

**THE VIRGINIA BOARD OF SOCIAL WORK**  
**FULL BOARD MEETING MINUTES**  
**Friday, March 15, 2019**

The Virginia Board of Social Work ("Board") meeting convened at 10:00 a.m. on Friday, March 15, 2019 at the Department of Health Professions, 9960 Mayland Drive, Henrico, Virginia in Board Room 1.

**PRESIDING OFFICER:** John Salay, L.C.S.W., Chair

**BOARD MEMBERS PRESENT:** Jamie Clancey, L.C.S.W. (*arrived at 10:20 am*)  
Michael Hayter, L.C.S.W., C.S.A.C.  
Gloria Manns, L.C.S.W.  
Dolores Paulson, L.C.S.W., Ph.D., Vice-Chair

**BOARD MEMBERS ABSENT:** Canek Aguirre, Citizen Member  
Angelia Allen, Citizen Member  
Maria Eugenia del Villar, L.C.S.W.  
Joseph Walsh, L.C.S.W., Ph.D.

**STAFF PRESENT:** Latasha Austin, Licensing Manager  
Christy Evans, Discipline Case Specialist  
Jaime Hoyle, Executive Director  
Jennifer Lang, Deputy Executive Director

**OTHERS PRESENT:** Elaine Yeatts, Senior Policy Analyst, Department of Health Professions  
David E. Brown, D.C., Director, Department of Health Professions  
Sandie Cotman, Administrative Specialist, Board of Counseling

**BOARD COUNSEL PRESENT:** Erin Barrett, Assistant Attorney General  
Allyson Tysinger, Senior Assistant Attorney General (*left meeting at 10:25am*)

**IN THE AUDIENCE:** Joseph G. Lynch, L.C.S.W.  
Debra A. Riggs, Executive Director, NASW-Virginia Chapter  
Scott Price, Alliance for a Progressive Virginia  
Casey Pick, The Trevor Project  
Deborah Hawkins, GLSEN  
Adam Trimmer, Born Perfect  
Paulette Trimmer  
Joseph Hetzler  
Craijetta E. Lewis, L.C.S.W.  
William Harp, Executive Director, Board of Medicine  
Jennifer Deschenes, Deputy Executive Director, Board of Medicine  
Diane Powers, Director of Communications, Department of Health Professions

**CALL TO ORDER:**  
Mr. Salay called the meeting to order at 10:05 a.m. Board members, staff, and the public provided introductions.

**ROLL CALL/ESTABLISHMENT OF A QUORUM:**

Mr. Salay requested a roll call. Ms. Austin announced that four members of the Board were present. Not enough members were present at the roll call to establish a quorum. Mr. Salay proceeded with the mission statement, emergency egress, and public comment period to allow time for additional members to arrive.

**MISSION STATEMENT:**

Mr. Salay read the mission statement of the Department of Health Professions, which is also the mission statement of the Board.

**EMERGENCY EGRESS:**

Mr. Salay announced the Emergency Egress procedures.

**PUBLIC COMMENT:**

Mr. Lynch provided public comment (see copy of information provided), which included suggestions for updating the VA Code 32.1-127.1:03(F).

The following individuals provided public comment regarding Conversion Therapy:

- Scott Price
- Debra Riggs
- Adam Trimmer
- Paulette Trimmer
- Joseph Hetzler
- Casey Pick
- Deborah Hawkins

*Ms. Clancey arrived at the meeting at 10:20 a.m. With Ms. Clancey's arrival, Ms. Austin re—took roll call at 10:21a.m. With five members present, a quorum was established and the Full Board Meeting resumed as scheduled.*

**ADOPTION OF AGENDA:**

Upon a motion by Ms. Clancey, which was properly seconded by Dr. Paulson, the Board adopted the agenda. The motion passed unanimously, with no abstentions.

**APPROVAL OF MINUTES:**

Upon a motion by Ms. Clancey, which was properly seconded by Dr. Paulson, the meeting minutes from the Full Quarterly Board Meeting held on December 7, 2018 were approved as written. The motion passed unanimously, with no abstentions.

