

BOARD OF COUNSELING
QUARTERLY BOARD MEETING
Friday, February 12, 2016

TIME AND PLACE: The meeting was called to order at 10:07 a.m. on Friday, February 12, 2016, in Board Room 2 at the Department of Health Professions, 9960 Mayland Drive, Henrico, Virginia.

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

BOARD MEMBERS PRESENT: Johnston Brendel, Ed.D., LPC, LMFT
Cinda Caiella, LMFT
Charles Gressard, Ph.D., LPC, LMFT, LSATP
Danielle Hunt, LPC
Scott Johnson, Ph.D., LMFT
Leah Mills, Citizen Member
Joan Normandy-Dolberg, LPC
Phyllis Pugh, LPC, LMFT, CSAC
Vivian Sanchez-Jones, Citizen Member
Holly Tracy, LPC, LMFT

BOARD MEMBERS ABSENT: Sandra Malawer, LPC, LMFT
Jane Nevins, LPC, LSATP
Joseph Scislowicz, LPC, LMFT

STAFF PRESENT: Tracey Arrington-Edmonds, Licensing Specialist
David Brown, DC, DHP Director
Christy Evans, Discipline Case Specialist
Charles E. Giles, DHP Budget Manger
Lisa Hahn, DHP Chief Deputy Director
Jaime Hoyle, Executive Director
Jennifer Lang, Deputy Executive Director
James Rutkowski, Assistant Attorney General
Elaine Yeatts, DHP Senior Policy Analyst

WELCOME: Dr. Doyle welcomed the Board members, staff and the general-public in attendance. Members of the public included representatives from Hampton University, Virginia Commonwealth University, Virginia Association of Clinical Counselors, Department of Medical Assistance Services (DMAS), and Eleanor Fukushima.

ORDERING OF AGENDA: The agenda was rearranged and the new ordering accepted.

PUBLIC COMMENT: Dr. Doyle advised the public that the Board would not accept comments related to the pending regulatory action, as that comment period has closed. Ms. Stejskal provided history of the Virginia Association of Clinical Counselors and asked the Board to consider making the agency

an official continuing education provider and to list them in the regulations.

APPROVAL OF MINUTES:

A motion was made by Dr. Johnson, and seconded by Dr. Brendel, to approve the minutes of the November 13, 2015 meeting. The motion passed unanimously.

DHP DIRECTOR'S REPORT:

Announcement

Dr. Brown welcomed and introduced Ms. Lisa R. Hahn, Chief Deputy Director of the agency, to the Board and commended Ms. Hoyle on her role as the Executive Director. He advised that the discussion of the General Assembly issues would be addressed by Ms. Yeatts, but he would comment on certain areas as needed.

REGULATORY/LEGISLATIVE
UPDATE:

General Assembly

Ms. Yeatts reported on the bills submitted by DHP that may have some type of impact on the Board of Counseling such as:

- HB 255 Health insurance; coverage for mental health and substance abuse disorders.
- HB 319 Health regulatory boards; continuing education for certain individuals. (to be discussed in the Board's next Regulatory Meeting)
- HB 405 Professional and occupational licenses; temporary licenses for spouses of military service members. (*currently does not have an impact on the Board due to current licensure processes*)
- HB 427 Conversion therapy; prohibited, no state funds shall be expanded for the purpose of therapy. (an on-going issue)
- HB 462 Administrative Process Act; contents of notices for case proceedings.
- HB 499 Professions and occupations; standards for regulation.
- HB 586 Health regulatory boards; confidentiality of certain information obtained by boards. (*the Board needs to include confidentiality in the disciplinary proceedings*)
- HB 800 Virginia Freedom of Information Act; audio recording of closed meetings required. (*could cost around \$3 million per year*)
- HB 825 Military medical personnel; pilot program for personnel to practice medicine:
- HB 1388 State agencies; review of potential anti-competitive actions and promulgation of regulations.
- SB 207 Administrative Process Act; reconsideration of formal hearings, litigated issues, report.
- SB 212 Health regulatory boards; membership and terms. (*additional changes were made to the previous change*)

- SB 746 SB 746 Governmental entities; liability for certain inspections.

Regulatory Actions (Adoption of Proposed Amendments for a Fee Increase and Recommendation on Final Regulations pursuant to Periodic Review

A chart of the current pending Regulatory actions was provided listing the status of Chapter 18VAC115-20 Regulations Governing the Practice of Professional Counseling; Chapter 18VAC115-50 Regulations Governing the Practice of Marriage and Family Therapy and Chapter 18VAC115-50 Regulations Governing the Practice of Licensed Substance Abuse Treatment Practitioners. A motion was made to adopt the proposed regulations as presented after a brief presentation by Mr. Giles and discussion as to the need for a fee increase. The motion was seconded and approved.

Update of the NOIRA as of January 30, 2016:

18VAC115-20 Regulations Governing the Practice of Professional Counseling – Fee Increase (comment closed on December 30, 2015); periodic review (comment closed on January 29, 2016) and requirements for CACREP accreditation for educational programs are at the Attorney General's Office.

