

**DRAFT MINUTES
BOARD OF COUNSELING
QUARTERLY BOARD MEETING
NOVEMBER 14, 2008**

TIME & PLACE: The meeting was called to order at 9:13 a.m. on November 14, 2008 in Board Room 2 at the Department of Health Professions, 9960 Mayland Drive, Richmond, VA.

PRESIDING: Linda K. Seeman, Ph.D., Chair

MEMBERS PRESENT: Mary Lou Argow
Donnie Conner, Ph.D.
Kevin Doyle, Ed.D.
Philip Haber
Sandra Malawer
Charles McAdams, Ed.D.
Eric McCollum, Ph.D.
Yvonne Ortega
William Scott, Ph.D.
Linda Seeman, Ph.D.
Catherine Shwaery
John Penn Turner
Natale Ward

MEMBERS ABSENT: Vivian Sanchez-Jones

STAFF PRESENT: Emily Wingfield, Chief Deputy Director, DHP
Elaine Yeatts, DHP Policy Analyst
Howard Casway, Senior Assistant Attorney General
Evelyn B. Brown, Executive Director
Patricia Larimer, Deputy Executive Director
Diana Pollick, Administrative Assistant

OTHERS PRESENT: None

WELCOME TO NEW BOARD MEMBER: Dr. Seeman welcomed Catherine Shwaery, Citizen Member, to the Board. Board members and staff introduced themselves.

ORDERING OF AGENDA: Dr. Seeman opened the floor to any changes in the agenda. The agenda was accepted as presented.

APPROVAL OF MINUTES: A motion was made by Dr. Conner to approve the minutes of the August 8, 2008 Board meeting. Ms. Ortega seconded the motion which passed unanimously.

PUBLIC COMMENT: None

PRESENTATION:

SANCTION REFERENCE POINT STUDY – Neal Kauder, Visual Research, Inc. Mr. Kauder reported the results of the study and reviewed the consistency indicators that emerged as an outcome of the study. Ms. Ward made a motion to adopt the Sanction Reference Study. Ms. Argow seconded the motion which passed unanimously.

DIRECTOR'S REPORT:

Emily Wingfield, Chief Deputy Director: Ms. Wingfield reported that the agency is very close to reaching the goal of 90% of all cases being resolved in 250 days and that the Behavioral Sciences Boards have reached that goal. She further reported that to date non-general fund agencies have not been asked to make cuts. Ms. Wingfield also reported that DHP is not in a position to maintain the HPIP program at the current contractual level. Several options are being investigated including putting more fiscal responsibility on the participants. DHP wants to continue the relationship with VCU while continuing to stay focused on protecting the public.

EXECUTIVE DIRECTOR'S REPORT:

Evelyn B. Brown: Ms. Brown reported that the initial reactions to the new regulations that were effective on September 3, 2008 are beginning to subside and that in only a few instances did people feel that there was inadequate notification to licensees regarding the changes. In these cases the regulatory process was shared to assure there was prior notification. Ms. Brown further reported that the agency goal of each Board having a 97% customer satisfaction rate was not being met by the Board of Counseling. Although customer service ratings are high, and exam complaints are down due to providing the exam on a monthly basis rather than quarterly, there continue to be complaints regarding the "extremely difficult licensure process". Discussion followed. It was determined that the Credentials Committee will review the applications to see if they can be revised to be more user friendly, and that a document will to be created informing applicants of the changes the Board is going through regarding establishing an identity for Licensed Professional Counselors and how that contributes to making the process difficult for those from non-CACREP or CORE programs. This document will be included in the application packet so applicants know what to expect before beginning the licensure process.

**COMMITTEE
REPORTS:**

Board of Health Professions: Mary Lou Argow

Ms. Argow announced that she has been appointed to sit on the Board of Health Professions as the Board of Counseling representative. There have been no meetings since her appointment.

