

**BOARD OF COUNSELING
QUARTERLY BOARD MEETING
Friday, November 4, 2016**

- TIME AND PLACE:** The meeting was called to order at 10:10 a.m. on Friday, November 4, 2016, in Board Room 4 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
Jane Nevins, LPC, LSATP
Phyllis Pugh, LPC, LMFT, CSAC
Vivian Sanchez-Jones, Citizen Member
Terry R. Tinsley, Ph.D., LPC, LMFT, CSOTP, NCC
Holly Tracy, LPC, LMFT
- BOARD MEMBERS ABSENT:** Sandra Malawer, LPC, LMFT
Bev-Freda L. Jackson, Ph.D., MA, Citizen Member
- STAFF PRESENT:** Tracey Arrington-Edmonds, Licensing Specialist
David Brown, DC, 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:** 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, and Virginia Tech.
- ORDERING OF AGENDA:** The rearranging of the agenda to hear the statement of allegations against Ms. Marie P. Donlan, LMFT, CSAC was accepted.
- PUBLIC COMMENT:** No public comment.
- APPROVAL OF MINUTES:** A motion was made by Dr. Gressard and seconded by Dr. Brendel to approve the minutes of the August 19, 2016 Board meeting. The motion passed unanimously. A motion was made by Dr. Gressard and seconded by Dr. Brendel to approve the minutes of the September 9, 2016 Supervisor Summit. The motion passed unanimously.

DISCIPLINE HEARING:

Mr. Halbleib presented a summary of evidence in disciplinary case #174799 for the Board's consideration of a summary suspension of the license and certification of Ms. Marie P. Donlan, LMFT, CSAC. See attachment A for hearing summary minutes.

DHP DIRECTOR'S REPORT:

Dr. Brown thanked the Board members for attending the board member training and discussed key points covered during the training. Dr. Brown commented on the presentation on the Freedom of Information Act (FOIA) clarifying that the meeting of three or more board members discussing Board issues is considered as an official meeting. Dr. Brown also discussed receiving an appropriate fee when providing public access to the Board's documentation. He highlighted the importance of board members' role to assist in probable cause review of discipline cases in order to meet the agency's performance standards. Dr. Brown suggested that the board members should consider attending periodic refresher board member trainings to stay abreast of agency and board members policies.

EXECUTIVE DIRECTOR'S REPORT:

Executive Director, Ms. Hoyle, thanked and welcomed the new board members and returning board members. Ms. Hoyle thanked the staff for their continued hard work in processing the heavy volume of applications. Ms. Hoyle indicated that the goal of the Department of Health Professions is to close all disciplinary cases within 250 days. The Board of Counseling's goal is to meet this requirement and she asked for the Board's help in reviewing cases to insure the Board is achieving this goal.

DEPUTY EXECUTIVE DIRECTOR'S REPORT:

Ms. Hoyle reported, on behalf of Ms. Lang, the backlog of disciplinary cases and asked for assistance from Board members to meet the agency's goals. Ms. Hoyle announced that the Board closed 44 cases in the first quarter of the 2017 Fiscal Year, which is great.

LICENSING MAMAGER'S REPORT:

Mrs. Lenart reported that as of the end of first quarter of the 2017 Fiscal Year (July 1, 2016 - September 30, 2016), the Board of Counseling regulated 7,444 licensees. As of the last Board meeting, the Board licensed 137 individuals. Ms. Lenart reported that the Board of Counseling staff is very dedicated and works diligently to process applications. Staffs' goal is to process all applications within 30 days. Ms. Lenart commented that the staff has been able to decrease the processing time from up to 90 days to under 30 days. Since the last Board meeting in August, staff has reviewed over 1,200 applications and additional documentation related to the application process. This includes a count for each time an application is incomplete and staff is required to follow up with an applicant, as well as complete applications that moved forward through the credentialing review process.

In addition, Ms. Lenart provided an update on the results of the NCAC1 exam for CSAC certification. As of April 2016, 69 applicants have attempted to take the NCAC1 exam. Of the 69 applicants, 50 have passed and 19 have failed,

which represents a 72.5% passing rate.

BOARD COUNSEL REPORT: No report.

