

**BOARD OF COUNSELING
QUARTERLY BOARD MEETING
Friday, May 19, 2017**

- TIME AND PLACE:** The meeting was called to order at 10:06 a.m. on Friday, May 19, 2017, in Board Room 3 at the Department of Health Professions, 9960 Mayland Drive, Henrico, Virginia.
- PRESIDING:** Kevin Doyle, Ed.D., LPC, LSATP
- BOARD MEMBERS PRESENT:** Johnston Brendel, Ed.D., LPC, LMFT
- Charles Gressard, Ph.D., LPC, LMFT, LSATP
Jane Engelken, LPC, LSATP
Danielle Hunt, LPC
Bev-Freda L. Jackson, Ph.D., MA, Citizen Member
Sandra Malawer, LPC, LMFT
Phyllis Pugh, LPC, LMFT, CSAC
Vivian Sanchez-Jones, Citizen Member
Terry R. Tinsley, Ph.D., LPC, LMFT, CSOTP, NCC
Holly Tracy, LPC, LMFT
- BOARD MEMBERS ABSENT:** Cinda Caiella, LMFT
- STAFF PRESENT:** Tracey Arrington-Edmonds, Licensing Specialist
Christy Evans, Discipline Case Specialist
Lisa Hahn, DHP Chief Deputy Director
Jaime Hoyle, JD, Executive Director
Jennifer Lang, Deputy Executive Director
Charlotte Lenart, Licensing Manager
James Rutkowski, Assistant Attorney General
Elaine Yeatts, DHP Senior Policy Analyst
- WELCOME & INTRODUCTIONS:** Dr. Doyle welcomed the Board members, staff, and the general-public.
- ADOPTION OF AGENDA:** The agenda was adopted as presented.
- PUBLIC COMMENT:** Cynthia Miller, Ph.D., M.Ed., B.A., LPC, Program Director of Counseling and Psychology, Master of Arts in Clinical Mental Health Counseling at South University. Dr. Miller stated that she was not providing public comment as a school representative. Dr. Miller would like for the Board to consider amending the proposed emergency regulations of Peer Recovery Specialists & Qualified Mental Health Professionals (QMHP) to allow persons with other counseling-related graduate degrees with clinical experiences to be eligible to register as a QMHP.
- Dr. Gerard Lawson agreed with Dr. Miller's request for the Board to consider amending the proposed Peer Recovery Specialist & Qualified Mental Health Professional (QMHP).

Dominique Adkins asked the Board to consider the items listed in her petition for rulemaking regarding Doctoral level practicum supervised hours.

APPROVAL OF MINUTES:

A motion was made by Dr. Brendel and seconded by Ms. Jane Engelken to approve the minutes of the January 27, 2017 Board meeting. The motion passed unanimously to approve the minutes.

DHP DIRECTOR'S REPORT:

Ms. Hahn reported on the increase in the number of fatal opioid overdoses in Virginia and how the Department of Health Professions (DHP) was working to address the crisis among its regulatory boards. The fatal opioid overdoses have been on a constant increase since 2007 when the total was 515. In 2016, the total number of opioid deaths totaled 1133. A majority of the opioid addictions started out with legitimate prescriptions for injuries and chronic pain.

The Prescription Monitoring Program received a grant to help combat the epidemic of opioid addiction. The agency is creating a workgroup and would like the participation of schools and licensed professionals that treat addictions for commentary and participation in order to create better educational requirements for prescribers.

CHAIRMAN REPORT:

Dr. Doyle thanked the Board Members whose terms expire on June 30, 2017 for their service. Dr. Doyle commented on the removal of a guidance document from the website. Even though the guidance document was removed by staff at the direction of board counsel, Dr. Doyle commented that the Board Members should still be informed prior to any guidance documentation being removed from practice and website.