**AGENCY REPORT:**

Dr. Brown informed the Board that the agency is working on developing a more user-friendly website. The Board of Nursing will be the first Board to pilot the new website, which is set to roll-out in April 2019. Dr. Brown also updated the Board on the Board of Pharmacy's task with regulating the production and dispensing of Cannabidiol (CBD) and THC-A oil.

**LEGISLATION & REGULATORY ACTIONS:**

Ms. Yeatts informed the Board that a copy of the 2018 Bill on Conversion Therapy (House Bill 363/Senate Bill 245) was omitted from the Agenda Packet. A copy was made available to everyone at the meeting (see attached copy of information provided). Ms. Yeatts discussed and provided a copy of the Board of Social Work's Draft Guidance Document on the Practice of Conversion Therapy (see-attached draft).

Dr. Paulson moved, and Ms. Clancey properly seconded, to accept the Draft Guidance Document on the Practice of Conversion Therapy (Guidance Document 140-20) and post on Townhall for public comment. The motion passed unanimously, with no abstentions.

Dr. Paulson moved, and Ms. Clancey properly seconded, the Board adopt a Notice of Intended Regulatory Action (NOIRA) to amend the regulations to reflect that conversion therapy against minors is a violation of the standards of practice. The motion passed unanimously, with no abstentions.

Ms. Yeatts also provided the Board with an updated summary on the current status of legislative proposals approved for submission to the 2019 General Assembly by the Department of Health Professions.

Ms. Yeatts report included the current status of Regulatory Actions related to Social Work.

- The public comment period closed March 8, 2019 for the proposed regulatory action to increase the continuing education hours pertaining to ethics to a minimum of (6) for LCSWs and a minimum of (3) for LSWs. There was no public comment.
- House Bill 614 that proposed to change Licensed Social Workers (LSW) to Licensed Baccalaureate Social Workers (LBSW) and Licensed Masters of Social Work (LMSW) was Fast-Tracked and is still currently at the Governor's office.
- The proposed regulatory action to reduce the Continuing Education requirement for supervisors was Fast-Tracked and is currently at the Attorney General's Office.

#### **BOARD CHAIR REPORT:**

There was no report from Mr. Salay.

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

Ms. Hoyle discussed the budget for the Board of Social Work. A copy of the report given was included in the agenda packet. Ms. Hoyle also informed the Board that the Department of Health Professions plans to move to paperless licenses and the Behavioral Science Boards will be the first Boards to pilot the paperless licenses. The Board will email all licensees in mid-April informing them that at renewal they will be receiving their final hard copy of their license. In the future, licensees will not receive another copy of their license, as the licenses will have no expiration date. The public should go to license look-up on the Department of Health Professions website to determine in real-time the status of any license.

Ms. Hoyle informed the Board that she and Ms. Austin gave a presentation in February to over 75 VCU School of Social Work Students on the Laws and Regulations Governing Social Work and the Social Work licensure process.

Upcoming Training's Board Members will be attending:

- ASWB New Board Member Training- Mr. Hayter will be attending
- ASWB 2019 Education Conference (April 11-13- Arlington, VA) – Ms. Clancey, Ms., Manns and Ms. del Villar will be attending.

#### **DEPUTY DIRECTOR'S REPORT:**

Ms. Lang reported on the disciplinary statistics for the Board of Social Work. A copy of the report given was included in the agenda packet.

Ms. Evans reported on the discipline audit of CEUs for the 2018 renewal period:

- Audited 107 Social Work licensees, of which 99 passed.

- 2 were short in hours,
- 5 were non-compliant; and,
- 3 failed to complete any hours of CE.
- Sent advisory letters to those licensees short in hours, and Ms. Evans automatically adds those individuals to the next year's audit.
- Prepared Consent Orders for those licensees who did not complete any Continuing Education.

**LICENSING MANAGER'S REPORT:**

Ms. Austin reported on the licensing and exam statistics for the Board of Social Work. A copy of the report given was included in the agenda packet.

**BOARD COUNSEL'S REPORT:**

There was no report from Board counsel.

