

**BOARD OF COUNSELING
QUARTERLY BOARD MEETING
Friday, May 18, 2018**

- TIME AND PLACE:** The meeting was called to order at 9:10 a.m. on Friday, May 18, 2018, in Board Room 3 at the Department of Health Professions, 9960 Mayland Drive, Henrico, Virginia.
- PRESIDING:** Kevin Doyle, Ed.D., LPC, LSATP, Chairperson
- BOARD MEMBERS PRESENT:** Barry Alvarez, LMFT
Johnston Brendel, Ed.D., LPC, LMFT
Jane Engelken, LPC, LSATP
Natalie Harris, LPC, LMFT
Danielle Hunt, LPC
Bev-Freda L. Jackson, Ph.D., MA, 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
James Rutkowski, Assistant Attorney General
Elaine Yeatts, DHP Senior Policy Analyst
- WELCOME & INTRODUCTIONS:** Dr. Doyle welcomed the Board members, staff, and general-public in attendance.
- ADOPTION OF AGENDA:** The Board accepted the agenda as presented.
- SUMMARY SUSPENSION CONSIDERATION** See "Attachment A"
- PUBLIC COMMENT:** None.
- APPROVAL OF MINUTES:** Upon a motion made by Ms. Hunt, and seconded by Ms. Sanchez-Jones, the Board voted unanimously to approve the Board meeting minutes of February 9, 2018. The Board was informed that the Regulatory Committee meeting minutes of February 8, 2018 and the Regulatory Advisory Panel minutes of April 9, 2018 had been approved.
- DHP DIRECTOR'S REPORT:** Dr. Brown informed the Board that Dr. Barbara Allison-Bryan is DHP's new Chief Deputy Director. Ms. Hahn now holds the position of the Chief Operating Officer for DHP. Dr. Brown also reported that the number of full-time employees has increased during his time as director, and DHP now has 246. The General Assembly approved five

additional positions during this past session, so the number of full-time employees will be 251 as of July.

Dr. Brown also reported that DHP will issue new badges to the Board members that will display the new logo for the agency. Board members will have the option to have a current picture taken.

DHP's Business and IT Departments now occupies, the additional space the agency obtained on the first floor of the building. With their move downstairs, the Board of Counseling and other Boards have expanded and moved into new areas on the third floor.

Dr. Brown updated the Board regarding the Workgroup on Conversion Therapy. The Workgroup will consist of representatives from the Behavioral Sciences Boards, the Board of Nursing, and the Board of Medicine. Dr. Doyle has agreed to join the Workgroup. There is an opportunity for an additional Board member to participate, or a representative from the counseling community.

CHAIRMAN REPORT:

Dr. Doyle reported to the Board per his attendance at the American Association of State Counseling Boards (AASCB) 2018 conference in January, that portability of licensure is still an issue that needs to be addressed, and that a compact with neighboring states may be a starting point. It was suggested that a review of teletherapy requirements may provide insight on how to move forward with the portability of licensure.

Dr. Doyle also informed the Board of the recent letters received in support of requiring CACREP. Longwood University, Virginia Tech, Virginia Commonwealth University, and Marymount University each wrote letters in support. The Board also received a letter from the Society of Counseling Psychology in opposition to the Board moving forward with requiring accreditation. Dr. Doyle indicated that the American Psychological Association has endorsed the master's level psychology license, which could solve the Society of Counseling Psychology's concern with CACREP. The Board members offered suggestions to have staff survey the counseling programs of schools, convene a summit, or engage in a discussion with school programs to buttress support for CACREP and address head-on any issues that cause programs to, not necessarily oppose, but not fully endorse. After such a discussion, the Board could move forward, as it has been four years and the Board is in full support of pursuing these avenues over the coming months.

EXECUTIVE DIRECTOR'S REPORT:

Ms. Hoyle provided the Board's operating budget report as of March 31, 2018 in the agenda packet. She highlighted the continued increase in applications and use of overtime in order to process the applications within the agency's performance measure policy. She reported that the registration of Peer Recovery Specialists (PRS) is lower than anticipated. She continues her outreach to inform the public and stakeholders of the requirements of providing mental health

services per the credentials regulated by the Board. She thanked staff.

