

**BOARD OF COUNSELING  
QUARTERLY BOARD MEETING  
Friday, November 3, 2017**

**TIME AND PLACE:** A meeting of the Virginia Board of Counseling convened on Friday, November 3, 2017, at the Department of Health Professions, 9960 Mayland Drive, 2<sup>nd</sup> Floor, Board Room 1, Henrico, Virginia.

**PRESIDING OFFICER:** Kevin Doyle, Ed.D., LPC, LSATP, Chairperson

**BOARD MEMBERS PRESENT:** Barry Alvarez, LMFT  
Johnston Brendel, Ed.D., LPC, LMFT  
Jane Engelken, LPC, LSATP, Vice-Chairperson  
Natalie Harris, LPC, LMFT  
Danielle Hunt, LPC  
Bev-Freda L. Jackson, Ph.D., Citizen Member  
Vivian Sanchez-Jones, Citizen Member  
Maria Stransky, LPC, CSAC, CSOTP  
Terry R. Tinsley, Ph.D., LPC, LMFT, CSOTP, NCC  
Holly Tracy, LPC, LMFT  
Tiffinee Yancey, Ph.D., LPC

**STAFF PRESENT:** Tracey Arrington-Edmonds, Licensing Specialist  
David E. Brown, D.C., DHP Director  
Christy Evans, Discipline Case Specialist  
Jaime Hoyle, J.D., Executive Director  
Jennifer Lang, Deputy Executive Director  
Charlotte Lenart, Licensing Manager  
Elaine Yeatts, DHP Senior Policy Analyst

**COUNSEL PRESENT:** James Rutkowski, Assistant Attorney General

**OTHERS PRESENT:** Becky Bowers-Lanier  
Katie Hellebush, Virginia Association of Clinical Counselors (VACC)  
Kelly Fitzgerald, National Association of Social Workers, Virginia Chapter (NASW-VA)  
Debra Riggs, NASW-VA

**CALL TO ORDER: WELCOME & INTRODUCTIONS:** Dr. Doyle called the meeting to order at 10:04 a.m. and read the emergency evacuation instructions.

Dr. Doyle welcomed the Board members, staff, the general-public in attendance.

**ADOPTION OF AGENDA:** Recommendation to revise the agenda and move item C of the new business to after the agency director's report was accepted.

**PUBLIC COMMENT:** None.

**APPROVAL OF MINUTES:** A motion was made by Dr. Brendel and seconded by Ms. Stransky to approve

the Board meeting minutes from August 17, 2017 and August 18, 2017. The motion passed unanimously.

A motion was made by Dr. Brendel and seconded by Ms. Tracy to approve the Regulatory Advisory Panel minutes from June 26, 2017. The motion passed unanimously.

#### **DHP DIRECTOR'S REPORT:**

Dr. Brown stated that he feels it is important for him to attend Board meetings and hear the issues first-hand, and secondly to show respect to the Board and its members.

Dr. Brown reported on three topics:

- New space for the agency: Current departments within the agency will be moving in 2018 to the additional space the agency has obtained on the first floor of the building. The additional space will allow for the Boards on the third floor that are over-crowded to reorganize their staff into a cohesive area instead of being fragmented all over the floor, and/or in tight spaces.
- Training videos: DHP is working on the production of training videos to assist board members in better conducting their responsibilities better and according to the agency's requirements. The types of videos currently being produced focus on probable cause, confidentiality conflicts of interest, and the responsibilities of a chair. The probable cause review video will be completed in a few weeks and suggestions for other trainings are welcome.

Letter sent to Governor McAuliffe from Dr. Angel Cabrera, President of George Mason University: Dr. Brown asked the Board to review the letter and discuss options of the proposed requirement for CACREP accreditation for educational programs.

#### **CHAIRMAN'S REPORT:**

Dr. Doyle thanked Board members and staff for attending the Board development day and looks forward to more development days in the future.

Dr. Doyle opened the floor to discuss the letter sent to Governor McAuliffe and the Board's options. Specifically, the options are: do nothing and let the process continue; withdraw the proposal and re-introduce it at a later date; or withdraw the stage but keep the action. By doing nothing the proposal may be denied and the Board would have to go back through the complete regulatory process again, or a professional association can lobby for the proposal as written. The Federal government has weighed in by requiring employees to have completed a CACREP degree program in order to be employed at some of their medical agencies and hospitals.

A motion was made by Dr. Tinsley to withdraw the stage but keep the action, allowing more schools time to understand the process and cost. The motion was seconded by Ms. Tracy and passed with 7 members in agreement, 4 opposed, and 1 abstention.