**REGULATORY
COMMITTEE:**

Kevin Doyle: Dr. Doyle reported that a periodic review of the Certified Substance Abuse Counseling Regulations was done at their November 13, 2008 meeting and that consistency issues with other regulations were the main focus of the Committee's recommendations. He further reported that the Committee determined that a supervisor should have four (4) years post certification experience. A third recommendation of the Committee was to require anyone applying for reinstatement to accrue twenty (20) hours of continued competency education provided by an approved provider as listed in the Licensed Substance Abuse Treatment Practitioners regulations. Ms. Argow made a motion to accept the recommendations of the Regulatory Committee. Ms. Ortega seconded the motion which passed unanimously.

Dr. Doyle also reported that the Committee reviewed a letter from Terry Diebold, President of the VAMFT, requesting the Board to designate all individuals with an active *Approved Supervisor* designation from the American Association of Marriage & Family Therapists (AAMFT) to have met the supervisory training requirements that went into effect September 3, 2008. The Committee determined that it would not be necessary to give a "stamp of approval" but to simply acknowledge that they meet the requirements as set forth in regulation.

Dr. Doyle further reported that the guidance document for Technology Assisted Distance Counseling & Supervision (TADCS) has been posted on the website. He also reported that the Regulatory Committee does not see the need to take regulatory action at this time, but rather to monitor disciplinary action related to TADCS and then make a determination if regulatory action is needed.

Dr. Doyle also reported that the obligation of the licensee “to report known or suspected violations of the laws and regulations governing the practice of licensed or certified mental health service providers as defined in §54.1-2400.1 of the Code of Virginia” had been dropped from the September 8, 2004 regulations and that the only obligation in the Standards of Practice was for the licensee to inform the client how to report. He stated that this seems to have been an oversight when revisions were made to eliminate the requirement of licensed professional counselors to report allegations of unethical practice for all professions instead of just their own. Discussion followed. Dr. McCollum made a motion to fast track the insertion of the language used in the other Behavioral Science regulations to require LPC’s to “report to the Board known or suspected violations of the laws and regulations governing the practices of mental health professionals” as is already stated in the MFT and LSATP regulations. Ms. Argow seconded the motion which passed with one opposing vote.

**CREDENTIALS
COMMITTEE:**

Charles McAdams, Ed.D. Dr. McAdams reported that nine (9) applications were reviewed. Four “Counseling Related Degree” files were review with one being approved, two being denied and one being requested to submit more information. Two coursework reviews took place with one being approved and one resulting in the need for more information before a decision can be made. Two supervision appeals were reviewed. One was approved and the second one will receive approval once the applicant has secured the required 100 hours of LPC supervision. One appeal was reviewed from an applicant who requested licensure by endorsement using the “active clinical practice 5 out of the last 6 years immediately preceding application” for licensure in Virginia, however the applicant had only been licensed in another jurisdiction for five months. After careful review it was determined that the regulations did not clearly and specifically state “licensed active clinical practice” and that a regulatory change would be needed to clarify this requirement. Dr. Doyle made a motion to fast track the clarification of the regulatory language to include “post licensure clinical practice.” Ms. Ward seconded the motion which passed unanimously. The applicant will have to submit documentation of having the five years of active practice which will be presented to two members of the Credentials Committee for review and licensure determination.

Dr. McAdams further reported that the Committee reviewed conflicting language in the regulations and application regarding the requirement of having one graduate level course for each core content area. It was determined that the regulations are correct and the conflicting language will be corrected in the application by Board staff.

**DISCIPLINE
COMMITTEE:** **Dr. Conner, Ph.D. & Patricia Larimer, Deputy Director**
Dr. Conner reported that since the May 2008 Board meeting, four informal conferences have been held, ten complaints are in investigation, two probable cause cases are at Board level, two informal conferences are scheduled, no cases are at APD level for IFC notice, and no formal hearings are scheduled.

OLD BUSINESS: None

NEW BUSINESS: **The proposed dates for 2009 are February 19&20, 2009, June 4&5, 2009, August 6&7, 2009 and November 12&13, 2009. When Board Room reservations have been confirmed Board members will be notified and dates will be posted on the website.**

ADJORN: **The meeting adjourned at 11:45 a.m.**

Linda K. Seeman, Ph.D., Chair

Evelyn B. Brown, Executive Director