

DRAFT MINUTES
BOARD OF COUNSELING
JUNE 9, 2006

TIME & PLACE: The meeting was called to order at 10:10 A.M. on June 9, 2006 in Board Room 3 at the Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia.

PRESIDING: Kevin S. Doyle, Ed.D., Chair

MEMBERS PRESENT: Mary Lou Argow
Donnie G. Conner, Ph.D.
Kevin S. Doyle, Ed.D.
Philip Haber
Jack Knapp, D.D.
Charles R. McAdams, Ed.D.
Yvonne Ortega
Karen Rosen, Ed.D.
Linda Seeman, Ph.D.
Sandra Stith, Ed.D.
Luke Torian, D. Min.
John Penn Turner
Natale Ward

MEMBERS ABSENT: Alan Forrest, Ed.D.

STAFF PRESENT: Evelyn B. Brown, Executive Director
Benjamin Foster, Deputy Executive Director
Robert Nebiker, Deputy Director, DHP
Sandra Ryles, Chief Deputy Director, DHP
Diana Pollick, Administrative Assistant

GUESTS PRESENT: None

PUBLIC COMMENT: None

APPROVAL OF MINUTES: A motion was made to accept the minutes of the February 17, 2006 meeting by Ms. Argow and seconded by Natale Ward. The motion passed unanimously.

CHAIR: Dr. Doyle stated that Dr. Jack Knapp would be ending his second term of service to the Board at the end of this meeting and commended his years of service.

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EXECUTIVE
DIRECTOR:

Evelyn Brown reported that the reduced renewal fees for the 2006 renewal were in place, and that the number of people renewing online this year had increased dramatically from 2005.

CLEAR CONFERENCE: Mr. Nebiker gave an overview of the history of the Council on Licensure, Enforcement and Regulation (CLEAR) and shared the highlights of the upcoming conference to be held at the Mark Hilton in Alexandria, VA. on September 12 – 14, 2006.

CITIZEN ADVOCACY CENTER CONFERENCE:
Mr. Nebiker gave an overview of the history of the Citizen Advocacy Center (CAC) and of the upcoming conference to be held on October 17-20, 2006 at the Williamsburg Hospitality House. One focus of the conference will be discussion on what discipline should be public information. First consideration to attendance should go to the citizen members of the Board.

Up to three Board members can attend each conference at Board expense. Interested parties should contact Kevin Doyle by July 1, 2006.

COMMITTEE REPORTS:

○ **BOARD OF HEALTH PROFESSIONS: NATALE WARD**

The BHP is requesting information from all Boards in DHP regarding telehealth information. When the information is received and reviewed the BHP will then determine what position the BHP will take. Ms. Ward announced that she is completing her first term with the BHP but will not be seeking reassignment.

○ **REGULATORY COMMITTEE: DR. KEVIN DOYLE**

1. The current NOIRA is moving through the regulatory process and the Board is waiting for approval to take action.
2. Qualifications of Supervisors: Dr. Doyle stated that the problem is that there is not enough guidance in the current regulatory language. The issue before the Board is what skills potential supervisors would need to acquire, i.e., graduate level coursework, CE's,

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etc., and then what is the justification for moving forward with proposed regulatory amendments. The Regulatory Committee has examined requirements of other states and has also looked into some credentials that already exist, specifically NBCC, AAMFT and the Pastoral Counselors Association. The next step might be to see if a "job analysis" has been performed by one of these organizations in order to determine what those organizations isolated as "qualifiers" for supervisors. Staff agreed to contact the above organizations to determine if job analyses were done and to see if copies could be obtained. Also, a case study must be done to put forth justification for statutory or regulatory changes. Mr. Nebiker stated that it would be wise to work on the supervisory process and the degree of regulation needed and that perhaps a survey could be done to help determine this. A survey done in 2000 yielded results that 70% of residents were satisfied with the residency process.

Dr. Rip McAdams had done extensive research for the Regulatory Committee meeting held on June 8, 2006 and those handouts were shared with the full Board. The documents primarily verified what other states required when approving supervisors.

Ben Foster explored the AAMFT and Pastoral Counselors Association websites and disseminated information regarding qualifications for supervisors that they each use.

Ben Foster also shared with the Board that in 2004 the Board put forth a NOIRA addressing endorsement, portability and supervision, and that NOIRA still exists. Mr. Foster suggested that the Board withdraw that NOIRA since a new NOIRA has been put forth addressing the same issues. Philip Haber moved to withdraw the 2004 NOIRA and Yvonne Ortega seconded it. The motion passed unanimously.

