

**BOARD OF COUNSELING
QUARTERLY BOARD MEETING
Friday, February 8, 2019**

TIME AND PLACE: Dr. Doyle called the meeting to order at 10:03 a.m. on Friday, February 8, 2019, in Board Room 1 at the Department of Health Professions, 9960 Mayland Drive, Henrico, Virginia.

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

BOARD MEMBERS PRESENT: Barry Alvarez, LMFT
Johnston Brendel, Ed.D., LPC, LMFT
Natalie Harris, LPC, LMFT
Bev-Freda L. Jackson, Ph.D., MA, Citizen Member
Vivian Sanchez-Jones, Citizen Member
Maria Stransky, LPC, CSAC, CSOTP
Terry R. Tinsley, Ph.D., LPC, LMFT, CSOTP, NCC
Holly Tracy, LPC, LMFT
Tiffinee Yancey, Ph.D., LPC

BOARD MEMBERS ABSENT: Jane Engelken, LPC, LSATP
Danielle Hunt, LPC

STAFF PRESENT: Christy Evans, Discipline Case Specialist
Jaime Hoyle, J.D., Executive Director
Jennifer Lang, Deputy Executive Director
Charlotte Lenart, Licensing Manager
Brenda Maida, Licensing Specialist

OTHERS PRESENT: David E. Brown, D.C., DHP Director
James Rutkowski, Assistant Attorney General
Allyson Tysinger, Senior Assistant Attorney General
Elaine Yeatts, DHP Senior Policy Analyst

WELCOME & INTRODUCTIONS: Dr. Doyle welcomed the Board members, staff, and general-public in attendance.

ADOPTION OF AGENDA: The Board adopted the agenda after agreeing to move the consideration of policy action on conversion therapy discussion and the presentation regarding interstate compacts prior to the discussion on legislation and regulatory actions.

PUBLIC HEARING See "Attachment A"

PUBLIC COMMENT: Members of the public provided comments that included personal experience with conversion therapy, the need for clearly defining conversion therapy, the concern that conversion therapy is not evidence-based treatment and the request to follow the Board of

Psychology in developing a Guidance Document related to this issue.

APPROVAL OF MINUTES:

Upon a motion made by Dr. Brendel, and seconded by Ms. Sanchez-Jones, the Board voted unanimously to approve the Quarterly Board meeting minutes of November 2, 2018.

Upon a motion made by Dr. Brendel, and seconded by Ms. Stransky, the Board voted unanimously to approve the QMHP Information Session minutes of November 27, 2018.

DHP DIRECTOR'S REPORT:

Dr. Brown apologized for not including a member from the Board of Counseling in the workgroup related to *Virginia Core Competencies in Addiction, Opioids and Pain Management for Non-Prescribers*.

Dr. Brown reviewed and discussed the Board's options regarding the Board's regulatory action related to requiring accreditation by the Council for Accreditation of Counseling & Related Educational Programs (CACREP).

Dr. Brown reported that the agency is working on a new website. The new website will be user-friendly for both internal staff as well as the public. In addition, the agency is working on having wireless capability for the public during board meetings.

CHAIRMAN REPORT:

Dr. Doyle encouraged Board members to attend the Counseling Regulatory Boards Summit on August 7-9, 2019 in Washington, D.C. Dr. Doyle covered many other issues related to the chairman report throughout other parts of the agenda.

LEGISLATION AND REGULATORY ACTIONS:

Regulatory/Legislative Report - Ms. Yeatts provided a chart of current regulatory actions as of January that listed:

- 18VAC 115-20 Regulations Governing the Practice of Professional Counseling - requirement for CACREP accreditation for educational programs (action 4259); Re-Proposed at the *Attorney General*.
- 18VAC 115-20 Regulations Governing the Practice of Professional Counseling – Credential review for foreign graduates (Action 5089) Proposed – At *Secretary's Office for 3 days*
- 18VAC 115-20 Regulations Governing the Practice of Professional Counseling - acceptance of doctoral practicum/internship hours towards residency requirements (action 4829); Final – At *Secretary's Office for 7 days*

- 18VAC 115-30 Regulations Governing the Certification of Substance Abuse Counselors updating and clarifying regulations (Action 4691) –proposed – Registered Date: 10/29/18, Comment closed: 12/28/18, Board to adopt final: 2/8/19.

Mr. Alvarez motioned to adopt proposed amendments as final regulations. Ms. Stransky seconded the motion, and it passed unanimously.

