



DRAFT
Virginia Board of Counseling
Quarterly Board Meeting Minutes
Friday, August 2, 2024, at 10:00 a.m.
9960 Mayland Drive, Henrico, VA 23233
Board Room 2

PRESIDING OFFICER: Maria Stransky, LPC, CSAC, CSOTP, Board Vice-Chairperson

BOARD MEMBERS PRESENT: Benjamin Allison, Citizen Member
Lester Paul Bernard, PhD, LPC
Marlo Burdge, Citizen Member
Natalie Franklin, LPC, LMFT
Nakeisha Gordon, LPC
Luanne Griffin, LPC
Matthew Scott, LMFT
Terry R. Tinsley, PhD, LPC, LMFT, CSOTP
Tiffinee Yancey, PhD, LPC

BOARD MEMBERS ABSENT: None

BOARD STAFF PRESENT: Latasha Austin, Licensing & Operations Supervisor
Shannon Brogan, Licensing Specialist
Sandie Cotman, Registration Program Coordinator
Jaime Hoyle, JD, Executive Director
Jennifer Lang, Deputy Executive Director- Discipline
Charlotte Lenart, Deputy Executive Director- Licensing

DHP STAFF PRESENT: Erin Barrett, JD, Director of Legislative and Regulatory Affairs, Department of Health Professions
James Jenkins, RN, Agency Deputy Director, Special Advisor to the Governor on Workforce
Matthew Novak, Policy Analyst, Department of Health Professions

BOARD COUNSEL PRESENT: James Rutkowski, Assistant Attorney General

PUBLIC ATTENDEES: Kevin Headly, Germanna Community College
Denise Konrad, Virginia Health Care Foundation
Julianne Tripp, Department of Behavioral Health & Developmental Services
Ruth Ann Walker, Department of Behavioral Health & Developmental Services

CALL TO ORDER: Ms. Stransky called the Board Meeting to order at 10:00 a.m.

ROLL CALL/ESTABLISHMENT OF A QUORUM: An introduction was done of all Board members and staff. Ten members of the Board were present at roll call; therefore, a quorum was established.

MISSION STATEMENT: Ms. Stransky read the mission statement of the Department of Health Professions, which was also the mission statement of the Board. Ms. Stransky also read the emergency egress instructions.

ADOPTION OF AGENDA: The agenda was adopted as presented.

PUBLIC COMMENT: No public comment was provided.

APPROVAL OF MINUTES:

The Board reviewed the minutes from the last meeting held on April 19, 2024.

Motion: Dr. Yancey made a motion, which Dr. Terry properly seconded to approve the minutes from the April 19, 2024 meeting as presented. The motion passed unanimously.

AGENCY REPORT:

Mr. Jenkins welcomed Ms. Burdge to the Board. He informed the board that new security measures have taken place at the Perimeter Center that require everyone entering the building to go through a safety screening that includes passing items through an x-ray machine and walking through a magnetometer.

Mr. Jenkins informed the Board that the Governor signed the state budget on May 13, 2024. He reminded the Board that the Department of Health Professions is not a General Fund agency and does not get its funding through the General Assembly, but rather through licensing fees. However, the General Assembly still must approve the DHP budget and appropriate the funds.

Mr. Jenkins also informed the Board that an internal salary study is being conducted by Gallagher to ensure that salaries are comparable to other state agencies.

BOARD CHAIR REPORT:

No report.

LEGISLATION & REGULATORY REPORT:

- **Chart of Regulatory Actions**

Ms. Barrett reviewed with the Board the current regulatory actions for the Board of Counseling as of July 22, 2024. A copy of the chart was included in the agenda packet.

- **Regulatory actions required by passage of House Bill 329**

Ms. Barrett reviewed and discussed with the Board House Bill 329 from the General Assembly Session, the exempt regulatory changes to 18VAC115-50-40 as required by House Bill 329, the final text or regulatory changes related to periodic review, and the fast-track text of regulatory changes related to licensure by endorsement changes.