**EXECUTIVE DIRECTOR'S  
REPORT:**

Ms. Hoyle welcomed everyone in attendance and reported that the Board's operating budget report as of September 30, 2017 was provided in the agenda packet. Ms. Hoyle addressed the letter from Dr. Brown regarding the need to adjust fees. As the letter explains, the law requires the boards to look at the cash balance to determine if the cash on hand is 10% higher or lower than the expenditures. If it is 10% higher, then a one-time fee renewal decrease is required. If it is 10% lower, a fee increase is required. This Board currently does not need to adjust fees at all.

The current budget reflects that the Board has already received half of its budgeted amount of application fees. This reflects the fact that applications continue to increase for these boards. It also shows that the Board is spending money on overtime. This overtime is not required and indicates how willing and conscientious staff is to ensure the Board remains responsive to applicants and licensees, and processes applications to meet agency performance measures.

Ms. Hoyle highlighted the fact that the number of licensees and the number of applications continue to grow at a steady pace. The Board is seeing a particular uptick in CSAC and LSATP license applications.

Ms. Hoyle asked Board members to let her know if they are interested in attending the American Association of State Counseling Boards (AASCB) Conference in San Antonio.

**DEPUTY EXECUTIVE  
DIRECTOR'S DISCIPLINE  
REPORT:**

Ms. Lang reported that an increase of discipline cases is expected with the new registry of CPRS and QMHP. The current received, open and closed report as of October 5, 2017 was provided in the agenda packet. She thanked the members that work with the disciplinary staff in order to keep the cases up-to-date per agency requirements.

**LICENSING MANAGER'S  
REPORT:**

Mrs. Lenart reported as of the end of four quarter of the 2018 Fiscal Year (July 1, 2017 – September 30, 2017), the Board of Counseling regulated 8,177 licensees and certificates. As of the last Board meeting on August 18, 2017, the Board licensed, certified or approved residency for 714 individuals. Ms. Lenart thanked the Board of Counseling staff for their hard work and dedication to making consistent improvements to the process, applications and overall customer service. Board staff is diligently working on the implementation of online application for all licensees, certifications and registrations.

On October 18, 2017, she presented information on QMHP and Registered

Peer Recovery Specialists at the Virginia Association of Community-Based Providers Conference in Roanoke. Although there were many questions and concerns related to the QMHP and Peers registry, overall, the feedback was very positive.

**BOARD COUNSEL REPORT:**

Mr. Rutkowski had no report but wanted to remind the Board of the code of ethics requirements, especially pertaining to conflicts of interest. He reminded the members to always behave ethically and refrain from any appearance of impropriety, as well as to refrain from becoming involved in investigations and cases where there may be a conflict of interest.

**BOARD OF HEALTH  
PROFESSIONS REPORT:**

Dr. Doyle reported that a study regarding licensure for art therapists was conducted by the Board of Health Professions and requested the regulatory committee research and review the studies regarding art therapists holding a separate credential at their next scheduled meeting.

**REGULATORY COMMITTEE  
REPORT:**

Dr. Brendel thanked everyone that attended the regulatory committee on November 2, 2017 and the public that attended and spoke at the meeting. The Committee received public comment mainly on CSAC and QMHP-related issues. Dr. Brendel stated that the Committee discussed QMHP variances and whether persons who have a QMHP through a variance, which means they did not meet the current DBHDS requirements, would be grandfathered into the registry. The Committee determined that persons already deemed a QMHP by employers, DBHDS, and DMAS, regardless of whether they met the qualifications or received a variance, would be eligible to apply for registration as a QMHP through our grandfather provision.

The Committee also discussed an issues raised in public comment regarding whether a QMHP-C has the ability to become a QMHP-A, and vice-versa, without having to meet all of the experience requirements again. Currently, our regulations would not allow for that to happen. However, we will be able to address this issue and other issues as the regulations move through the regulatory process to become permanent.

The Committee also discussed issues raised in public comment regarding the need for CSACs in Southwest Virginia and endorsing more credentials from surrounding states.

The Committee addressed the request by the Board of Psychology to adopt the Joint Guidance Document on Assessment Titles and Signatures. The Committee tabled the discussion for a later meeting.

Finally, the Committee wanted to recommend to the board to update its guidance document on affirmative convictions to allow staff to request a state-run background check if an applicant self-reports a criminal conviction. Staff advised that we still need the advice of counsel before moving forward, and will

discuss it, and the need for requiring background checks in general, at a future meeting, where the committee will also discuss the issues of supervision requirements, foreign degrees, and definitions of required courses at future meetings.

The next Regulatory Committee meeting is scheduled for February 8, 2018 at 1:00 p.m.

**UNFINISHED BUSINESS:**

None.