**COMMITTEE REPORTS:**

- *Board of Health Professions Report*  
There was no report from the Board of Health Professions.

- *Regulatory Committee Report*

Dr. Paulson provided a re-cap of the Regulatory Committee held on Thursday, March 14, 2019. Ms. Barrett added that the Attorney General's Office would need to research VA Code 32.1-127.1:03(F) (Health Privacy Code) to see if there will be any conflicts with HIPPA. The June Regulatory and Full Board meeting agendas will include the Health Privacy Code and address any advice from the Attorney General's office. Dr. Paulson also informed the Board that the ASWB would attend the next Full Board Meeting in June to discuss levels of licensure and the required exams.

**UNFINISHED BUSINESS:**

No unfinished business was discussed.

**NEW BUSINESS:**

Ms. Austin discussed with the Board proposed meeting dates for 2020. The following dates were confirmed as Board meeting dates for 2020:

- Friday, March 13, 2020
- Friday, June 5, 2020
- Friday, September 25, 2020
- Friday, December 4, 2020

**NEXT MEETING:**

Mr. Salay announced that the next quarterly scheduled full Board meeting would occur on June 14, 2019.

**ADJOURNMENT:**

Mr. Salay adjourned the meeting at 11:40 a.m.

  
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John Salay, L.C.S.W., Chair

  
\_\_\_\_\_  
Jaime Hoyle, Executive Director



AND



**Virginia Society for Clinical Social Work  
5537 Solaris Drive  
Chesterfield Virginia 23832**

**March 15, 2019**

**PUBLIC COMMENT  
TO  
Virginia Board of Social Work**

Thank you for the opportunity to make public comment to the Virginia Board of Social Work at your Board meeting today. My comments today are concerning your agenda item "Regulatory Committee Report." I attended the Regulatory Committee's meeting yesterday and anticipate that the committee's report today will address items on the committee's agenda yesterday.

**1. "Discussion to Amend Code 32.1-127.1:03(F) (Health Records Privacy) to include clinical social workers."**

I made public comment to the committee about this agenda item. As I listened to the discussion, I realized that I identified the part of this Code section that contained outdated language, but I did not include any suggestion on the language that might be used to amend the Code section. Below is one possible choice (See bold and italics).

**§ 32.1-127.1:03. Health records privacy**

**F. Except as provided in subsection B of § 8.01-413, copies of or electronic access to an individual's health records shall not be furnished to such individual or anyone authorized to act on the individual's behalf when the individual's treating physician, ~~or the individual's treating clinical psychologist, or the treating licensed mental health professional (as defined in §54.1-2400.1, § 54.1-3600 and §54.1-3560)~~ has made a part of the individual's record a written statement that, in the exercise of his professional judgment, the furnishing to or review by the individual of such health records would be reasonably likely to endanger the life or physical safety of the individual or another person, or that such health record makes reference to a person other than a health care provider and the access requested would be reasonably likely to cause substantial harm to such referenced person.**

**This example of amended language:**

- Does not take anything away from "treating physician" or "treating clinical psychologist" that are included in the current Code.
- Adds language to include Clinical Social Workers and cites existing Code definitions for Clinical Social Workers
- Adds language to include Professional Counselors and cites existing Code definitions for Professional Counselors (I hope the Board of Counseling would see their inclusion as a friendly amendment but if not then and §54.1-3500 could be removed).

Another existing Code section (~~54.1-2400.1~~) is cited to make clear that this amended language only applies to "Mental Health Professionals" who are licensed. In 54.1.2400.1 definitions are made for both "Mental Health Professional" and "Qualified Mental Health Professional." Below are both definitions. The language makes clear that a QMHP does not meet the definition of "Mental Health Professional" in that they are not licensed, may only deliver services as an employee of or contractor with DBHDS and the services a QMHP may provide are limited to "collaborative mental health services."

"Mental health professional" means a person who by education and experience is professionally qualified and licensed in Virginia to provide counseling interventions designed to facilitate an individual's achievement of human development goals and remediate mental, emotional, or behavioral disorders and associated distresses which interfere with mental health and development.