EXECUTIVE DIRECTOR'S REPORT:

Ms. Hoyle welcomed and thanked everyone in attendance and thanked staff for keeping the applications within the 30 business days processing time. She informed the members that the Board will be utilizing a college intern student for eight weeks beginning June 2017. She also stated that she continues to represent the Board by informing other agencies about the licensure process and collaborating regarding upcoming regulations changes.

The Board's operating budget report as of March 31, 2017 was provided in the agenda packet. The Board fee increases that took effect on February 8, 2017 would be reflected on the next quarters report.

DEPUTY EXECUTIVE DIRECTOR'S DISCIPLINE REPORT:

Ms. Lang reported the Board previously had 132 open cases with 77 requiring a probable cause review, with 2.5 years as the oldest to be reviewed. Currently, as of 5/12/2016, the Board has 23 open cases with four requiring a probable cause review and three of those are with board members. The oldest case was received by the Board on 3/14/2017.

LICENSING MANAGER'S REPORT:

Mrs. Lenart reported as of the end of the third quarter for fiscal year 2017 (January 1, 2017 – March 31, 2017), the Board of Counseling regulated 7,784

licensees. Since the last Board meeting, the Board licensed 244 individuals and the Board of Counseling staff continues to work hard to provide feedback to applicants within 24 hours and to process completed applications within 30 business days.

In the Board's effort to "Go Green", the 2018 Renewal notices will only be distributed by email so it is important that all licensees make sure that their most current mailing address and email address are updated with the Board. The 2017 license renewal notices were both mailed and emailed. Only 217 or 3 % of the 7,258 emailed renewal notices sent were undeliverable. It is estimated that this "Go Green" initiative will save the Board approximately \$3,000 per year. Additionally, in efforts to go paperless, the Board will no longer print agenda packets, regulations, or other documentation for the public as this information is available on the Board of Counseling website.

In 2016, 466 individuals took the National Board for Certified Counselors (NBCC), National Clinical Mental Health Counseling Examination for Virginia of which 67% of the applicants passed the examination. Additionally, 117 individuals took the NAADAC, the Association for Addiction Professionals, National Certified Addiction Counselor Level I examination of which 74% who took the exam passed.

BOARD COUNSEL REPORT:

No report.

**BOARD OF HEALTH
PROFESSIONS REPORT:**

Dr. Doyle stated that the Board of Health Professions meeting primarily focused on the fatal opioid overdose epidemic in Virginia. The crisis has had an immediate impact on the Board of Counseling as reflected in the creation of the proposed emergency regulations requiring the registration for Peer Recovery Specialists under the Board of Counseling.

**REGULATORY COMMITTEE
REPORT:**

Dr. Gressard reported that the Regulatory meeting focused primarily on changes to the Certified Substance Abuse Counselor (CSAC) and Certified Substance Abuse Counselor Assistant (CSAC-A) Regulations, and that he was proud of the hard work put into updating the regulations. The Board reviewed the Regulatory Committee recommended changes. The changes were approved with all in favor.

During the Regulatory Committee Meeting, Dr. Doyle moved to amend section 18VAC115-60-50 of the Regulations Governing Licensed Substance Abuse Treatment Practitioners and to delete Regulations 18VAC115-60-50(6) which requires an official transcript documenting the applicant's completion of the education requirements prescribed in 18VAC115-60-60 and 18VAC115-60-70. The change was approved with all in favor.

Additionally, Ms. Hunt moved that Regulations Governing the Practice of Professional Counseling, Marriage and Family Therapist and Licensed

Substance Abuse Treatment Practitioners be amended to state that first-time licensees by examination are not be required to verify continuing education on the first renewal date following initial licensure. The change was approved with all in favor.

The next Regulatory Committee meeting is scheduled for July 21, 2017 at 10:00 a.m.

UNFINISHED BUSINESS:

None.

NEW BUSINESS:

Regulatory/Legislative Report – Mrs. Yeatts provided a chart detailing the below regulatory actions status of regulations for the Board as of May 5, 2017.

