



**Virginia Board of Counseling
Full Board Meeting Minutes
Friday, July 21, 2023, at 10:00 a.m.
9960 Mayland Drive, Henrico, VA 23233
Board Room 3**

- PRESIDING OFFICER:** Danielle Hunt, LPC, Vice-Chairperson
- BOARD MEMBERS PRESENT:** Angela Charlton, Ph.D., LPC
Benjamin Allison, Citizen Member
Natalie Franklin, LPC, LMFT
Gerard Lawson, Ph.D., LPC, LSATP
Maria Stransky, LPC, CSAC, CSOTP
Matthew Scott, LMFT
Terry R. Tinsley, Ph. D., LPC, LMFT, CSOTP
Tiffinee Yancey, Ph.D., LPC
- BOARD MEMBERS ABSENT:** Johnston, Brendel, Ed.D., LPC, LMFT, Chairperson
- BOARD STAFF PRESENT:** Charlotte Lenart, Deputy Executive Director
Jaime Hoyle, JD, Executive Director
Jennifer Lang, Deputy Executive Director
- BOARD COUNSEL PRESENT:** James Rutkowski, Assistant Attorney General, Board Counsel
- DHP STAFF PRESENT:** Arne Owens, Director, Department of Health Professions
James Jenkins, Deputy Director, Department of Health Professions
Matthew Novak, Policy Analyst, Department of Health Professions
- PUBLIC ATTENDEES:** Ashley Fire, University of Richmond law student
Becky Bowers-Lanier, Virginia Counselor Association Lobbyist
Denise Daly Konrad, Director of Strategic Initiatives, Virginia Health Care Foundation
- CALL TO ORDER:** Ms. Hunt called the board meeting to order at 10:00 a.m.
- ESTABLISHMENT OF A QUORUM:** With nine members present at roll call, a quorum was established.
- MISSION STATEMENT:** Ms. Hunt read the mission statement of the Department of Health Professions, which was also the mission statement of the Board. Ms. Hunt also read the emergency egress instructions.
- ADOPTION OF AGENDA:** Ms. Hoyle informed the Board that no formal hearing is scheduled following the meeting.
- Motion:** Dr. Lawson moved, which was properly seconded, to update the agenda by omitting the formal hearing. The motion was unanimously approved.

PUBLIC COMMENT: No public comment provided.

APPROVAL OF MINUTES: *Motion:* Ms. Stransky moved, which was properly seconded, to accept May 5, 2023, minutes as presented.

AGENCY DIRECTOR REPORT: **Operations**
Mr. Owens discussed the Agency's use of robotic automation, digitizing case files, and adjustments to staff salaries to ensure that what DHP's staff wages are commensurate to other agencies.

Healthcare Workforce
Mr. Owens indicated that DHP has been working closely with the Health Workforce Development Authority to identify gaps in workforce shortages and problem areas. The study is currently in phase II and III and is projected provide recommendations to the General Assembly later this year.

Right Help Right Now
Mr. Owens discussed the Governor's Behavioral Transformation Plan of which Ms. Hoyle and Mr. Jenkins are co-leads of Pillar 5. Mr. Owens thanked Ms. Hoyle for her help and leadership. The Pillar 5 team developed a range of initiatives which will include the need for regulatory and legislative actions.

2024 General Assembly
Mr. Owens indicate that DHP is preparing for the next general assembly and is in communications with Secretary of Health and Human Resources with legislative proposals as part of the Governor's package to the General Assembly.

Preparing for the next biennial budget
Mr. Owens stated that DHP has started working on the budget for 2024 to 2026 and reminded everyone that DHP is self-funded by fees paid by licensees.

CHAIR REPORT: No report.

LEGISLATION & REGULATORY REPORT: Mr. Novak reviewed the Board of Counseling chart of regulatory actions. A copy of all the current regulatory actions was included in the agenda packet.

Ms. Novak discussed the requirement for agencies to conduct periodic reviews of regulatory chapters every four years, The Board needs to review and initiate periodic review on the Regulations Governing the Certification of Rehabilitation Providers.