"Qualified mental health professional" means a person who by education and experience is professionally qualified and registered by the Board of Counselors to provide collaborative mental health services for adults or children. A qualified mental health professional shall provide such services as an employee or independent contractor of the Department of Behavioral Health and Developmental Services, the Department of Corrections, or a provider licensed by the Department of Behavioral Health and Developmental Services.

## 2. Virginia Freedom of Information Act- § 2.2-3700. Short title; policy.

At the Regulatory Committee meeting yesterday members of the public, including myself, let the Committee Chair know that HVAC conditions in the room and Committee members intermittent use of their microphones created difficulty for members of the public to hear the business being conducted by the committee. The Chair invited me to feel free to make public comment today about my concerns.

The Virginia FOIA Act states:

*"... The provisions of this chapter shall be liberally construed to promote an increased awareness by all persons of governmental activities and afford every opportunity to citizens to witness the operations of government..."*

In my opinion the Committee fell short of this mandate.

Also, the Virginia FOIA Act states that:

*"... The affairs of government are not intended to be conducted in an atmosphere of secrecy since at all times the public is to be the beneficiary of any action taken at any level of government..."*

While I do not believe the Committee had any intention of creating "... *an atmosphere of secrecy...*" there was a sense of an "in" group and an "out" group when this should not have been the atmosphere created by the Committee.

I respectfully request the Board members to be more cognizant of the requirements of the Virginia FOIA and make some more deliberate efforts to assure that members of the public can *witness the operations of government* and that members of the public are assured that the Board does not conduct business in "...*an atmosphere of secrecy...*".

*Thank You*

*Joseph G. Lynch*

2018 SESSION

INTRODUCED

18100457D

HOUSE BILL NO. 363  
Offered January 10, 2018  
Prefiled January 5, 2018

A BILL to amend the Code of Virginia by adding in Chapter 24 of Title 54.1 a section numbered 54.1-2409.5, relating to sexual orientation change efforts prohibited.

Patrons—Hope and Carr

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 24 of Title 54.1 a section numbered 54.1-2409.5 as follows:

§ 54.1-2409.5. *Sexual orientation change efforts prohibited.*

A. As used in this section, "sexual orientation change efforts" means any practice or treatment that seeks to change an individual's sexual orientation or gender identity, including efforts to change behaviors or gender expressions or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same gender. "Sexual orientation change efforts" does not include counseling that provides assistance to a person undergoing gender transition or counseling that provides acceptance, support, and understanding of a person or facilitates a person's coping, social support, and identity exploration and development, including sexual-orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual practices, as long as such counseling does not seek to change an individual's sexual orientation or gender identity.

B. No person licensed pursuant to this subtitle or who performs counseling as part of his training for any profession licensed pursuant to this subtitle shall engage in sexual orientation change efforts with a person under 18 years of age. Any sexual orientation change efforts with a person under 18 years of age engaged in by a provider licensed in accordance with the provisions of this subtitle or who performs counseling as part of his training for any profession licensed pursuant to this subtitle shall constitute unprofessional conduct and shall be grounds for disciplinary action by the appropriate health regulatory board within the Department of Health Professions.

2. That no state funds shall be expended for the purpose of conducting sexual orientation change efforts, referring a person for sexual orientation change efforts, extending health benefits coverage for sexual orientation change efforts, or awarding a grant or contract to any entity that conducts sexual orientation change efforts or refers individuals for sexual orientation change efforts.

INTRODUCED

HB363



2018 SESSION

INTRODUCED

18101218D

SENATE BILL NO. 245

Offered January 10, 2018

Prefiled January 5, 2018

A BILL to amend the Code of Virginia by adding in Chapter 24 of Title 54.1 a section numbered 54.1-2409.5, relating to the prohibition of conversion therapy.

Patrons—Surovell and Wexton

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding to Chapter 24 of Title 54.1 a section numbered 54.1-2409.5 as follows:

§ 54.1-2409.5. Conversion therapy prohibited.