Ms. Barret informed the Board that HB329 conflicts with portions of the 2018 periodic review, which at this point is very old, and the Board's fast-track regulatory reduction action, which was intended to reduce endorsement requirements, but which does not make the changes dictated in HB329. She informed the Board that both actions needed to be withdrawn and that they have until September 29, 2024 to get it to the registrar office.

Motion: Dr. Bernard made a motion, which Dr. Tinsley properly seconded to adopt exempt regulatory changes to LMFT licensure by endorsement consistent with House Bill 329. The motion passed unanimously.

Motion: Dr. Tinsley made a motion, which Ms. Gordon properly seconded to withdraw final action resulting from 2018 periodic review. The motion passed unanimously.

Motion: Ms. Gordon made a motion, which Ms. Franklin properly seconded to withdraw the fast-track Regulatory Reduction action from September 2022 and send LPC reductions to the regulatory committee to look at considering the changes made to LMFTs by endorsement. The motion passed unanimously.

- **Initiation of periodic review of all chapters**

Ms. Barrett discussed with the Board that given the withdrawal of the regulatory action based on the 2018 periodic review of Chapters 20, 50, and 60, and given the length of time since other chapters have undergone periodic review, the Board should issue a new periodic review for all chapters and begin the process anew.

It was discussed that Chapter 80, Regulations Governing the Registration of Qualified Mental Health Professionals, should not be included due to current changes being implemented pursuant to legislation.

Motion: Dr. Bernard made a motion, which Dr. Yancey properly seconded to initiate periodic review for the following chapters:

- Chapter 20, Regulations Governing the Practice of Professional Counseling;
- Chapter 30, Regulations Governing the Certification of Substance Abuse Counselors;
- Chapter 40, Regulations Governing the Certification of Rehabilitation Providers;
- Chapter 50, Regulations Governing the Practice of Marriage and Family Therapy;
- Chapter 60, Regulations Governing the Practice of Licensed Substance Abuse Treatment Practitioners; and
- Chapter 70, Regulations Governing the Registration of Peer Recovery Specialists.

The motion passed unanimously.

- **Petition for Rulemaking**

Ms. Barrett reviewed and discussed a petition for rulemaking received to amend 18VAC115-20-52 to:

- ❖ Reduce the total required residency hours from 3,400 to 3,000;
- ❖ Reduce residency client contact hours from 2,000 to 1,500; and,
- ❖ Change supervision requirements from a minimum of 200 hours to a requirement for weekly supervision with no minimum.

76 public comments were received regarding the petition. 45 were clearly in support, or in support of two of the three requests. 19 were in opposition. 6 contained complex responses that were not easily categorized. 3 did not address the petition at all but suggested other requirements or commented on other aspects of the practice of counseling. Several comments were not counted in these numbers because the comments were duplicates or extensions of a previous commenter's earlier reply that was already counted.

The Regulatory Committee reviewed this petition at its meeting on July 19, 2024, and recommends that the petition be denied because the changes requested would impact multiple other regulations and requirements which need to be reviewed as well. The Regulatory Committee, however, intends to review the issues raised at a future meeting.

Motion: Ms. Gordon made a motion, which Mr. Scott properly seconded, to accept the recommendation of the Regulatory Committee to deny the petition because the changes requested would impact multiple other regulations and requirements which need to be reviewed as well, but send the matter to the Regulatory Committee to review in depth. The motion passed unanimously.

**REGULATORY COMMITTEE
REPORT:**

Dr. Tinsley gave a recap of the Regulatory Committee meeting held on July 19, 2024, and thanked Ms. Lang for gathering data for existing programs and creating a chart to assist Board members in determining registration pathways and required hours as they implement the changes required by Senate Bill 403.

- **Review of draft exempt regulatory changes pursuant to Senate Bill 403**

Ms. Barrett reviewed and discussed with the Board draft changes made to Senate Bill 403 from the 2024 General Assembly Session; the draft regulations for new professions of behavioral health technicians and behavioral health technician assistants; and the draft regulatory changes to QMHP regulations.