- 18VAC115-70 Regulations Governing the Registration of Peer Recovery Specialist (under development) – Initial regulations for registration (action 4890) emergency/NOIRA – Proposed – Register Date: 2/4/19, Comment period: 2/4/19 to 4/6/19
- 18VAC115-80 Regulations Governing the Registration Qualified Mental Health Professionals (under development) – Initial regulations for registration (action 4891) emergency/NOIRA Proposed – Register Date: 2/4/19, Comment period: 2/4/19 to 4/6/19

Periodic Review:

The Board reviewed the Regulatory Committee's recommended changes to the Professional Counseling Regulations. Dr. Brendel made a motion, which was properly seconded, that the Board adopt the recommended changes to the Regulations Governing the Practice of Professional Counseling in concept and publish the draft language along with a Notice of Intended Regulatory Action (NOIRA). The motion was passed unanimously.

The Board reviewed the Regulatory Committee's recommended changes to the Marriage and Family Therapy Regulations. Dr. Brendel motioned, which was properly seconded, that the recommended changes to the Regulations Governing Marriage and Family Therapists in conception be published as a Notice of Intended Regulatory Action (NOIRA) with the draft language. The motion passed unanimously.

The Board reviewed the Regulatory Committee's recommended changes to the Substance Abuse Treatment Practitioners Regulations. Dr. Brendel motioned, which was properly seconded, that the Board adopt the recommended changes to the Regulations Governing Licensed Substance Abuse Treatment Practitioners in concept and publish the draft language along with a NOIRA. The motion passed unanimously.

Petition for Rule-Making:

Willard Vaughn, LPC, LSATP, CSAC petitioned the Board to amend the Regulations to prohibit those who are considered "Residents in Counseling" from promoting or advertising their services independently in any manner to solicit business from the general public.

Dr. Brendel made a motion, which was properly seconded, to not move forward/reject the petitioner's request. The motion passed unanimously.

Jamie West, Resident in Marriage and Family Therapy, petitioned the Board to amend the Regulations Governing Marriage and Family Therapists to allow for up to 900 hours of supervised experience in a Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE) or CACREP doctoral program toward hours of residency.

Dr. Brendel motioned, which was properly seconded, to accept the petitioner's request using the wording presented by Ms. Yeatts and to adopt the amendments as a fast-track action. The motion passed unanimously.

UNFINISHED BUSINESS:

Consideration of Policy Action on Conversion Therapy-

The Board discussed the draft Guidance Document providing guidance on its interpretation of a standard of conduct in regulation that persons regulated by the Board must practice in a manner that does not endanger the public health, safety, or welfare. The Guidance Document cites professional sources that state that practicing conversion therapy/sexual orientation change efforts with minors has the potential to be harmful and therefore could result in a finding of misconduct and disciplinary action against the licensee, certificate holder, or registrant of the Board. Dr. Brendel made a motion, which was appropriately seconded, that the Board accept the draft Guidance Document on conversion therapy, as presented by Ms. Yeatts, with amendments. The motion passed with nine in favor, one in opposition.

Dr. Brendel motioned, which was appropriately seconded, that the Board adopt a NOIRA regarding the practice of conversion therapy for the Regulations Governing the Practice of Licensed Professional Counselors, Marriage and Family Therapists, Licensed Substance Abuse Treatment Practitioners and Certified Substance Abuse Counselors. The motion passed with eight in favor, two in opposition.

Reciprocity Agreements-

The Board discussed reciprocity agreements. The Code allows the Board to enter into such an agreement; however, the Board would need to adopt regulations regarding reciprocity agreements if it wanted to go that route. The Board decided to take no action take at

this time.

Criminal Background Checks –

No action taken. The Board will discuss the issue more at a future meeting.

PRESENTATION:

Dr. David Kaplan, Ph.D., Chief Professional Officer, American Counseling Association (ACA) provided a presentation on ACA's efforts in developing an Interstate Professional Licensing Compact to allow for those who are licensed to engage in multistate practice and to allow for pathway to seamlessly move from one state to another and offer their services.

Dr. Brendel motioned, which was appropriately seconded, that the Board support ACA in the process for the advancement of the Interstate Professional Licensing Compact. The motion passed unanimously.

EXECUTIVE DIRECTOR'S REPORT:

Ms. Hoyle presented the financials that were included in the agenda packet, and updated the Board on the Qualified Mental Health Professionals (QMHPs).

DEPUTY EXECUTIVE DIRECTOR'S DISCIPLINE REPORT:

Ms. Lang presented the discipline statistics, current number of open cases and Key Performance Measures, and indicated that she included the report in the agenda packet.

LICENSING MANAGER'S REPORT:

Ms. Lenart reported that in 2018, the Board received over 17,000 online applications for QMHPs and Registered Peer Recovery Specialists.

On November 27, 2018, the Board facilitated and led a QMHP Information session. Representatives from the Department of Behavioral Health and Developmental Services (DBHDS) and the Department of Medical Assistance Services (DMAS) presented information and helped to answer questions concerning the registration of QMHPs. Feedback was positive and the session was overall helpful for those who attended.

Ms. Lenart provided a staffing update and thanked her staff for working tirelessly in processing the overwhelming amount of applications, phone calls, and emails.