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

Ms. Lang reported that the reports provided in the agenda packet are available on our website. Ms. Lang also reported that there has been an increase in probable cause cases due to the fact that APD is processing all of the cases they have reviewed already, and that takes time. As the cases get resolved, the Board will address any backlog in probable cause reviews. Ms. Lang reported that she has already received complaints on QMHP's. She also informed the Board that the pending consent order had been accepted, and that she will continue to email encrypted summary case files. She thanked the Board for working with the disciplinary staff in order to keep the cases up-to-date per agency requirements. She informed the Board that she has revised the online discipline forms with the new logo, and she welcomes feedback.

**LICENSING MANAGER'S
REPORT:**

Mrs. Lenart reported as of the end of third quarter of the 2018 Fiscal Year (January 1, 2018 – March 31, 2018), the Board of Counseling regulated licensees, certificates and registration data is provided in the agenda packet. The Board approved a total of 2,256 license, certificate and registration applications, of which 1,347 were QMHP's.

Ms. Lenart informed the Board that the 2018 remaining and future 2019 meeting dates are in the agenda packet for review.

Ms. Lenart also reported that the Board lost one contract employee to a full time position with another Board, but two new contract employees were hired with the primary focus of processing the QMHP's and Peer Recovery Specialist applications, and telephone calls. Ms. Lenart informed the Board that the last satisfaction survey received showed the approval rating of 87%.

Ms. Lenart informed the Board that she continues her outreach efforts as well. She convened a workgroup meeting with Board staff, as well as staff from DBHDS and DMAS, to acquire a better understanding of QMHPs, and better address any issues moving forward.

BOARD COUNSEL REPORT: No report.

**BOARD OF HEALTH
PROFESSIONS REPORT:**

Dr. Doyle reported that he presented the topic of criminal background checks at the Board of Health Professions February 27, 2018 meeting with no action taken. Some of the key Board representatives had left by the time this item was addressed on the agenda. He will request the topic be added to the Board of Health Professions June 26, 2018 meeting agenda so that the issue can be more fully discussed.

Dr. Doyle informed the Board that it was ranked third highest in compliance with the sanction reference points.

The Virginia Board of Health Professions is conducting a review for the

need of Art Therapy to be regulated, and the work plan is available on the Board of Health Profession's website.

**REGULATORY COMMITTEE
REPORT:**

Dr. Brendel thanked everyone that attended the Regulatory Committee meeting on May 17, 2018, and the public that attended. He presented the Committee's recommended changes to the proposed Qualified Mental Health Professionals (QMHP) Regulations, as recommended.

The Board unanimously accepted the Committee's recommendations.

Dr. Brendel reported that the Committee reviewed Guidance Documents that were older than 4 years:

- **Guidance Document: 115.2.1** – It was recommended that this revising this guidance document to remove the reference to LPC from the title and body. The Board voted unanimously to revise the guidance documents as recommended.
- **Guidance Document: 115.4.1** – The Board voted unanimously to reaffirm the Guidance Document.
- **Guidance Document: 115.4.11** – The Committee recommended the Guidance Document be revised as follows:
 - Remove "Legislation enacted in 2003" and replace it with the Code of Virginia (§54.1-2400);
 - Remove the all underlines;
 - Remove the Confidential Consent Agreements Board of Counseling title;
 - Remove the paragraph that begins with "At the February 27, 2004 meeting," and ends with "Department of Health Professions."; and
 - Add a number seven of Posting of notice with example statement to read "A licensee, certificate holder or a registrant fail to post client notification as required by §54.1-3506.1.

The Board voted unanimously to revise the guidance document as recommended.

- **Guidance Document: 115.5** – The Board voted unanimously to reaffirm the Guidance Document as recommended.

Ms. Yeatts indicated that the Committee and voted to include a recommendation for draft legislation to be introduced during the 2019 General Assembly that would add a definition for a qualified mental health professional-trainee, and give the Board authority to regulate QMHP-Trainees. The changes would require statutory authority.

The next scheduled Regulatory Committee meeting is August 16, 2018 at 10:00 a.m.