Ms. Barrett informed the Board that at its meeting on July 19, 2024, the Regulatory Committee reviewed the draft regulatory changes. She informed the Board that the remaining decisions to be made relate to the number of didactic hours of training required for registration as a BHT, BHTA, or QMHP.

Ms. Barret informed the Board that they would review these exempt regulatory changes at the October 4, 2024 meeting, and that the Board would need to vote to adopt the regulations at that meeting, following a public hearing on the changes.

The Board discussed the number of didactic hours of training that should be required for registration as a BHT, BHTA, and QMHP. Board staff provided information on the number of hours in existing programs as a guide.

The Board discussed a recommended 20 hours of didactic education as a requirement for both behavioral health technicians and behavioral health technician assistants. The Board concluded that the recommended hours should be discussed again at a future meeting as the recommended hours should not be the same for both the BHT and BHTAs.

The Board discussed a recommended 40 hours of didactic education as a requirement for qualified mental health professionals and a recommended hours of didactic education for QMHP-trainees would still need to be discussed and a future meeting.

**EXECUTIVE DIRECTOR'S
REPORT:**

Ms. Hoyle welcomed Ms. Burdge to the Board and updated the Board on appointments. She informed the Board that Dr. Gerald Lawson resigned as he had not received notice of a reappointment. She informed the Board that Ms. Franklin's second term has ended but she will continue to serve on the Board until a new appointment has been received. She also indicated that there are currently two vacancies on the Board: one for a LMFT member and one for a LSATP member.

Ms. Hoyle informed the Board that a budget update should be available by the next meeting in October. She also reported on the growth in applications for licensure, certification and registration and that QMHP trainees has shown the largest amount of growth.

DISCIPLINE REPORT:

Ms. Lang reported on the discipline stats for the Board of Counseling from April 6, 2024-July 12, 2024, that was included in the agenda packet. She highlighted that as of July 12, 2024, the Board of Counseling has 195 open cases and another 86 cases being investigated.

She informed the board that the formal hearings scheduled for August 2, 2024, following the meeting, were both approved for continuance and Formal Hearings are scheduled for the next board meeting in October.

She thanked Christy Evans for her hard work and dedication to the board and the agency. She informed the Board that between the two of them, they are actively working on 520 open cases between the 3 behavioral science boards.

Lastly, she informed the board that Dr. Yancey has agreed to serve on a panel for the Department of Education to discuss curriculum for the CTE mental health program.

LICENSING REPORT:

Ms. Lenart reported on the licensure stats for the Board of Counseling from February 2024-June 2024. A copy of the report was included in the agenda packet. She highlighted that the Board of Counseling has almost 40,000 licensee, certificate holders and registrants. She informed the Board that between 612-869 applications were received per month, which was nearly a 40% increase for the months of May and June.

Ms. Lenart reported on the recent changes to the requirements for licensure that were included in the agenda packet. She informed the Board that staff has updated forms, handbooks, FAQs, internal systems and instructions related to the changes and an email blast was distributed to licensees informing them of the changes.

Ms. Lenart informed the Board that she continues to coordinate the Behavioral Science Boards Business Process Engineering efforts to make application processes more efficient. She thanked Ms. Stransky for reviewing numerous QMHP coursework descriptions. She also thanked staff for their hard work and dedication, which is reflected in the 95.6% customer service satisfaction survey results for the quarter.

ELECTIONS:

Dr. Tinsley indicated that he was willing to serve as Chairperson for the Board of Counseling.

Motion: Dr. Yancey moved, which was properly seconded, to nominate Dr. Tinsley as the Chairperson of the Board of Counseling. The motion passed unanimously.

Mr. Jenkins, Ms. Barret, Mr. Novak, and all public attendees left the meeting at 11:19a.m.

