

VIRGINIA BOARD OF COUNSELING MINUTES
February 18, 2005

- TIME & PLACE:** The meeting was called to order at 11:40 a.m. on February 18, 2005 in Board Room 2 at the Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia.
- PRESIDING:** Janice F. McMillan, Ph.D., Chair
- MEMBERS PRESENT:** Mary Lou Argow
Abigail Barnes
Donnie G. Conner, Ph.D.
Kevin S. Doyle, Ed.D.
Maurice Graham, D.Min.
Howard R. King, Ph.D.
Jack Knapp, D.D.
Linda K. Seeman, Ph.D.
Luke Torian, D.D.
- MEMBERS ABSENT:** Alan W. Forrest, Ed.D.
Lynnette Shadoan
Natale Ward
- STAFF PRESENT:** Evelyn B. Brown, Executive Director
Benjamin Foster, Deputy Executive Director
Elaine Yeatts, Senior Policy Analyst
Diana Pollick, Administrative Assistant
Howard Casway, Sr. Assistant Attorney General
- GUESTS PRESENT:** David V. Naylor
- PUBLIC COMMENT:** None
- APPROVAL OF MINUTES:** A motion was made to accept the minutes of the November 5, 2004 meeting by Abigail Barnes and seconded by Donnie Conner. The motion passed unanimously.
- CHAIR:** Jan McMillan welcomed back Karen Rosen.
- EXECUTIVE DIRECTOR:** Ms. Brown stated that there were two Consent Orders to be presented to the Board for ratification and requested a motion be made to convene in Closed Session pursuant to Section 2.2.3711(A)(28) of the *Code of Virginia* for the purpose of deliberation to reach a decision in the matter of the Consent Orders. The motion to go into Closed Session was made by Abigail Barnes, seconded by Kevin Doyle and carried unanimously.

The Consent Order for Donald Stover was presented for Voluntary Surrender for Indefinite Suspension of his license. A motion was made by Kevin Doyle and properly seconded by Donnie Conner to accept the Consent Order as presented. The motion carried.

The Consent Order for Dava Giuli was presented for Voluntary Surrender for Indefinite Suspension of her license. A motion was made by Jack Knapp and properly seconded by Mary Lou Argow to accept the Consent Order as presented. The motion carried.

Following discussion Abigail Barnes read the Certification of the Closed Meeting.

The meeting was reopened to visitors at this time.

REPORTS:

- **LEGISLATION REPORT: Elaine Yeatts**
Ms. Yeatts gave an overview of the 2005 legislation that effected the Department of Health Professions. Discussion followed.
- **AASCB 2005 CONFERENCE REPORT: Jan McMillan & Linda Seeman**
Ms. Seeman gave an overview of the conference and added that Dr. McMillan had been selected as the Chair of the National Credential Registry Bank. AASCB's current focus is on standards for Credentialed Supervisors and is exploring existing models.
- **PORTABILITY AD HOC COMMITTEE REPORT:**
The portability option will allow licensees to move between states without going through each states licensing requirements. Licensee credentials will be stored in the National Credential Registry Bank for state Boards to reference when considering licensure by endorsement.

A change in the regulations that govern the practice of counseling would be necessary for portability and the National Credential Registry Bank when considering endorsement applicants. 18VAC115-20-45-B would be added to provide acknowledgment of a board recognized credentials registry as an endorsement option.

A motion to adopt 18VAC115-20-45-B was made by Mary Lou Argow and seconded by Jack Knapp. Discussion followed. The motion carried unanimously.

- **REGULATORY COMMITTEE REPORT: Kevin Doyle**
Dr. Doyle stated that a request was received to amend the Regulations Governing the Practice of Counseling regarding the number of CE hours needed for the 2004-05 renewal period. Jack Knapp made a motion to deny the Petition for Rule Making. It was seconded by Maurice Graham and passed unanimously.

- **CONTINUING EDUCATION: Ben Foster**
Mr. Foster reported that a “Frequently Asked Questions” Section had been added to the Board of Counseling website. The new “FAQ” section specifically addresses continuing competency issues that are consistently asked of staff. The Board was asked to think about the percentage of licensees that should be audited in conjunction with the 2005 renewal. The Regulatory Committee will discuss the provisions of an audit at the June 2, 2005 meeting. Mr. Foster asked that the Board be ready to provide guidance and direction regarding the audit at the June 3, 2005 meeting so that timely preparations may be made. He also pointed out that other Behavioral Sciences Boards have utilized the services of its members to review audit submissions. Dr. McMillan inquired whether the Board could use contractual reviewers in place of members or Board committees. Mr. Foster said that this was a possibility and that he would provide the Regulatory Committee and the Board with audit process information from several DHP Boards in June.

- **CREDENTIALS COMMITTEE REPORT: Howard King**
reported the following:
2 Informal Hearings were held.
15 LPC appeals were heard. 10 were approved; 5 were denied.
1 CSAC appeal was heard and denied.
2 Attestation files were reviewed and approved.

Dr. King requested that the Board give clarification regarding regulation 18 VAC 115-20-52-C which states “...At least one half of the individual face-to-face supervision shall be rendered by a licensed professional counselor.” The Board determined that it was the intention of the regulations to have residents receive 100 hours of individual face-to-face supervision from a

Licensed Professional Counselor. It was decided that a

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Guidance Document be adopted clarifying this issue and that the regulations be amended accordingly. A motion was made by Mary Lou Argow to have a Guidance Document prepared to support the requirement of 100 hours of individual face-to-face supervision by a LPC. The motion was seconded by Abigail Barnes and passed unanimously. The Credentials Review Committee will work with the Regulatory Committee in the preparation of this document. A motion was made by Kevin Doyle to issue a pre-NOIRA to amend 18 VAC 115-20-52-C and seconded by Mary Lou Argow. The motion passed unanimously.

The Board considered Counseling regulation 18 VAC 115-20-51-A, specifically the 4.5 quarter hour requirement which is affecting licensure options. A motion was made by Jack Knapp and seconded by Linda Seeman to issue a pre-NOIRA to eliminate the 4.5 quarter credit hour from the regulations. The motion passed unanimously. A motion was made by Jack Knapp and seconded by Linda Seeman to allow the Credential Review Committee to determine equivalency when reviewing files. The motion passed unanimously.

- **DISCIPLINE COMMITTEE REPORT:** Evelyn Brown reported the following:

17 Complaints in Investigation

3 Cases at Board Level

2 Informal Conferences to be scheduled

2 Consent Orders to be presented to the Board

- **NEWSLETTER COMMITTEE:** Maurice Graham\ reported that:
Volume 5 – Issue 1 of the Newslink has been completed and has been on the website since February 2, 2005 and has been mailed to those on the mailing list.

OLD BUSINESS: Board members whose terms expire in June will be recognized at the June 3, 2005 meeting.

NEW BUSINESS: The June 30, 2005 renewal will offer licensees the option of “Inactive Status” for the first time.

NEXT MEETING: June 2 & 3, 2005

ADJOURN:

1:45 P.M.