicants in another state prior to having sat for that state's licensure examination. The motion was unanimously approved.

EXECUTIVE DIRECTOR: Ms. Brown gave a general report on legislation that would be effective July 1, 2002.

COMMITTEE REPORTS: **Regulatory/Supervision Legislative Committee**

Ms. Barnes reported minor changes to the proposed Regulations Governing the Certification of Substance Abuse Counselors (CSAC) and Substance Abuse Counselor Assistance CSACA).

Ms. Barnes moved that the Board adopt the proposed regulations with minor changes for CSACs and CSACAs. The motion was unanimously approved.

The regulations with the changes are attached as part of the minutes.

Dr. McMillan reported that a sub-committee of Mr. Scalise, Dr. Hughes, Ms. Brown and Mr. Foster has been assigned to draft regulations for continuing competency.

As a part of the regulatory review for continuing competency, inactive license requirements will also be developed.

Dr. McMillan moved that the Board develop a PreNOIRA for continuing competency requirements to include inactive license requirements. The motion was unanimously approved.

Dr. McMillan requested that continued competency is included on the August meeting agenda.

Board of Health Professions (BHP)

Dr. Knapp announced that BHP's Enforcement Committee reported that the Board of Medicine would be the "guinea pig" in using the new alternative sanctioning tools being developed by the BHP Discipline Committee. The Committee also discussed how and when the new complaint intake form would be used.

The Department of Health Professions will make a contract with the Governor and the Department of Social Services to carry out the objectives of the Department as set forth by Mr. Nebiker.

BHP discussed the budget and noted that:

- a. Past Governor Gilmore transferred \$3.5 million to the General Fund.
- b. Governor Warner has made no transfer of funds or proposed any budget cuts.
- c. The Senate accepted Governor Warner's proposal.

A study might be forthcoming from the Legislature to study midwifery. It was moved that if this study was assigned to BHP, Mr. Nebiker was given the authority to assign the study to it came any of the various boards.

Credentials

A motion was made by Dr. King that the Board go into closed session in accordance with §2.37119(a)(7) to consult with legal counsel.

The Board reconvened in open session. Ms. Siegel certified in a motion that the Board discussed only issues exempt from the Freedom of Information Act while in closed session. The motion was unanimously approved.

The Board unanimously approved an individual for licensure for professional counselor by endorsement.

Dr. King reported on the credentials reviewed on

May 30-31, ⁷ 2002. The report was unanimously approved and is attached as part of the minutes.

Examination

Dr. Hughes reported on the results of the April 18, 2002 substance abuse counselor examination. Of the 112 total candidates who took the examination, 89 passed (79.5%) and 84 of the 96 first time candidates passed.

Dr. Hughes also informed the Board that the National Board For Certified Counselors (NBCC) will handle the application processing and examinations for Licensed Professional Counselors, Certified Substance Abuse Counselors, Licensed Substance Abuse Treatment Practitioners and Certified Substance Abuse Counselor Assistants. NBCC will also provide testing data feedback to the universities who have two or more graduates from their programs tested.

The Committee discussed allowing candidates for whom English is a second language to use language dictionaries during the examination. The consensus was to have proctors provide dictionaries, which will be collected at the end of the examination.

Discipline

Ms. Brown reported that the Board has 18 cases in Enforcement and seven cases at Board level. She further reported that four cases are in the Administrative Proceedings Division for preparation of Notices.

Public Relations

Mr. Scalise reported that he is beginning to prepare the Board's newsletter.

OLD BUSINESS: There was no old business to come before the Board.

NEW BUSINESS: **General**

Dr. McMillan gave a general report on the NBCC meeting.

2003 Board Meeting Dates

The 2003 Board calendar for meetings was approved as follows:

February 27-28, 2003
May 15-16, 2003
August 21-22, 2003
November 20-21, 2003

Health Practitioners' Intervention Program (HPIP)

Ms. Brown announced that an RFP is being developed to contract with a company to monitor impaired health care practitioners. Virginia Monitoring's contract was not automatically renewed.

Committee Assignments

Dr. Hughes assigned Dr. Clinton to the Discipline Committee. He will replace Dr. Leone on that Committee. Dr. Chrisley was assigned to the Credentials Committee. She will replace Dr. Leone on that Committee.

ADJOURNMENT: The meeting adjourned at 1:14 p.m.

Rosemarie S. Hughes, Ph.D. Chair

Evelyn B. Brown, Executive Director