UNFINISHED BUSINESS:

Bylaws - Dr. Brendel made a motion to accept the Bylaws as revised during the February 2018 Board meeting. Ms. Hunt seconded the motion, and it passed unanimously

NEW BUSINESS:

Regulatory/Legislative Report - Ms. Yeatts provide a chart of current regulatory actions as May 16, 2018 that listed:

- 18VAC 115-20 Regulations Governing the Practice of Professional Counseling - requirement for CACREP accreditation for educational programs (action 4259); Proposed stage withdrawn 11/3/17 (state 8032)
- 18VAC 115-20 Regulations Governing the Practice of Professional Counseling - acceptance of doctoral practicum/internship hours towards residency requirements (action 4829); Proposed *at the Governor's office for 7 days*
- 18VAC 115-30 Regulations Governing the Certification of Substance Abuse Counselors updating and clarifying regulations (Action 4691) –proposed at the *Governor's office for 7 days*
- 18VAC115-70 Regulations Governing the Registration of Peer Recovery Specialist (under development) – Initial regulations for registration (action 4890) emergency/NOIRA – Register Date 1/8/18, Board to adopt proposed regs 5/18/18
- 18VAC115-80 Regulations Governing the Registration Qualified Mental Health Professionals (under development) – Initial regulations for registration (action 4891) emergency/NOIRA Register Date 1/8/18, Board to adopt proposed regs 5/18/18

Ms. Yeatts informed the Board of current House and Senate Bills that may relate or of interest to the Board as listed below:

HB 614 Social work; practice,

HB 697 Professional Counselors; requirements for licensure, supervision of applicants.

HB 793 Nurse practitioners; practice agreement

HB 1114 Professional and occupational regulation: authority to suspend or revoke licenses, certificates.

HB 1251 CBD oil and THC-A oil; certification for use, dispensing

HB 1383 Marriage and family therapy; clarifies definition, adds appraisal

HB 1510 Professions & occupations; recognizing licenses/certificates issued by Commonwealth of Puerto Rico

SB 245 Conversion therapy; prohibited by certain health care providers.

SB 762 BHDS, Board of; definition of 'licensed mental health

professional”
SB 812 Mental health professional, qualified; broadens definition.


NEXT MEETING: Next scheduled Quarterly Board Meeting is August 17, 2018 at 10:00 a.m.

ADJOURN: The meeting adjourned at 11:43 a.m.



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

LPC LSATP



Jaime Hoyle, Esq.
Executive Director

Virginia Board of Counseling Summary Suspension Presentation and Consideration

- Time and Place:** Friday, May 18, 2018 at 9:15 a.m.
Virginia Department of Health Professions
Perimeter Center, 2nd Floor, Board Room 3
9960 Mayland Drive, Henrico, Virginia 23233
- Members Present:** Kevin Doyle, Ed.D., LPC, LSATP, Chairperson
Barry Alvarez, LMFT
Johnston Brendel, Ed.D., LPC, LMFT
Jane Engelken, LPC, LSATP
Natalie Harris, LPC, LMFT
Bev-Freda L. Jackson, Ph.D., MA, Citizen Member
Vivian Sanchez-Jones, Citizen Member
Terry R. Tinsley, Ph.D., LPC, LMFT, CSOTP, NCC
Holly Tracy, LPC, LMFT
Tiffinee Yancey, Ph.D., LPC
- Board Counsel:** James Rutkowski, Assistant Attorney General
- Staff Present:** Tracey Arrington-Edmonds, Licensing Specialist
Christy Evans, Discipline Case Specialist
Jaime Hoyle, Executive Director
Jennifer Lang, Deputy Executive Director
Charlotte Lenart, Licensing Manager
- Commonwealth's Representation:** Julie Bennett, Assistant Attorney General
- Purpose of the Meeting:** Ms. Bennett presented a summary of evidence in disciplinary case #184439 for the Board's consideration of a summary suspension of the license and certificate of Babatunde Adekson, LPC, CSAC.
- Closed Meeting:** Dr. Tinsley 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 Babatunde Adekson. He further moved that James Rutkowski, Jaime Hoyle, Jennifer Lang, Christy Evans, Charlotte Lenart, and Tracey Arrington-Edmonds attend the closed meeting because their presence was deemed necessary and would aid the Board in its deliberations. The motion was seconded by Mr. Alvarez 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 of Virginia*, the Board reconvened in open meeting and announced the decision.
- Decision:** Mr. Alvarez moved to summarily suspend the license and certificate of

Babatunde Adekson, LPC, CSAC and offer a Consent Order for indefinite suspension, in lieu of a formal hearing. The motion was seconded by Ms. Tracy and passed unanimously.

Adjournment:

The Board adjourned the summary suspension consideration at 9:42 a.m.