



**Virginia Board of Counseling  
Full Board Meeting Minutes  
Friday, May 13, 2022 at 10:00 a.m.  
9960 Mayland Drive, Henrico, VA 23233  
Board Room 2**

- PRESIDING OFFICER:** Johnston Brendel, Ed.D., LPC, LMFT, Chairperson
- BOARD MEMBERS PRESENT:** Angela Charlton, Ph.D., LPC  
Barry Alvarez, LMFT  
Bev-Freda L. Jackson, Ph.D., MA Citizen Member  
Danielle Hunt, LPC, Vice-Chairperson  
Gerard Lawson, Ph.D., LPC, LSATP  
Holly Tracy, LPC, LMFT  
Maria Stransky, LPC, CSAC, CSOTP  
Tiffinee Yancey, Ph.D., LPC  
Terry R. Tinsley, Ph.D., LPC, LMFT, CSOTP
- BOARD MEMBERS ABSENT:** Natalie Harris, LPC, LMFT  
Tiffinee Yancey, Ph.D., LPC  
Vivian Sanchez-Jones, Citizen Member
- BOARD STAFF PRESENT:** Charlotte Lenart, Deputy Executive Director- Licensing  
Jaime Hoyle, JD, Executive Director  
Leoni Wells, Executive Assistant
- DHP STAFF PRESENT:** Erin Barrett, Senior Policy Analyst, Department of Health Professions
- BOARD COUNSEL PRESENT:** James Rutkowski, Assistant Attorney General
- PUBLIC ATTENDEES:** Arnold Woodruff, Executive Director, Virginia Association for Marriage and Family Therapy (VAMFT)
- CALL TO ORDER:** Dr. Brendel called the board meeting to order at 10:04 a.m.
- ROLL CALL/ESTABLISHMENT OF A QUORUM:** Ms. Lenart announced that with nine members present at roll call a quorum was established.
- MISSION STATEMENT:** Ms. Hoyle read the mission statement of the Department of Health Professions, which was also the mission statement of the Board.
- ADOPTION OF AGENDA:** The agenda was adopted as presented.
- PUBLIC COMMENT:** No public comment provided.
- APPROVAL OF MINUTES:** With a small edit to attachment A, the February 18, 2022 minutes stand approved as

presented.

**BOARD CHAIR REPORT:**

Dr. Brendel thanked staff for everything they continue to do for the Board. Dr. Brendel asked Board members to let staff know if they would like to be a member of a committee or if they would like to step down from a committee position.

**LEGISLATION & REGULATORY General Assembly Update:**

Ms. Barrett briefly discussed the history of Senate Bill 257 Counseling Compact Review bill and stated that the bill was stricken from the docket on February 24, 2022. Ms. Barrett recommended that the Board vote on whether they want to continue to support the Counseling Compact at the November meeting.

Ms. Barrett spoke about House Bill 317 which allows individuals to practice temporary for a 90-day period in Virginia while the Board reviews their application, providing they meet requirements that are set forth. This bill was an emergency action as is now in effect. Ms. Barrett indicated that the Board has a system in place to identify these individuals and to expedite their applications.

Ms. Barrett discussed House Bill 537 which will allow telehealth treatment into Virginia by certain practitioners providing behavioral health services who are providing continuity of care to their clients. The limitations are that the client-practitioners relationship has already been established and that the telehealth visits are limited to one year from the date of the last in-person evaluation.

Ms. Lenart asked if this would also apply to individuals who are licensed as residents in another state. Ms. Barrett will look into this and see how it impacts the Board.

**Regulatory Actions:**

**Review of Public Comment on Proposed State of Implementation of Periodic Review Changes**

Ms. Barrett discussed the public comment received by the Board for its periodic review. The Board received 180 comments which all related to the endorsement section of the professional counseling regulations. Ms. Barrett requested the Board consider sending these regulations back to the Regulatory Committee to make some minor edits and reorganization that would address a lot of the confusion.

Dr. Lawson commented that it appeared many of the public commenters seemed unclear about what they were responding to. He indicated that so much of this section of the regulations remained the same and it appears individuals were misled to believe that this was leading to advancing CACREP as a standard. The Board has tried to clear the path for more licensees to become licensed and has not made it any more difficult to apply by endorsement. Additionally, the commenters seem to believe this was alternative to the Compact which is not true as the periodic review started in 2019 and the Board fully supported the Counseling Compact.

**COMMITTEE REPORT:**

**Regulatory Committee Report**

Ms. Tracey Holly gave the Committee report which provided a summary of the items discussed at the meeting.

**A. Consideration of Guidance Document 115-1.4, Guidance on Technology-Assisted Counseling**

**Motion:** Mr. Alvarez moved to accept the proposed Guidance Document 115-1.4 as

presented. The motion was seconded and carried unanimously.

In addition to the guidance document, staff will post the *State of Telehealth in the U.S.* report Dr. LoriAnn Stretch completed for the Board.