BOARD OF HEALTH PROFESSIONS REPORT: Dr. Doyle indicated that he attended the Board of Health Professions meeting on August 18, 2016. They reviewed the proposed budget of \$33 million and reported that they considered a two year renewal period but stated that the two year renewal does not appear to be feasible due to the Board's current revenue and expenditures reports.

REGULATORY COMMITTEE REPORT: Dr. Gressard reported that the Regulatory meeting focused primarily on reviewing the CSAC-A regulations in preparation to bring the Regulations Governing the Certification of Substance Abuse Counselors and Substance Abuse Counseling Assistants current with present day standards. Dr. Gressard reported that representatives from the Southwest Virginia Community College (SWCC) attended the meeting and provided a copy of the school's program currently in use to train substance abuse counselors. The committee reviewed guidance documents for compliance with current laws and regulations. Dr. Gressard announced that the next Regulatory Committee meeting is scheduled for January 26, 2017 at 1:00 p.m.

Clarification regarding clinical experience for supervisors: Staff sought the committee's assistance to determine whether a licensee teaching in a graduate or higher degree academic counseling program setting (including providing supervision to students during the internship/practicum) meets the supervisory qualifications for clinical experience. Dr. Doyle made a motion to approve post-licensure professional teaching in a professional academic counseling program setting as clinical experience. Dr. Brendel seconded the motion, and it passed unanimously.

- Guidance Document 115-1.3 Guidance on Meeting Degree Program Requirements for Professional Counseling Licensure: A review was completed and the suggestion made to retire the document as it was no longer viable due to the revised regulations dated August 24, 2016 which addressed and revised the educational requirements. A motion was made to retire the document. The motion was seconded and passed unanimously.
- Guidance Document 115-1.7 Guidance for Applicants from Programs that do not Meet Degree Program Requirements of 18VAC115-20-49: A review was completed and the suggestion made to remove the document as it was no longer viable due to the revised regulations dated August 24, 2016 which addressed and revised the educational/program requirements. A motion was made to remove the document. The motion was seconded and passed unanimously.
- Guidance Document 115-6 Coursework Requirement Necessary to

Begin Supervision for Licensed Professional Counselor: A review was completed and the suggestion was made keep the document as it was still relevant. The Committee Members concluded that there is no need to create a similar guidance document at this time for the Marriage and Family Therapy or Substance Abuse Treatment Practitioners licenses.

- Guidance Document 115-4.3 Direct Client Contact Hours in an Internship that can be Applied Towards the Residency: A review was completed, a suggestion was made to specify the *maximum* number of face-to-face hours in excess of 240 hours required in an internship that can be counted towards the 2,000 direct client contact hours required for the residency to be up to 120 hours. A motion was made to revise the document to include the maximum number of hours that could be accepted toward the face-to-face residency hour as up to 120 hours in excess of the required 240 hours it was seconded and passed with all in favor. Ms. Yeatts, DHP Senior Policy Analyst and Mr. Rutkowski, Assistant Attorney General, indicated the guidance document could not be amended unless the regulations were changed.

Ms. Hoyle brought to the attention of the Committee the need to revise and update the Bylaws. She discussed some possible changes that are consistent with other Boards under the Department of Health Professions. Ms. Hoyle will draft the Bylaws and send it to the Committee for review in advance of the next Regulatory Committee meeting.

UNFINISHED BUSINESS:

A vote was required to approve English Language Learner (ELL) applicants to be able to request special arrangement when taking the MFT National Examination. A motion was made to approve an ELL applicant request for special arrangement when taking the MFT National Examination. The motion was seconded and passed unanimously.

NEW BUSINESS:

Regulatory/Legislative Report – Ms. Yeatts provided a chart detailing the regulatory actions status of regulations for the Board as of October 21, 2016. No public comment on the Notice of Intended Regulatory Action (NOIRA) or proposed regulations and that the previously proposed regulations were adopted. Ms. Yeatts reported that the Behavioral Science Unit has been working on bill with the Department of Medical Assistance Services (DMAS) and the Virginia Department of Behavioral Health & Developmental Services (DBHDS) regarding Peer Recovery Specialist and Qualified Mental Health Professional (QMHP).

