

**BOARD OF COUNSELING
QUARTERLY BOARD MEETING
Friday, February 9, 2018**

- TIME AND PLACE:** The meeting was called to order at 10:04 a.m. on Friday, February 9, 2018, in Board Room 1 at the Department of Health Professions, 9960 Mayland Drive, Henrico, Virginia.
- PRESIDING:** Kevin Doyle, EdD., LPC, LSATP, Chairperson
- BOARD MEMBERS PRESENT:** Barry Alvarez, LMFT
Johnston Brendel, EdD., LPC, LMFT
Jane Engelken, LPC, LSATP
Natalie Harris, LPC, LMFT
Danielle Hunt, LPC
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:** Tracey Arrington-Edmonds, Licensing Specialist
David E. Brown, D.C., DHP Director
Christy Evans, Discipline Case Specialist
Jaime Hoyle, Esq., 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 in attendance, who consisted of Tara Edwards (Northern Virginia Licensed Professional Counselors), Kelly Fitzgerald (Caliber), Jannie Ashburne, LPC, LaKeshia Reiney and Yaminah Knight (Taylor Starkwood Enterprise), and Arnold Woodruff (Virginia Association of Marriage and Family Therapy).
- ADOPTION OF AGENDA:** Dr. Doyle recommended the Board revise the agenda to add a CACREP discussion under Unfinished Business and a discussion of a Fall Summit under New Business. The agenda was adopted as recommended.
- PUBLIC COMMENT:** None.
- APPROVAL OF MINUTES:** Upon a motion by Dr. Brendel, which was properly seconded by Ms. Sanchez-Jones, the Board voted unanimously to approve the November 3, 2017 meeting minutes.
- DHP DIRECTOR'S REPORT:** Dr. Brown informed the Board of his reappointment as the Director of the Department of Health Professions. He also informed the Board of other appointments to the Health Secretariat.

Dr. Brown noted that the opioid crisis remains a public health emergency. He reported that the Prescription Monitoring Program (PMP) is now interoperable with North Carolina and that the UVA Health System will integrate its electronic medical records system with PMP.

Dr. Brown commended the development and availability to file a complaint online. The addition of the online complaint capability has increased the number of complaints to the agency.

Finally, Dr. Brown announced that DHP has acquired new space on the first floor of the building. DHP staff will move into the new space in March 2018. Once that staff moves, it will open up space on the third floor for boards, such as the Behavioral Sciences boards, to expand, as they are currently overcrowded and continue to grow.

CHAIRMAN REPORT:

Dr. Doyle reported that he attended that American Association of State Counseling Boards (AASCB) annual conference in January, and recommends that other board members and staff attend in the future. The conference focused on the portability of licensure.

EXECUTIVE DIRECTOR'S REPORT:

Ms. Hoyle reported that the Board's operating budget as of December 31, 2017 was provided in the agenda packet. She highlighted the continued increase in applications, and the use of overtime in order to process the applications within the agency's policy. She thanked staff for their hard work and introduced new staff, Dalcyce Logan, hired to handle the QMHPs and Peer Recovery Specialists.

DEPUTY EXECUTIVE DIRECTOR'S DISCIPLINE REPORT:

Ms. Lang indicated that the reports provided in the agenda packet are available on our website. She reported that the discipline totals from October 6, 2017 through January 11, 2018 are as follows: 43 total open cases; 36 cases closed; and, the average time for closing a case is 164 days.

Ms. Lang reported they have completed the continuing education audits for the last renewal cycle. She also advocated that student and residents attend hearings to obtain additional experience. She thanked the Board for working with the disciplinary staff in order to keep the cases up-to-date per agency requirements. Lastly, she informed the Board that she has been assisting with the Board of Social Work licensure process due to the vacant license manager position and thanked the Board of Counseling staff for assisting as well.

LICENSING MANAGER'S REPORT:

Ms. Lenart reported as of the end of second quarter of the 2018 Fiscal Year (October 1, 2017 – December 31, 2017), the Board of Counseling regulated 8,425 licensees and certificants. Since the last Board meeting on November 3, 2017, the Board licensed, certified, registered, or approved for residency 1,019 individuals.