#### **B. Guidance Document 115-2 Impact of Criminal Convictions**

**Motion:** Ms. Stransky moved to accept the revised Guidance Document 115-2 as recommended by the Committee. The motion was seconded and carried unanimously.

#### **C. Guidance Document 115-2.1 Use of Hypnosis**

**Motion:** Dr. Lawson moved to rescind Guidance Document 115-2.1 as recommended by the Committee. The motion was seconded and carried unanimously.

#### **D. Guidance Document 115-1.9 Certification Accepted by CSAC Endorsement; 115-4.1 Evidence of Clinical Practice for Licensure by Endorsement; 115-4.11 Confidential Consent Agreements**

**Motion:** Mr. Alvarez moved to reconfirm Guidance Documents 115-1.9, 115-4.1 and 115-4.11 with no amendments as recommended by the Committee. The motion was seconded and carried unanimously.

#### **Board of Health Professions Report**

Ms. Hoyle stated that the Board of Health Professions will reformat their structure to be more streamlined with less meetings and less board reports. Mr. Alvarez indicated that he attended the short Board meeting but there was no new information to provide to the Board.

#### **EXECUTIVE DIRECTOR'S REPORT:**

Ms. Hoyle reported on DHP updates. At the time, the Administration had made no decision regarding the transition, but we all hope that the Governor reappoints Dr. Brown. Ms. Hoyle discussed the new telework policy and its implementation efforts. She also stated that DHP will upgrade its licensing system soon, and the board will soon utilize BOT technology to help Board staff complete some administrative tasks in the near future and increase communication with applicants.

Ms. Hoyle discussed the budget for the board, and confirmed for board members that the board receives no general fund money, and fees generate all funds in the budget. Ms. Hoyle indicated that the budget reflects the continued growth in applications and she distributed statistics comparing the number of applications the board received over the last ten years. Ms. Hoyle reported that the Code of Virginia dictates that if the budget is 10% over or under, DHP will consider a one-time renewal fee reduction, or an increase in fees. At this point, the DHP is being conservative, as we do not know the cost of the discipline associated with the addition of the QMHPs and the eventual addition of art therapist. Currently, we are seeing an increase in discipline cases related to QMHPs, so there is reason to be cautious.

Finally, Ms. Hoyle will present to the VAMFT on June 10, 2022.

Ms. Hoyle discussed having an informal discussion with CSBs regarding QMHPs. Ms. Hoyle asked the Board if they would like to consider having a summit in the Fall to discuss QMHP education, supervision, and overall workforce issues.

Ms. Barrett suggested that the CSBs submit a petition for rulemaking to pinpoint their requests so that the Board knows exactly what they would like the Board to consider. After receiving the petition, the Board could then possibly create a workgroup to have an open discussion about the issues outlined in the petition for rulemaking. Ms. Barrett suggested this process afforded a better opportunity for conversation and dialogue with the CSBs, and at the same time maintain focus that could lead to regulatory changes.

**DISCIPLINE REPORT:**

Ms. Lang was not present but provided a report on the disciplinary statistics for Board of Counseling from February 3, 2022 to April 29, 2022 in the agenda packet.

**LICENSING REPORT:**

Ms. Lenart discussed the licensure statistics, deferred applications and Informal Conference decisions report as presented in the agenda packet.

Ms. Lenart mentioned that the Association of Marital & Family Therapy Regulatory Boards (AMFTRB) will have their annual meeting on September 13 -14, 2022. Board members that are interested in attending should contact staff. Additionally, AMFTRB is looking for additional board members, so if anyone has an interest to contact her directly.

Ms. Lenart provided a printout for the Board with information about the new National Clinical Mental Health Counseling Examination (NCMHCE) testing format. The test will be available online or in a testing center.

Ms. Lenart reminded Board members that the Board is currently in the renewal cycle. The renewal reminder email included links to the renewal FAQs and renewal chart.

Ms. Lenart indicated that staff was currently interviewing for the current vacant part-time positions and was optimistic that the Board will be able to possibly hire two new full time positions in July.

**NEW BUSINESS**

Mr. Lawson stated that at the last discipline hearing he was bothered by the inappropriate conduct and the need for a more descriptive informed consent form. He suggested that the Board consider creating a template or sample of an informed consent form that licensees could use in their practice. The Board agreed after a brief discussion that a template might be useful. Staff will develop a sample draft to be presented at the next Committee meeting.

**NEXT MEETING DATES:**

Dr. Brendel announced that a Doodle poll will be sent out to Board members so that a date can be set for the next fall meeting.

**ADJOURNMENT:**

Dr. Brendel adjourned the May 13, 2022 Board meeting at 12:03 p.m.

DocuSigned by:



Dr. Johnston Brendel, Ed.D., LPC, LMFT, Chairperson

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Jaime Hoyle, JD, Executive Director