- 18VAC 115-11 Public Participation Guidelines Conforming to APA (Action 4631) – fast-track at Secretary's Office for 31 days (submitted to the Registrar and awaiting publication (11/28/2016)).
- 18VAC 115-20 Regulations Governing the Practice of Professional Counseling requirement for CACREP accreditation for educational

programs -proposed *At Governor's Office*; CE for volunteer service – fast-track at Secretary's Office; Fee increase -Final - *At Secretary's Office*. Ms. Yeatts stated although the current case balance is ahead of projections, the cash balance for the Board continues to decrease and recommends the Board move forward with the fee increase changes for 2017.

- 18VAC 115-30 Regulations Governing the Certification of Substance Abuse Counselors updating and clarifying regulations –the NOIRA - *At Secretary's Office*

Ms. Caiella moved to approve the adoption of the final amendments to the regulation for a fee increase. The motion was seconded by Ms. Nevins and passed unanimously.


Supervisor Summit Overview/Comments – Dr. Doyle reported that the summit was well-attended, and staff has received positive feedback from the attendees. The date to hold another supervisor summit can be discussed at a later date.

Workforce Survey 2016 Results – Elizabeth Carter, Ph.D., Director, DHP Healthcare Workforce Data Center presented an overview of the data collected available on their website <http://www.dhp.virginia.gov/hwdc>. The Virginia Department of Health Professions provides voluntary surveys to Department of Health Professions' licensees through the Department's online application and renewal processes. Survey reports for each profession are released a few months after the end of each renewal cycle. DHP healthcare workforce data is provided online to ensure accessibility of the findings among healthcare decision makers, hospital systems, academic institutions and constituents statewide. The Healthcare Workforce Data Center's Virginia Healthcare Workforce Briefs provide timely indicators of the strength of Virginia's healthcare labor market in an accessible format. Information in these briefs is based on data provided by the US Department of Labor, Bureau of Labor Statistics and the US Department of Commerce, Bureau of Economic Analysis. Produced in collaboration with the Virginia Healthcare Workforce Development Authority, (VHWDA) our Regional CareForce Products provide an interactive guide to the CareForce in each of Virginia's eight AHEC regions. Regional Reports are updated each spring.

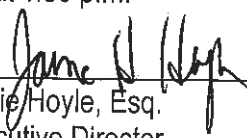
Next Meeting - Scheduled for January 27, 2017 at 10:00 a.m.

ADJOURN:

The meeting adjourned at 1:30 p.m.



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



Jamie Hoyle, Esq.
Executive Director

ATTACHMENT A

BOARD OF COUNSELING STATEMENT OF ALLEGATIONS MEETING Friday, November 4, 2016

- TIME AND PLACE:** Friday, November 4, 2016 10:10 a.m. in Board Room 4 at the Department of Health Professions, 9960 Mayland Drive, Henrico, Virginia.
- MEMBERS PRESENT:** Johnston Brendel, Ed.D., LPC, LMFT
Cinda Caiella, LMFT
Kevin Doyle, Ed.D., LPC, LSATP
Charles Gressard, Ph.D., LPC, LMFT, LSATP
Danielle Hunt, LPC
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Christy Evans, Discipline Case Specialist
Jaime Hoyle, Esq., Executive Director
Jennifer Lang, Deputy Executive Director
Charlotte Lenart, Licensing Manager
James Rutkowski, Assistant Attorney General
- PURPOSE OF THE MEETING:** Mr. Halbleib presented a summary of evidence in disciplinary case #174799 for the Board's consideration of a summary suspension of the license and certification of Marie Donlan, LMFT, CSAC.
- CLOSED MEETING:** Johnston Brendel, Ed.D., LPC, LMFT, moved that the Board convene in a closed meeting pursuant to § 2.2-3711(A)(27) of the Code of Virginia for the purpose of deliberation to reach a decision in the matter of Ms. Donlan. Additionally, he moved that James Rutkowski, Jaime Hoyle, Jennifer Lang, Christy Evans, Charlotte Lenart and Tracey Arrington-Edmonds attend the closed session because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations. The motion was seconded and passed unanimously.
- RECONVENE:** Having certified that the matters discussed in the preceding closed meeting met the requirements of § 2.2-3712 of the Code, the Board reconvened in open meeting and announced the decision.

DECISION:

Dr. Gressard motioned to summarily suspend with offer of consent order with no less than 12 months. The motion was seconded by Dr. Brendel and passed unanimously.