

**VIRGINIA BOARD OF COUNSELING
REGULATORY COMMITTEE MEETING**

Thursday, October 29, 2015

The Regulatory Committee of the Virginia Board of Counseling ("Board") convened at 2:09 p.m. on Thursday, October 29, 2015 at the Department of Health Professions, 9960 Mayland Drive, Richmond, Virginia. Dr. Charles Gressard called the meeting to order.

COMMITTEE CHAIRPERSON: Charles Gressard, Ph.D., LPC, LMFT, LSATP, Chairperson

**COMMITTEE MEMBERS
PRESENT:** Johnston Brendel, Ed.D., LPC, LMFT
Kevin Doyle, Ed.D., LPC, LSATP
Joan Normandy-Dolberg, LPC
Vivian Sanchez-Jones, Citizen Member

**COMMITTEE MEMBERS
ABSENT:** Cinda Caiella, LMFT
Joseph Scislowicz, LPC, LMFT

STAFF PRESENT: Tracey Arrington-Edmonds, Administrative Assistant
Jaime Hoyle, Esq., Executive Director
Marcie Hyman, Licensing Manager
Jennifer Lang, Deputy Executive Director
Elaine Yeatts, Senior Policy Analyst

PUBLIC COMMENT:

The Committee welcomed members of the public (representatives from Virginia Art Therapy Association (VATA), American Art Therapy Association (AATA), Virginia Treatment Center for Children, Harbor Point BHC, Shenandoah Art Therapy, LLC and current Board approved residents). Because the comment period had closed, no further comment was accepted on the petition for rulemaking.

Public comment was made by Gretchen Graves on behalf of Virginia Art Therapy Association (VATA) and Cynthia Woodruff and Dean Sagar on behalf of the American Art Therapy Association (AATA) on the matter of why the Board should support credentialing art therapy as a distinct mental health profession. Both organizations provided information to support the need for an independent credential, primarily as a public safety concern to address providers currently functioning as art therapists without the proper education and training. Additional information was provided to support the need for art therapists to obtain a credential separate from professional counseling, specifically the identifiable difference in the scope of practice, ethical guidelines, code of professional practice, the credentialing and certification process, and the pending independent accreditation status.

Without the art therapy credential in Virginia, many art therapists have been forced to seek licensure as professional counselors. There is an increase in national support of art therapy, with approximately 26 states with approved licenses or progression towards approval.

Committee members and Mrs. Yeatts advised that any action on the creation of a new license will require a statutory change through the General Assembly. However, the committee members are interested in further discussion of this matter.

DISCUSSION:

- II. **Review of Guidance Documents** (documents that require review periodically to comply with current laws and regulations) conducted by Elaine Yeatts, Senior Policy Analyst.
- A. **115-1.1 – Continuing Education Non-Compliance:** The review was completed and a motion was made by Dr. Doyle to recommend that the board accept continued use of the current document. The motion was seconded by Dr. Brendel and passed unanimously.
 - B. **115-1.4 – Guidance on Technology-Assisted Counseling/Supervision:** Following review of the document, changes were made to reflect the discussion. A motion was made by Dr. Brendel to recommend that the board accept the revised guidance document. The motion was seconded by Dr. Doyle and passed unanimously.
 - C. **115-2 – Impact of Criminal Convictions, etc. on Licensure or Certification:** The committee reviewed and discussed the document and determined that changes are not required at this time.
 - D. **115-2.2 – Guidance on Planned Intervention Process:** The committee reviewed and discussed the document and determined that changes are not required at this time.
 - E. **115-7 – Supervised Experience Requirements:** Following review and discussion, changes were made to coincide with language in Title 54.1, Chapter 35 of the *Code of Virginia*. A motion was made to recommend these changes to the board as a revised document. The motion was seconded by Ms. Normandy-Dolberg and passed unanimously.
 - F. **Discussion of guidance regarding supervision:** The committee discussed the possibility of presenting a guidance document for supervisors, specifically regarding reporting issues that present with board-approved Residents. It was decided that the planned Supervisor Summit in 2016 will help to resolve some questions.
- III. **Discussion of need for graduate level/resident license:** Board staff has discussed this matter with board counsel and the data processing department at DHP, in an effort to build on the current registration process, which would likely resolve the need for a graduate level license. Staff continues to gather information to present to the board at a later date.
- IV. **Discussion of need for additional licenses/certificates:**
- A. **Art Therapy license:** Any proposed legislation would depend on the Governor's Office or the General Assembly to introduce a bill to make it a state recognized credential. If the bill is introduced into the General Assembly, the board will review the matter further.
 - B. **Mental Health Provider certification:** Staff has been working the Department of Medical Assistance Services (DMAS) to discuss the types of services provided by unlicensed individuals under the DMAS guidelines. Committee members are interested in learning more about the comparison between DMAS requirements and state requirements for licensure, and encourage staff to continue the discussions. Staff will report additional information to the board and committee members as it becomes available.

V. **Discussion of Portability/Endorsement:** As a result of the reciprocity agreement between Kentucky and Tennessee the committee members discussed the advantages, as well as the concerns, with reciprocity. The committee decided to revisit this issue at a later date.

VI. **Discussion of issues/concerns for future Committee consideration:** No specific topics were suggested.

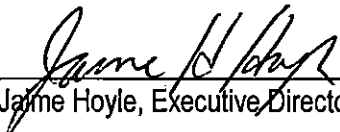
NEXT MEETING:

With no immediate concerns for the committee's consideration, members agreed to cancel the previously scheduled meeting for November 12, 2015.

ADJOURNMENT:

The meeting was adjourned at 4:50 p.m.

Charles Gressard, Chairperson



Jaime Hoyle, Executive Director

The minutes were approved during the May 19, 2016 meeting, as wr. Hen.