A. As used in this section, "conversion therapy" means any practice or treatment that seeks to change an individual's sexual orientation or gender identity, including efforts to change behaviors or gender expressions or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same gender. "Conversion therapy" does not include counseling that provides assistance to a person undergoing gender transition or counseling that provides acceptance, support, and understanding of a person or facilitates a person's coping, social support, and identity exploration and development, including sexual-orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual practices, as long as such counseling does not seek to change an individual's sexual orientation or gender identity.

B. No person licensed pursuant to this subtitle or who performs counseling as part of his training for any profession licensed pursuant to this subtitle shall engage in conversion therapy with a person under 18 years of age. Any conversion therapy efforts with a person under 18 years of age engaged in by a provider licensed in accordance with the provisions of this subtitle or who performs counseling as part of his training for any profession licensed pursuant to this subtitle shall constitute unprofessional conduct and shall be grounds for disciplinary action by the appropriate health regulatory board within the Department of Health Professions.

2. That no state funds shall be expended for the purpose of conducting conversion therapy, referring a person for conversion therapy, extending health benefits coverage for conversion therapy, or awarding a grant or contract to any entity that conducts conversion therapy or refers individuals for conversion therapy.

INTRODUCED

SB245

## Virginia Board of Social Work

### Guidance Document on the Practice of Conversion Therapy

For the purposes of this guidance "conversion therapy" or "sexual orientation change efforts" is defined as any practice or treatment that seeks to change an individual's sexual orientation or gender identity, including efforts to change behaviors or gender expressions or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of any gender.

"Conversion therapy" does not include counseling that provides assistance to a person undergoing gender transition or counseling that provides acceptance, support, and understanding of a person or facilitates a person's coping, social support, and identity exploration and development, including sexual-orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual practices, as long as such counseling does not seek to change an individual's sexual orientation or gender identity in any direction.

In 18VAC140-20-150 of the Regulations Governing the Practice of Social Work, the Virginia Board of Social Work ("Board") has stated that: *"The protection of the public health, safety, and welfare and the best interest of the public shall be the primary guide in determining the appropriate professional conduct of all persons whose activities are regulated by the board. Regardless of the delivery method, whether in person, by telephone, or electronically, these standards shall apply to the practice of social work."*

In 18VAC140-20-160 (Grounds for disciplinary action or denial of issuance of a license or registration), it is stated that "(t)he board may refuse to admit an applicant to an examination; refuse to issue a license or registration to an applicant; or reprimand, impose a monetary penalty, place on probation, impose such terms as it may designate, suspend for a stated period of time or indefinitely, or revoke a license or registration for one or more of the following grounds:...

*3. Conducting one's practice in such a manner so as to make the practice a danger to the health and welfare of one's clients or to the public..."*

Many national behavioral health and medical associations have issued position and policy statements regarding conversion therapy/sexual orientation change efforts, especially with minors. Such statements have typically noted that conversion therapy has not been shown to be effective or safe. In the Position Statement on "Sexual Orientation Change Efforts ("SOCE") and Conversion Therapy," published in May 2015, the National Association of Social Workers (NASW) has stated that: "The practice of SOCE violates the very tenets of the social work profession as outlined in the NASW Code of Ethics."

In a similar statement regarding conversion/reparative therapy, the Virginia Chapter of NASW stated that "Conversion therapy has been discredited and highly criticized by all major medical, psychiatric, psychologic and professional mental health organizations, including the National Association of Social Workers. Data demonstrated that conversion therapy negatively impacts the mental health and self-esteem of the individual. The NASW Virginia strongly asserts its

**stance against therapies and treatments designed to change sexual orientation or gender identity and against referring clients to practitioners or programs that claim to do so.”**

**Consistent with the established position of the NASW, the Board considers “conversion therapy” or “sexual orientation change efforts” (as defined above) to be services that have the potential to be a danger to clients, especially minors. Thus, under regulations governing practitioners licensed or registered by the Board, practicing conversion therapy/sexual orientation change efforts with minors could result in a finding of misconduct and disciplinary action against the licensee or registrant.**