○ **CONTINUED COMPETENCY: BEN FOSTER**

Mr. Foster disseminated the April 19, 2006 regulations stating that the only change was the one-time reduction fee for the 2006 renewal period.

Mr. Foster presented the "Proposed Audit Plan" for the Board's review. Discussion followed resulting in many Board members desiring to increase the percentage audited.

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Further discussion led to keeping the 2% audit examining the results for the first few years and to making any adjustments based on that data. A discussion about disciplinary action for those who violate the continued competency regulations arose based on first year findings, among which were those who checked the attestation box falsely, an act for which many Boards impose significant fines for. A discussion followed regarding such a deliberate falsification and the consensus was that a possible fine, probation or restriction of license should result. Further, it was discussed that when Informal Conferences became necessary for continued competency discipline the Board could use the services of an Agency Subordinate rather than the Discipline Committee. Jack Knapp made a motion to use Agency Subordinates for Continued Competency Informal Fact Finding Conferences, and that the guidance document currently on the Boards website be amended to reflect the possible disciplinary actions for falsely attesting to the continued competency requirement. Mary Lou Argow moved to accept the motion and John Penn Turner seconded the motion which passed unanimously.

○ **CREDENTIALS REVIEW COMMITTEE: MARY LOU ARGOW
& DR. DONNIE CONNER**

Dr. Conner reported the ongoing Liberty University syllabi review resulted in the Committee determining that they would accept segmented courses as long as there was evidence of progressive learning and all segments of the course were completed.

Dr. Conner also reported that the Committee has determined that one (1) or two (2) credit courses would be accepted when applicants have completed 3 semester hours or four quarter hours in the core content areas and have only elective remaining.

Dr. Conner reported that a discussion was held regarding the comparability of some of the coursework for those in a LPC track and those in an MFT track. It was the Committee's determination that they are similar in content and should be able to be applied to both licenses.

Dr. Conner reported that a minimum of 1 hour of supervision per every 20 hours worked is the intent of the regulations and that if residents receive more than that it is acceptable since they still have to meet the 4,000 hours of supervised experience requirement.

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Dr. Conner reported that the Committee reviewed 14 applicant files.

- **DISCIPLINE COMMITTEE: DR. LINDA SEEMAN**
Dr. Seeman reported that there are 21 complaints in investigation, 6 cases at Board level, 3 Informal Fact Finding Conferences to be held, 1 formal hearing to be held and 1 Credentials Informal Hearing to be held.
- **PUBLIC RELATIONS COMMITTEE: PHILIP HABER**
Mr. Haber stated that the first online Newsletter is out and that instead of post card notices to those on the mailing list a letter was sent regarding the online publication. Mr. Haber also announced that Dr. Luke Torian has volunteered to sit on the Public Relations Committee.

OLD BUSINESS:

- Mr. Nebiker reported to the Board that he had contacted DMHMR&SAS regarding the hiring of non-licensed consultants by CSB's to provide counseling services that should be rendered by someone holding a license. He stated that Jane Hickey, Deputy Attorney General and Counsel to both DHP and DMHMR&SAS reminded DMHMR&SAS of the existing laws and requirements. Ms. Hickey contacted Dr. Rhinehart and others at CSB's to bring forth this issue and current laws. There are no specific cases known but should any become known they would have to be reported to the Commonwealth's attorney.
- Dr. Kevin Doyle reported that the Board of Social Work has rejected the Boards request that Licensed Professional Counselors be approved to supervise social work trainees. A discussion ensued, but no further course of action was planned at this time.
- Dr. Doyle reported that the Board had received a letter from AASCB regarding portability. Dr. Doyle will respond to the letter.
- Dr. Doyle stated that the Board should extend an invitation to VACC to attend the August Board meeting regarding the proposal to change the title "professional counselor" to "clinical counselor".

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NEW BUSINESS: ELECTION OF OFFICERS/VICE CHAIR

Dr. Doyle stated that Dr. Jack Knapp has completed his 2nd term on the Board and with his departure a new Vice Chair needs to be elected. Dr. Doyle put forth the nomination of Linda K. Seeman as Vice Chair for the Board of Counseling and asked her if she would consider the nomination. Dr. Seeman accepted the nomination. Jack Knapp made a motion to have Linda Seeman be the next Vice Chair and Natale Ward seconded it. The motion passed unanimously.

ADJOURN:

Dr. Jack Knapp made a motion to adjourn at 12:30 PM. Dr. Karen Rosen seconded the motion which passed unanimously.