The Board has received 950 QMHP online applications since January 3, 2018 and of those applications, staff has approved and registered

244. Daily the Board receives 40 to 50 online QMHP/Peer applications. Staff developed an Online Application Handbook and FAQs to help applicants navigate the registration and online application process.

Ms. Lenart introduced the newest member of the Board of Counseling staff, Ms. Dalyce Logan (a contract employee), who has the responsibility of processing QMHP and Peer applications. Additionally, the Board recently hired Ms. Brenda Maida, who previously worked as a contract employee with the Board of Counseling, as a full-time employee. Including Ms. Lenart, there are now three full time staff employees for the Board of Counseling.

Lastly, Ms. Lenart informed the Board that she presented Counseling and Social Work supervisor responsibilities and licensing information to the Hampton Newport News Community Services Board on January 18, 2018. The training was well received and there were numerous questions related to QMHPs.

BOARD COUNSEL REPORT: No report.

**BOARD OF HEALTH
PROFESSIONS REPORT:**

Dr. Doyle reported that the Board of Health Professions is conducting a study into the need to regulate the practice of art therapy. The Virginia Art Therapy Association initiated this request. Then, Dr. Doyle informed the Board that DHP had developed and approved a new logo for use in 2018. The new logo uses the colors blue, gold and green from the Seal of Virginia and these colors are commonly associated with healthcare practitioners.

**REGULATORY COMMITTEE
REPORT:**

Dr. Brendel thanked everyone that attended the Regulatory Committee meeting on February 8, 2018. He presented the Committee recommendations to the Board as listed below.

The current regulations do not clearly allow for the acceptance of foreign degrees. The Committee recommends the Board adopt a Notice of Intended Regulatory Action (NOIRA) to amend the Regulations to ensure applicants with foreign degrees have a pathway to licensure. Upon a motion by Dr. Brendel, which was properly seconded by Dr. Alvarez, the Board voted unanimously to adopt a NOIRA to amend the Regulations as recommended.

The Committee voted to recommend that the Board request DHP include in its 2019 legislative packet, a requirement for applicants to undergo a federal and state criminal background check prior to licensure. Dr. Doyle made a motion to recommend DHP's 2019 legislative packet include the criminal background check requirement. After discussion, Dr. Doyle withdrew his motion. Upon a motion by Dr. Brendel, which was properly seconded by Ms. Tracy, the Board voted unanimously to request Dr. Doyle request the Board of Health Professions discuss criminal background checks at its next meeting to determine the status of criminal background checks agency-wide.

The Committee recommends the Board amend Guidance Document 115-2: Impact of Criminal Convictions to reflect that the document applies to registrants as well as licensees and professional certifications. Upon a motion by Dr. Brendel, which was properly seconded by Ms. Tracy, the Board voted unanimously to amend Guidance Document 115-2: Impact of Criminal Convictions as recommended.

Ms. Yeatts outlined some of the suggestions for changes to the QMHP regulations that were included in the public comment received pursuant to the NOIRA. Ms. Yeatts recommended the Board hold another Regulatory Advisory Panel (RAP) to work with stakeholders to address the issues raised during the public comment period. Dr. Doyle recommended staff schedule a RAP prior to the next Regulatory Committee meeting in May. Additionally, Dr. Doyle requested that staff organize an inter-agency meeting pertaining to the Peer Recovery Specialists & QMHP regulations. The inter-agency meeting must take place prior to the proposed RAP.

Ms. Yeatts indicated that the Regulatory Committee determined it could address the issue regarding approved degrees immediately. The Committee voted to recommend the Board amend Guidance Document 115-8: Approved Degrees in Human Services and Related Fields for QMHP to allow a sociology degree. The Committee did not want to recommend adding criminal justice to the list of acceptable degrees. Dr. Brendel made a motion, which was properly seconded by Ms. Tracy, to amend the Guidance Document as recommended. After discussion, Dr. Brendel made a motion to amend Guidance Document 115-8: Approved Degrees in Human Services and Related Fields for QMHP to include a sociology degree until May 31, 2021. Ms. Harris seconded the motion and the motion passed unanimously.