RECOMMENDED DECISIONS: Attachment "A"

NEXT MEETING DATES: The next meeting is scheduled for Friday, October 4, 2024. The next Regulatory meeting will be Friday, October 18, 2024.

ADJOURNMENT: Ms. Stransky adjourned the August 2, 2024, meeting at 11:27 a.m.

Terry R. Tinsley, PhD, LPC, LMFT, CSOTP, Board Chairperson

Jaime Hoyle, JD, Executive Director

ATTACHMENT A

CONSIDERATION OF RECOMMENDED DECISIONS

August 2, 2024

BOARD MEMBERS IN ATTENDANCE:

Maria Stransky, LPC, CSOTP, Vice-Chairperson
Benjamin Allison, Citizen Member
L Paul Bernard, Ph.D., LPC
Marlo Burdge, Citizen Member
Natalie Franklin, LPC, LMFT

Nakeisha Gordon, LPC
Luanne Griffin, LPC
Matthew Scott, LMFT
Terry Tinsley, Ph.D., LPC, LMFT, CSOTP
Tiffinee Yancey, Ph.D., LPC

CLOSED MEETING:

Dr. Yancey moved that the Board of Counseling convene in closed session pursuant to §2.2-3711(A)(27) of the *Code of Virginia* to consider an agency subordinate recommendation. She further moved that James Rutkowski, Jaime Hoyle, Jennifer Lang, Charlotte Lenart, Latasha Austin, Sandie Cotman, and Shannon Brogan 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 passed unanimously.

RECOMMENDATIONS:

Ashley Watson, Resident in Counseling

Case No.: 218735

Ashley Watson did not appear before the board and did not submit a written response. The board considered the agency subordinate's recommendation to issue a reprimand and a monetary penalty.

Robyn LeRoy-Istre, LPC

Case No.: 219217

Robyn LeRoy-Istre did not appear before the board and did not submit a written response. The board considered the agency subordinate's recommendation to place certain terms and conditions on Robyn LeRoy-Istre's license to practice as a professional counselor.

Janet Wiley, Applicant for registration as a QMHP-Trainee

Case No.: 230186

Janet Wiley did not appear before the board and did not submit a written response. The board considered the agency subordinate's recommendation to approve Janet Wiley's application for registration as a QMHP-Trainee.

Tanya Glanzman, Applicant for registration as a QMHP-A

Case No.: 230187

Tanya Glanzman did not appear before the board and did not submit a written response. The board considered the agency subordinate's recommendation to deny Tanya Glanzman's application for registration as a QMHP-A.

Amelia Bindas, LPC Reinstatement Applicant

Case No.: 231801

Amelia Bindas did not appear before the board and did not submit a written response. The board considered the agency subordinate's recommendation to deny Amelia Bindas' application for reinstatement of the license to practice professional counseling.

Lauren Dierkes, Applicant for licensure as a Resident in Counseling

Case No.: 233859

Lauren Dierkes did not appear before the board and did not submit a written response. The board considered the agency subordinate's recommendation to deny Lauren Dierkes' application for licensure as a Resident in Counseling.

Tiffanee Roberts, QMHP-A

Case No.: 234618

Tiffanee Roberts did not appear before the board and did not submit a written response. The board considered the agency subordinate's recommendation to indefinitely suspend Tiffanee Roberts' registration to practice as a QMHP-A.

Jessalin Good, Applicant for licensure as a Resident in Counseling

Case No.: 236216

Jessalin Good did not appear before the board and did not submit a written response. The board considered the agency subordinate's recommendation to deny Jessalin Good's application for licensure as a Resident in Counseling.

Travis Grant, Applicant for licensure as a Resident in Counseling

Case No.: 237952

Travis Grant did not appear before the board and did not submit a written response. The board considered the agency subordinate's recommendation to deny Travis Grant's application for licensure as a Resident in Counseling.

RECONVENE:

Dr. Yancey certified 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.

DECISION:

Mr. Scott made a motion to accept the recommendations of the agency subordinate. The motion was seconded and passed unanimously.