Motion: Dr. Lawson moved, which was properly seconded, to initiate periodic review of 18VAC115-40. The motion passed unanimously.

Mr. Novak discuss the need for the Board to conduct periodic review on the public participation guidelines in 18VAC115-11.

Motion: Dr. Tinsley moved, which was properly seconded, to initiate periodic review of 18VAC115-11. The motion passed unanimously.

Mr. Novak discussed the proposed revised policy on meetings held with electronic participation pursuant to statutory changes.

Motion: Dr. Lawson moved, which was properly seconded, to revise policy on meetings held with electronic participation as presented. The motion passed unanimously.

STAFF REPORTS:

Executive Director Report

Ms. Hoyle indicated that the financials is hoping that at the next meeting she will be able to present the revenue and expenditures. She said that the Board is in good financial standing.

Ms. Hoyle reported that the Board has two current Board member vacancies due to relocation and job restrictions and that Dr. Brendel stated at the last meeting that he will be resigning. She also indicated that Ms. Hunt's second term is ending, and Ms. Charlton's first term will be ending. Ms. Hoyle indicated that she has reminded the Administration of the Board's needs.

Ms. Hoyle thanked Ms. Lang and Ms. Lenart and staff for their dedication and hard work.

Discipline Report

Ms. Lang referenced the discipline report included in the agenda and advised that additional information was added to give the board members a snapshot of caseloads for the three behavioral science boards. She noted that there are only two full-time discipline staff members to process cases for three boards.

Licensing Report

Ms. Lenart referenced the licensing report on page 87 which indicates that the Board regulates over 37, 000 licensee, certificate holders and registrants. She also indicated that after running detailed reports, it appears that the Board regulates approximately 14,000 QMHPs after subtracting all the individuals who hold another QMHP credential or hold a superseding license/registration.

Ms. Lenart indicated that Board staff receives an average of 637 application per month. Staff continues to do a great job providing excellent customer service, as demonstrated by the satisfaction survey numbers of 96.3% for the last quarter. Staff is consistently reviewing applications within 14 days of being complete and all endorsement applications continue to be expedited. Ms. Lenart thanked her staff for their hard work and dedication.

Ms. Lenart reported that Board staff has approved over 3,400 applications this year and has deferred 111 applications. Ten applicants have appealed the decision to an Informal Conference. She commented that most of the deferrals were directly related to education.

Ms. Lenart provided information on the new website, the continued use of a BOT to send standardized emails and ability for applicants to upload documentation during the online application process.

Ms. Lenart announced that the Board will soon have QR codes on the new issued licenses so that clients are able to quickly look up the licensee's information on license lookup.

COMMITTEE REPORTS:

Regulatory Committee

Dr. Lawson provided the Board a summary of the Regulatory Committees findings and recommendations on both petitions for rule making.

Consideration of Petition for Rulemaking regarding supervision for QMHP-Ts and independent practice.

The Board discussed, reviewed the petition for rulemaking and the public comments.

Motion: Ms. Charlton moved, which was properly seconded, to accept the recommendation of the Regulatory Committee and to take no action on the petition for rule making. The motion passed unanimously.

The Board noted that it is currently in the process of reviewing the role and requirements of Qualified Mental Health Practitioners so they can make adjustments to better regulate the profession and ensure safe and competent patient care. The Board will consider the comments as it considers revisions for all of Chapter 80.

Consideration of Petition for Rulemaking to License QMHPs

The Board reviewed the petition for rulemaking and the public comments.

Motion: Ms. Stransky moved, which was properly seconded, to accept the recommendation of the Regulatory Committee and to take no action on the petition for rule making. The motion passed unanimously.

The Board commented that the petitioner's request to license Qualified Mental Health Practitioners instead of registering them is not within the jurisdiction of the Board. The licensure status of a practice group is the purview of the General Assembly.

QMHP Discussion and Overhaul Recommendations

Dr. Lawson provided an overview of to the presentation that Ms. Hoyle presented to the Regulatory Committee that covered current Qualified Mental Health Professional (QMHP) regulations, background information on the Department of Health Professions (DHP) role, survey question sent to the Regulatory Advisory Panel (RAP), identified concerns and potential solutions. This presentation was included in the agenda packet.

