

**VIRGINIA BOARD OF COUNSELING
REGULATORY COMMITTEE MEETING
Thursday, May 30, 2019**

TIME AND PLACE: The meeting was called to order at 10:13 a.m. on Thursday, May 30, 2019, in Board Room 1 at the Department of Health Professions (DHP), 9960 Mayland Drive, Henrico, Virginia.

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

COMMITTEE MEMBERS PRESENT: Danielle Hunt, LPC
Vivian Sanchez-Jones, Citizen Member
Holly Tracy, LPC, LMFT

COMMITTEE MEMBER ABSENT: Johnston Brendel, Ed.D., LPC, LMFT, Chairperson

STAFF PRESENT: Sandie Cotman, Licensing Specialists
Jaime Hoyle, JD, Executive Director
Jennifer Lang, Deputy Executive Director
Charlotte Lenart, Licensing Manager
Brenda Maida, Licensing Specialist

OTHERS PRESENT: Elaine Yeatts, DHP Senior Policy Analyst

APPROVAL OF MINUTES: Ms. Hunt moved to approve the minutes of the February 7, 2019 meeting. Ms. Tracy seconded the motion, and it passed unanimously.

PUBLIC COMMENT: There was no public comment.

DISCUSSIONS:

I. Unfinished Business:

- **Interstate Compact Agreements:** Dr. Doyle provided updated information on the American Counseling Association (ACA) efforts in developing an Interstate Professional Licensing Compact.
- **Periodic Review Discussion:** The Committee re-visited its periodic review discussion.

Chapter	Board of Counseling	Outcome of Discussion
18 VAC 115-40	Regulations Governing the Certification of Rehabilitation Providers	The Committee reviewed staff's recommended changes to the Regulations. Ms. Tracy moved, which was properly seconded, that the Committee recommend the draft changes to the Regulations Governing the Certification of Rehabilitation Providers in concept to the full Board which will include the addition of continuing education requirements for each renewal and a Notice of Intended Regulatory Action (NOIRA) be published. The motion passed unanimously.

II. New Business:

- **Consideration of public comment and amendments for final adoption of Regulations Governing the Registration of Peer Recovery Specialists.** The Committee reviewed and discussed the Department of Behavioral Health & Developmental Services (DBHDS) draft suggestions for change to the Regulations Governing the Registration of Peer Recovery Specialists. There was no other public comment. Ms. Holly moved, which was seconded by Ms. Hunt, to approve and recommend to the full Board the suggested changes to the final Regulations Governing the Registration of Peer Recovery Specialists as discussed with minor changes to wording in section 18VAC115-70-60.B. The motion passed unanimously.
- **Consideration of public comment and amendments for final adoption of Regulations Governing the Registration of Qualified Mental Health Professionals.** The Committee reviewed and discussed the public comment and staff draft recommended changes to the regulations.

Ms. Tracy moved, which was properly seconded by Ms. Hunt, to recommend to the full Board to amend sections 18VAC115-80-40.B.5 and 18VAC15-80-50.B.4 to allow licensed occupational therapists with an internship of practicum of at least 500 hours with persons with mental illness to meet the requirements for qualified mental health professional-adult (QMHP-A) and qualified mental health professional-child (QMHP-C). The motion passed unanimously.

Ms. Tracy moved, which was properly seconded by Ms. Sanchez-Jones, to recommend to the full Board the staff recommended changes to the final Regulations Governing the Registration of Qualified Mental Health Professionals. The motion passed unanimously.