BOARD COUNSEL REPORT: No report.

BOARD OF HEALTH PROFESSIONS REPORT: No report.

**LEGISLATIVE/REGULATORY
COMMITTEE REPORT:**

Ms. Tracy made a motion, which was appropriately seconded, to approve the Guidance Document related to the scope of practice for substance abuse practitioners as amended. The motion passed unanimously.

**AD HOC COMMITTEE ON
TELE-ASSISTED
COUNSELING AND
SUPERVISION REPORT:**

Mr. Tinsley indicated that that Ad-hoc committee will meet again in May. Mr. Tinsley reported that he will attend the Mid-Atlantic Telehealth Resource Center (MATRC) Telehealth Summit in March. Additionally, Mr. Tinsley reported that MATRC will be presenting at the next Board meeting.

NEW BUSINESS:

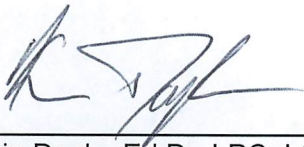
Preliminary conversation regarding the Board goals for 2019 were discussed. A more detailed discussion to occur at the at the May 2019 meeting.

NEXT MEETING:

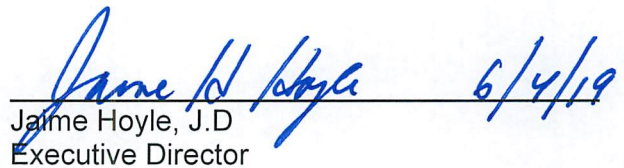
Next scheduled Quarterly Board Meeting is May 31, 2019 at 10:00 a.m.

ADJOURN:

The meeting adjourned at 2:43 p.m.



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



Jaime Hoyle, J.D
Executive Director

ATTACHMENT A

**Virginia Board of Counseling
Public Hearing**

- Time and Place:** Friday, February 8, 2019 at 9:15 a.m.
Virginia Department of Health Professions
Perimeter Center, 2nd Floor, Board Room 1
9960 Mayland Drive, Henrico, Virginia 23233
- Presiding:** Kevin Doyle, Ed.D., LPC, LSATP, Chairperson
- Members Present:** Barry Alvarez, LMFT
Johnston Brendel, Ed.D., LPC, LMFT
Natalie Harris, LPC, LMFT
Bev-Freda L. Jackson, Ph.D., MA, Citizen Member
Vivian Sanchez-Jones, Citizen Member
Maria Stransky, LPC, CSAC, CSOTP
Terry R. Tinsley, Ph.D., LPC, LMFT, CSOTP, NCC
Holly Tracy, LPC, LMFT
Tiffinee Yancey, Ph.D., LPC
- Staff Present:** Christy Evans, Discipline Case Specialist
Jaime Hoyle, Executive Director
Jennifer Lang, Deputy Executive Director
Charlotte Lenart, Licensing Manager
Brenda Maida, Licensing Specialist
- Others Present:** David E. Brown, D.C., DHP Director
James Rutkowski, Assistant Attorney General
Allyson Tysinger, Senior Assistant Attorney
Elaine Yeatts, DHP Senior Policy Analyst
- Purpose of the Hearing:** To hear public comment related to the proposed Regulations Governing the Registration of Peer Recovery Specialists and Regulations Governing the Registration of Qualified Mental Health Professionals.
- Public Comment:** Dianne Simons, Ph.D., OTR/L, FAOTA VCU Assistant Professor provided written and verbal comments regarding the history, education, licensing qualification and recognition of the occupational therapy as a provider of mental health service by congressional actions and federal agencies, QMHP requirements in other states and mental health provided by occupational therapist worldwide. Ms. Simons request the Board consider amending the requirements for Part II Requirements for Registration 18VAC115-80-40 B.5. and 18VAC115-80-50 B.4 to accept licensure as an occupational therapist by the Board of Medicine (§ 54.1-2900 of the Code of Virginia) with a master's or doctoral degree, and an internship or practicum of at least 500 hours with person with mental illness or one year of experience in a mental health setting.

Judith Coleman, QMHP-A, QMHP-C provided public comment regarding her QMHP-C registration. Ms. Coleman stated that she was approved by the Virginia Board of Counseling for QMHP-C registration; however, during a recent audit the Virginia Department of Behavioral Health & Developmental Services (DBHDS) cited her agency due to Mr. Coleman not having a human services or special education degree. Ms. Coleman stated that this type of citation was unfair as she was approved by the Virginia Board of Counseling as a QMHP-C but DBHDS states that she does not qualify.

Joni Watlings, OTR/L provided public comment regarding requirement for occupational therapist for registration as a QMHP. Ms. Watlings supports the statements of Dr. Simons and asked the Board to consider changing the wording to the regulations regarding occupational therapist as stated by Dr. Simons.