- 18VAC 115-20 Regulations Governing the Practice of Professional Counseling requirement for CACREP accreditation for educational programs (action 4259). The proposed *Register date was 5/15/17 and the comment period is from 5/15/17 to 7/14/17.*
- 18VAC 115-30 Regulations Governing the Certification of Substance Abuse Counselors updating and clarifying regulations (Action 4691). The NOIRA *register date was 1/23/2017 and the Board adopted the proposed regulation changes previously.*

Discussion on Peer Recovery Specialist and Qualified Mental Health

Professional(QMHP) – The Department of Behavioral Health and Developmental Services (DBHDS) Emergency Regulations Governing the Registration of Peer Recovery Specialist public comment forum will open on May 29, 2017 and remain open through June 28, 2017. The Board of Counseling will need to adopt emergency regulations regarding the Registration of Peer Recovery Specialist and Qualified Mental Health Professionals (QMHP) on August 18, 2017.

Ms. Yeatts suggested that the Board create a Regulatory Advisory Panel (RAP) to assist in drafting emergency regulations. Dr. Brendal moved that the Board form a Regulatory Advisory Panel (RAP) to assist the Board in drafting emergency regulations, and to endure stakeholder issues and concerns are addressed. The motion was seconded and passed with all in favor.

Petition for Rule-Making – The petition submitted by Ms. Adkins proposed that the Board consider accepting the use of Doctoral practicum or internship hours toward the residency if the program and hours meet certain requirements. Dr. Brendel moved to proceed with a Notice of Intended Regulatory Action("NOIRA") notice to amend the regulation. A detailed discussion should be added to the next Regulatory Meeting, it was seconded by Ms. Hunt and passed with all in favor.

Board Developmental Meeting – The Board Development Meeting will take place at the Department of Health Professions, 9960 Mayland Drive, Henrico, Virginia on August 17, 2017 at 10:00 a.m. the agenda will be provided at a later date.

NEXT MEETING: A Board Development Day is scheduled for August 17, 2017 at 10:00 a.m. and the Quarterly Board Meeting is scheduled for August 18, 2017 at 10:00 a.m.

CLOSED MEETING: Ms. Engelken 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 agency subordinate recommendations. She further moved that James Rutkowski, Jaime Hoyle, Jennifer Lang, Christy Evans, Charlotte Lenart, and Tracey Arrington-Edmonds attend the closed meeting because their presence in the meeting was deemed necessary and would aid the Board in its consideration of the matters. The motion was seconded and carried unanimously.

RECONVENE: Ms. Engelken moved that pursuant to §2.2-3712 of the *Code of Virginia*, the Board of Counseling heard, discussed or considered only those public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as identified in the original motion. The motion was seconded and carried unanimously.

DECISIONS: **Donell Braxton, LPC Applicant**
Mr. Braxton did not appear.
The agency subordinate recommended that the Board of Counseling deny Mr. Braxton's application for licensure by examination.

Stephen Thomas, LPC Applicant
Mr. Thomas did not appear.
The agency subordinate recommended that the Board of Counseling deny Mr. Thomas' application for licensure by examination

Judith Gagne, LPC Applicant
Ms. Gagne did not appear.
The agency subordinate recommended that the Board of Counseling deny Ms. Gagne's application for registration of supervision, as a preliminary requirement for licensure by examination.

William Nufer, LPC Applicant
Mr. Nufer did appear.
The agency subordinate recommended that the Board of Counseling deny Mr. Nufer's application for licensure by endorsement.

Ms. Hunt moved that the Board of Counseling accept the recommended decisions of the agency subordinate. The motion was seconded by Ms. Tracy and passed unanimously.

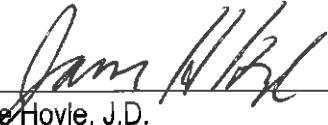
ADJOURN:

The meeting adjourned at 12:54 p.m.



Kevin Doyle CRC, LSATP

Kevin Doyle, Ed.D., LPC, LSATP
Chairperson



Jaime Hoyle

Jaime Hoyle, J.D.
Executive Director