Petition for Rulemaking Discussion:

- Michelle Morganegg, petitioned the Board to amend the Regulations Governing the Registration of Qualified Mental Health Professionals to accept a bachelor's degree in criminology and criminal justice to qualify for registration as a QMHP-C and to accept supervised experience obtained in another state. There were no public comment. Ms. Yeatts commented that the Board is adopting of final regulations to replace the emergency regulations currently in effect, the Board has already proposed an amendment to accept supervised experience obtained in another U. S. jurisdiction, so a further amendment is unnecessary to respond to that aspect of the petition. Additionally, while the guidance document (115-8) does not list criminology as a related degree for QMHP registration, it does say that: "The Board may consider other degrees in human services or in fields related to the provision of mental health services." Therefore, it is possible that an applicant's coursework may be sufficient to determine that the applicant is qualified in the provision of mental health services.

Ms. Tracy moved, which was properly seconded by Ms. Hunt, that the Committee recommend to the full Board that the Board reject the petitioner's request. The motion passed unanimously.

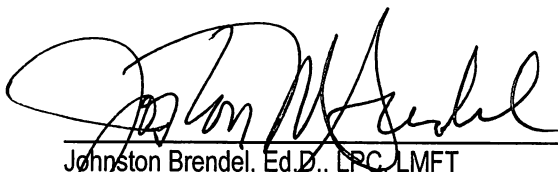
- Michael Hayter, LCSW, CSAC, petitioned the Board to amend the Regulations Governing the Licensed Substance Abuse Treatment Practitioners to waive the requirement for an examination for licensed clinical social workers who can show clinical experience based in substance abuse service to become licensed substance abuse treatment practitioners. Ms. Yeatts commented that the Board recently conducted a periodic review of regulations and recommended that the exemption from examination currently in place for licensed professional counselors be deleted in regulations governing licensure of substance abuse treatment practitioners.

Ms. Tracy moved, which was properly seconded by Ms. Hunt, that the Committee recommend to the full Board that the Board reject the petitioner's request. The motion passed unanimously.

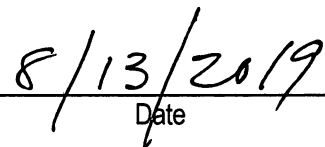
- **Review Guidance Document 115-1.1: Possible Disciplinary or Alternative Actions for Non-Compliance with Continuing Education Requirements, revised May 1, 2015.** The Committee reviewed and discussed the guidance document. Ms. Tracy moved, which was properly seconded by Ms. Hunt, the Committee recommend to the full Board to amend the possible actions for those who were in non-compliance of 16 to 20 hours of continuing education to an Informal Fact-Finding Conference. The motion passed unanimously.
- **Review public comment or proposed Guidance Document 115-11 on Substance Abuse Treatment Functions by Regulated Professions.** The Committee reviewed and discussed the public comment. Ms. Tracy moved, which was properly seconded by Ms. Hunt, the Committee recommend to the full Board to amend the guidance document as discussed. The motion passed unanimously.
- **Consideration of Virginia Sex Offender Treatment Association as an approved provider of continuing education.** After discussion, Ms. Hunt moved, which was properly seconded by Ms. Tracy, that the Committee recommend to the Board to add Virginia Sex Offender Treatment Association to the list of approved providers for continuing competency to the regulations governing licensed professional counselors, licensed marriage and family therapists and licensed substance abuse treatment practitioners as part of the period review. The motion passed unanimously.
- **Discuss Virginia Code of Virginia § 32.1-127.1:03.F. Health records privacy - release of records.** The Committee discussed the Code. No action taken.
- **Consideration of a Guidance Document for Credential Appeal Process.** The Committee reviewed and discussed the draft guidance document. Ms. Hunt moved, which was properly seconded by Ms. Tracy, that the Committee recommend to the Board approved the guidance document draft as presented. The motion passed unanimously.
- **Degree Program Trend Discussion.** The Committee discussed the trends of degree programs. No action taken.

NEXT SCHEDULED MEETING: The next Committee meeting is scheduled for August 15, 2019 at 10:00a.m.

ADJOURNMENT: The meeting adjourned at 1:46 p.m.



Johnston Brendel, Ed.D., LPC, LMFT
Chairperson



Date



Jaime Hoyle, JD
Executive Director



Date