**NEW BUSINESS:**

**Regulatory/Legislative Report** - Ms. Yeatts provide a chart of current regulatory actions as of October 16, 2017 that listed:

- 18VAC 115-20 Regulations Governing the Practice of Professional Counseling acceptance of doctoral practicum/internship hours towards residency requirements (action 4829) -NOIRA Register date 9/4/17 and the comment period ended 10/4/17 –Board need to adopt proposed regulations

A motion was made by Dr. Brendel to accept 18VAC115-20-52 (see agenda pages 59 to 62) as amended it was seconded by Mr. Alvarez and passed unanimously to accept the doctoral practicum/internship hours towards residency requirements.

- 18VAC 115-20 Regulations Governing the Practice of Professional Counseling requirement for CACREP accreditation for educational programs (action 4259) -proposed *at the Secretary's office*
- 18VAC 115-20 Regulations Governing the Practice of Professional Counseling exemption from CE requirement for new licensees and LSATP endorsement (action 4856) –fast-track register date of 11/13/17; effective 12/28/17
- 18VAC 115-30 Regulations Governing the Certification of Substance Abuse Counselors updating and clarifying regulations (Action 4691) – proposed –DPB review in process [stage 8021] (*as of 11/3/17 it is at the Governor's office*)
- 18VAC115-70 Regulations Governing the Registration of Peer Recovery Specialist (under development) – Initial regulations for registration (action 4890) emergency/NOIRA is at the *Secretary's office (stage 8033)* -(*as of 11/3/17 it was approved to go to the Governor's office before December 18, 2017*)
- 18VAC115-80 Regulations Governing the Registration Qualified Mental Health Professionals (under development) – Initial regulations for registration (action 4891) emergency/NOIRA is at the *Secretary's office*

*(stage 8034) -(as of 11/3/17 it was approved to go to the Governor's office before December 18, 2017)*

**Bylaw discussion** –sent back to the Regulatory Committee in preparation for staff to provide balanced bylaws for all Behavioral Sciences Boards.

**Workforce Survey 2016 Results** –Dr Carter provided a handout (see agenda pages 72 to 103) of the Licensed Professional Counselors workforce in Virginia that consist of a 95% response rate. She informed the Board that at this time data for the Licensed Marriage and Family Therapist and Licensed Substance Abuse Treatment Practitioner is not being collected due to staff limitations.

**License Portability** –The Board endorsement requirements language is similar to CACREP and at this time no action is required. Dr. Doyle sent the discussion to the Regulatory Committee in order to collect additional information to present to the Board.

**NEXT MEETING:**

The next Quarterly Board Meeting is scheduled for February 9, 2018 at 10:00 a.m.

Closed Session –Consideration of recommended decisions – Ms. Harris moved that the Board of Counseling convene in closed session pursuant to §2.2-3711(A)(27) of the *Code of Virginia* in order to consider agency subordinate recommendations. She further moved that James Rutkowski, Jaime Hoyle, Jennifer Lang, Christy Evans, Charlotte Lenart, and Tracey Arrington-Edmonds 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 carried unanimously.

**RECONVENE:** Ms. Harris moved 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. The motion was seconded and carried unanimously.

**DECISIONS:**

**Fernando Penaherrera, LPC Applicant**

Dr. Penaherrera did not appear.

The agency subordinate recommended that the Board of Counseling deny Dr. Pena Herrera's application for registration of supervision, as a preliminary requirement for licensure by examination.

**J. Brian Suchocki, LPC Applicant**

Mr. Suchocki did not appear.

The agency subordinate recommended that the Board of Counseling deny Mr. Suchocki's application for registration of supervision, as a preliminary requirement for licensure by examination.

**Melinda Fields, LMFT Applicant**

Ms. Fields did not appear.

The agency subordinate recommended that the Board of Counseling approve Ms. Fields' application for registration of supervision, as a preliminary requirement for licensure by examination.

**April Kennedy, LPC Applicant**

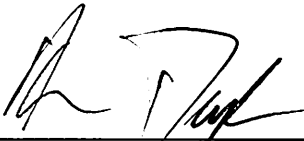
Ms. Kennedy did not appear.

The agency subordinate recommended that the Board of Counseling approve Ms. Kennedy's application for registration of supervision, as a preliminary requirement for licensure by examination.

Ms. Engelken moved that the Board of Counseling accept the recommended decisions of the agency subordinate. The motion was seconded by Dr. Yancey and passed unanimously.

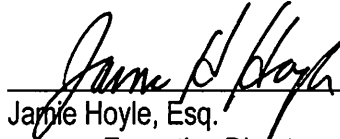
**ADJOURN:**

The meeting adjourned at 1:36 p.m.



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



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Jamie Hoyle, Esq.  
Executive Director