Dr. Brendel reported that the Committee recommend the Board amend Guidance Document 115-1.9: National Certifications Approved by the Board for certification as a Substance Abuse Counselor by endorsement to include the NBCC-MAC. Upon a motion by Dr. Brendel, which was properly seconded by Ms. Hunt, the Board voted unanimously to amend the Guidance Document as recommended.

The Committee reviewed the Bylaws and approved some changes. It is required that the Board receive written notice of the changes in advance of the meeting, so the Board will not vote on any the changes to the Bylaws until the May 18, 2018, and the bylaws will be included in the agenda packet. Ms. Yeatts had asked the Committee to request the Board discuss whether to amend the bylaws to decrease the amount of time an officer can serve on the Board from a two-year term to a one-year term. After discussion, the Board declined to recommend a change to the bylaws.

UNFINISHED BUSINESS:

Dr. Doyle requested staff initiate conversations with the Administration regarding CACREP, and update the Board at the next meeting.

NEW BUSINESS:

The Board recommended holding two summits in the Fall, one related to supervision and the other related to QMHPs and Peer Recovery Specialists. Dr. Doyle requested staff organize and schedule the summits.

Dr. Tinsley requested that the Board research the use of tele-therapy and decide how the Board of Counseling should regulate its usage in Virginia. Dr. Doyle would like to address this issue by forming an Ad Hoc committee that would also include legal counsel. Dr. Tinsley, Mr. Alvarez, Ms. Engelken, Ms. Hunt and Dr. Yancey agreed to participate on the Ad Hoc Committee.

Regulatory/Legislative Report - Ms. Yeatts provided a chart of current regulatory actions as of January 26, 2018 that listed:

- 18VAC 115-20 Regulations Governing the Practice of Professional Counseling - requirement for CACREP accreditation for educational programs (action 4259); Proposed stage withdrawn 11/3/17 (state 8032)
- 18VAC 115-20 Regulations Governing the Practice of Professional Counseling - acceptance of doctoral practicum/internship hours towards residency requirements (action 4829); Proposed *at the Secretary's office*
- 18VAC 115-20 Regulations Governing the Practice of Professional Counseling exemption from CE requirement for new licensees (action 4856) –fast-track register date of 11/13/17; effective 12/28/17
- 18VAC 115-30 Regulations Governing the Certification of Substance Abuse Counselors updating and clarifying regulations (Action 4691) –proposed at the Secretary's office for 92 days
- 18VAC115-70 Regulations Governing the Registration of Peer Recovery Specialist (under development) – Initial regulations for registration (action 4890) emergency/NOIRA – Effective 12/18/17, comment on NOIRA closes 2/7/18
- 18VAC115-80 Regulations Governing the Registration Qualified Mental Health Professionals (under development) – Initial regulations for registration (action 4891) emergency/NOIRA Effective 12/18/17, comment on NOIRA closes 2/7/18

She informed the Board of current House and Senate Bills that may of interest to the Board as listed below:

HB 226 Patients; medically or ethically inappropriate care not required
HB 363 Sexual orientation change efforts; prohibited as training for certain health care providers, etc.

HB 614 Social work; practice,

HB 697 Professional Counselors; requirements for licensure, supervision of applicants.

HB1375 Mental health professional, qualified; broadens definition.**
(passed in the House and is now at the Senate)

HB 1383 Marriage and family therapy; clarifies definition, adds appraisal

HB 1510 Professions & occupations; recognizing licenses/certificates issued by Commonwealth of Puerto Rico

SB 245 Conversion therapy; prohibited by certain health care providers.

SB 258 Subpoenas; issued by Director of Department of Health Professions or his designee.

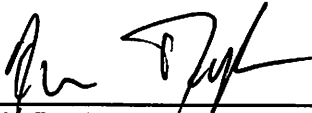
SB 762 BHDS, Board of; definition of "licensed mental health professional".

NEXT MEETING:

The next scheduled Quarterly Board Meeting is May 18, 2018 at 10:00 a.m.

ADJOURN:

The meeting adjourned at 1:10 p.m.



Kevin Doyle, EdD., LPC, LSATP
Chairperson



Jaime Hoyle, JD
Executive Director