The Board reviewed the problems and possible solutions identified in the presentation and added that the overhaul solution would need to be a legislative change. The Boards number one duty is to protect the public. The Board discussed streamlining the process, requiring specific training, supervision requirement and training, education requirements, requiring a jurisprudence examination, adding specific scope of practice, title change, and a voice on the Board for QMHPs.

Ms. Hoyle indicated that this would include collaboration with the Department of Behavioral Health and Development (DBHDS), Department of Medical Assistance Services (DMAS) and possibly Virginia community colleges.

Dr. Lawson suggested that the Board identify, and outline changes needed and present the recommendations to DBHDS and DMAS. Dr. Lawson indicated that the Board does not need to decide on a plan today but would welcome any suggestions from Board members.

Board of Health Professions

No report.

ELECTION OF OFFICERS:

Dr. Yancey nominated Dr. Lawson as the Chairperson for the Board of Counseling. Dr. Tinsley nominated Ms. Stransky as Vice-Chairperson for the Board of Counseling.

Motion: Mr. Allison moved, which was properly seconded, to accept Dr. Lawson as the Chairperson of the Board of Counseling. The motion passed unanimously.

Motion: Mr. Allison moved, which was properly seconded, to accept Ms. Stransky as Vice-Chairperson of the Board of Counseling. The motion passed unanimously.

**SUBORDINATE
RECOMMENDATIONS:**

Refer to Attachment A.

NEXT MEETING DATES:

Ms. Hunt announced that the next Board meeting will occur on October 27, 2023.

ADJOURNMENT:

Ms. Hunt adjourned the July 21, 2023, Board meeting at 12:00 p.m.

DocuSigned by:

Gerard Lawson

3200F298738E4E9...

Gerard Lawson, Ph.D., LPC, LSATP, Chairperson

DocuSigned by:

Jaime Hoyle

E858AEB08A9F4A4...

Jaime Hoyle, JD, Executive Director

ATTACHMENT A

CONSIDERATION OF RECOMMENDED DECISIONS

BOARD MEMBERS IN ATTENDANCE:

Danielle Hunt, LPC, Vice-Chairperson
Angela Charlton, Ph.D., LPC
Gerard Lawson, Ph.D., LPC, LSATP
Terry Tinsley, Ph.D., LPC, LMFT, CSOTP

Benjamin Allison, Citizen Member
Natalie Franklin, LPC, LMFT
Matthew Scott, LMFT
Tiffinee Yancey, Ph.D., LPC

CLOSED MEETING:

Dr. Tinsley moved that the Board of Counseling convene in closed session pursuant to §2.2-3711(A)(27) of the *Code of Virginia* to consider agency subordinate recommendations. He further moved that James Rutkowski, Jaime Hoyle, Jennifer Lang, and Charlotte Lenart 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 passed unanimously.

RECONVENE:

Dr. Tinsley certified 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.

RECOMMENDATIONS AND DECISIONS:

Jacqueline Graham, QMHP-A

Registration Nos.: 0732004817

Case No.: 209783

The board considered the agency subordinate's recommendation to place Jacqueline Graham's registration as a QMHP-adult on indefinite probation, with certain terms and conditions, for a period of not less than 12 months.

Robert Ashford, QMHP-A

Registration No.: 0732004509

Case No.: 210678

The board considered the agency subordinate's recommendation to place Robert Ashford's registration as a QMHP-adult on indefinite probation, with certain terms and conditions, for a period of not less than 12 months.

Dequan Parrish, QMHP-A

Registration No.: 0732004663

Case No.: 226574

The board considered the agency subordinate's recommendation to place certain terms and conditions on Dequan's registration as a QMHP-adult.

DECISION:

Dr. Lawson moved to accept the recommendations of the agency subordinate in the cases of Jacqueline Graham, Robert Ashford, and Dequan Parrish. The motion was seconded by Dr. Yancey and passed unanimously.