A request was made to the Board to comment on billing practices of residents. The Board discussed the matter and referred to the regulations to address this matter. No additional board statement was made.

NEW BUSINESS

Discussion - Clinical Counseling Services During Residency

Brian Campbell, Senior Policy Analyst, DMAS Behavioral Health Integrated Care & Behavioral Services, presented to the Board the recent accomplishments of their Magellan Behavioral Service Administrator Contract and the Governor's Assistance Program and Community Mental Health Rehabilitation Services Changes. He updated the Board on their current and pending projects. Most importantly they want to enable stakeholders to better define allowable licensed and unlicensed services. A clear definition of a Board approved supervisor role is also needed. DMAS would like the Board to be a stakeholder and provide input. Four (4) Board members (Ms. Hunt, Ms. Tracy, Dr. Gressard and Ms. Normandy-Dolberg) volunteered to be part of a workgroup with other agencies to define the supervisor role. Staff will continue to work with DMAS and other agencies to provide assistance per the laws and regulations of the Board.

Virginia Health Practitioners Monitoring Program

Ms. Peggy Wood, HPMP Program Manager and VCU representatives (Sherman Master, MD and Janet Knisely, PhD) provided a brief review of the HPMP program committee; referral sources; the intake interview and process; assessment/treatment recommendations; the toxicology testing process and fees; how case management and ongoing monitoring is handled; and how they determine when someone can return to practice. The primary diagnosis for those in HPMP is substance abuse/dependence and caseloads average is about 65 -75 per caseworker.

EXECUTIVE DIRECTOR'S
REPORT:

Ms. Hoyle thanked the Board members and staff for continuing the workload while she was still in the process of learning all of the Executive Director's role. She noted that a majority of the backlog has been caught up but the volume is always high. She is working with the Dr. Doyle to create new forms and standard of operation procedures in an effort to be as efficient as possible. She asked that Board members submit requests for any training or conferences they would like to attend on behalf of the Board.

BOARD OF HEALTH
PROFESSIONS REPORT

Dr. Doyle informed the Board members that he would take any questions back to the Health Professions meeting regarding tele-health. It is also something that the Regulatory Committee should discuss at their next meeting.

DEPUTY EXECUTIVE
DIRECTOR'S REPORT:

Discipline Report

Ms. Lang reviewed the statistics for discipline processing and noted that cases are being closed in less time thanks to the assistance of Mrs. Evans and Board members. Dates have been scheduled for upcoming discipline cases.

Licensing Report

Ms. Lang reviewed current licensing reports and informed the Board that the backlog has been reduced and that we continue to use contract workers to assist in keeping the volume down.

NEW BUSINESS

CE Provider

AMHCA asked the Board to consider making the agency an official continuing education provider and to list them in the regulations. The change would need to be submitted as a regulatory request and follow the standard process. The Regulatory Committee will discuss this issue at its next meeting.

Discussion - Clinical Counseling Supervision, Internship, Exam and Ethics

In consideration of pending regulations for LPC, LMFT and LSATP, specifically the requirement that all supervision must be completed under

licensees of the Board of Counseling, a motion was made to include an allowance of one (1) year for residents to change supervisors. The motion passed with a unanimous vote.

The Board discussed internship hours and the ability to count overages towards residency. Internship hours should remain as stated in the current regulations. A motion was made to keep the regulation as is without changes. The motion was seconded and passed with a majority vote (two opposed).

With changes to NBCC requirements for NCC certification, applicants are allowed to take the NCMHCE exam prior to board approval. A question was raised as to whether or not the Board should address this in regulations to impose a limit on board acceptance. This matter was referred to the Regulatory Committee for further discussion.

CSAC

Mrs. Georgen will work with the Regulatory Committee members to address issues in the CSAC regulations and applications.

CLOSED SESSION:

Ms. Hunt moved that the Board of Counseling convene in a close session to consider a request from Joe Seawell to accept his application to sit for the LPC exam. She further moved that Ms. Hoyle, Mr. Rutkowski, Ms. Lang, Ms. Evans, Ms. Arrington-Edmonds and Ms. Georgen attend the closed meeting because their presence in the meeting was deemed necessary and they would aid the Board in its consideration of the matter. The motions were seconded and carried.

Reconvene

Ms. Hunt moved that the Board heard, discussed or considered only those public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act and only such public business matters as identified in the original motion.

Decision

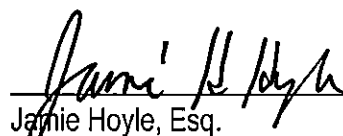
A motion was made by Dr. Brendel to deny the request of Joe Seawell. The motion was seconded and passed unanimously.

ADJOURN:

The meeting adjourned at 1:45 p.m.

*Approved by the board
at the quarterly meeting on 5/20/2016*

Kevin Doyle, Ed.D., LPC, LSATP
Chairperson


Jamie Hoyle, Esq.
Executive Director