

**VIRGINIA BOARD OF COUNSELING
REGULATORY COMMITTEE MEETING
Thursday, May 17, 2018**

TIME AND PLACE: The meeting was called to order at 1:08 p.m. on Thursday, May 17, 2018, in Board Room 3 at the Department of Health Professions, 9960 Mayland Drive, Henrico, Virginia.

PRESIDING: Johnston Brendel, Ed.D., LPC, LMFT, Chairperson

COMMITTEE MEMBERS PRESENT: Kevin Doyle, Ed.D., LPC, LSATP
Danielle Hunt, LPC
Vivian Sanchez-Jones, Citizen Member
Holly Tracy, LPC, LMFT

STAFF PRESENT: Tracey Arrington-Edmonds, Licensing Specialist
Jaime Hoyle, J.D., Executive Director
Jennifer Lang, Deputy Executive Director
Charlotte Lenart, Licensing Manager
Elaine Yeatts, Senior Policy Analyst

ORDERING OF THE AGENDA:

The Committee accepted the agenda as presented.

APPROVAL OF MINUTES:

Dr. Doyle made a motion to approve the minutes of the February 8, 2017 meeting; it was seconded by Ms. Sanchez-Jones and passed unanimously.

PUBLIC IN ATTENDANCE:

Representative(s) from the Department of Medical Assistance Services (DMAS), the Virginia Department of Behavioral Health & Developmental Services (DBHDS), the Board of Social Work, and Family Insight.

PUBLIC COMMENT:

No comments

DISCUSSION:

I. Unfinished Business:

- **Foreign degree discussion** – The Committee agreed to move forward with the adoption of a Notice of Intended Regulatory Action (NOIRA) to begin the process to amend the Regulations to ensure applicants with foreign degrees have a pathway to licensure.

- **Criminal Background Check Requirement Discussion** – Dr. Doyle informed the Committee that he presented the topic at the Board of Health Professions February 27, 2018 meeting with no action taken and no support from the other Boards. He will request that the topic be added to the Board of Health Professions, June 26, 2018 meeting agenda.

II. New Business:

- **Proposed Regulations for Qualified Mental Health Professionals (QMHP) & Registered Peer Recovery Specialist (RPRS)** – Ms. Yeatts informed the Committee of the proposed changes underlined in the regulations (pages 6 through 16 and page 34 through 43 of the agenda package). The proposed changes are the results of the public comments received (pages 17 through 33 of the agenda package) and suggestions from the Regulatory Advisory Panel (RAP). The suggestion was made to add the requirement of a current report from the U.S. Department of Health and Human Services National Practitioner Data Bank (NPDB) and revise the proposed language of the supervision experience required for registration. Ms. Tracy motioned to accept the proposed changes as discussed, it was seconded by Ms. Sanchez-Jones and passed unanimously. Dr. Doyle motioned that the proposed changes be recommended to the full Board, it was seconded by Ms. Tracy and passed unanimously.
- **Accreditation Standards for Counseling Degrees** – Dr. Brendel expressed a desire for movement on the CACREP issue. He suggested that a sub-committee be convened in which he is willing to serve on, to reach out to other states/jurisdictions to weigh in on what accreditation body/bodies are acceptable for counseling degree programs. Dr. Brendel will work with staff to survey the landscape of accreditation in other states and among other health professions in Virginia.
- **Code of Virginia Definitions**
 - The Committee discussed whether it was necessary to put the word “license” before “Marriage and Family Therapist” and “Professional Counselor”. It was concluded that such action is not necessary because the Code and Regulations are clear that the practice of marriage and family therapy and professional counseling requires a license.
 - Qualified Mental Health Professional Trainee (QMHP-Trainee) it was recommended, that a statute change and definition be added to the Code of Virginia Definitions. Dr. Doyle made a motion to recommend to the full Board to change the Code to grant the Board authority to register Qualified Mental Health Professional Trainees (QMHP-Trainee), as well as QMHP-Adults (QMHP-As) and QMHP-Children (QMHP-Cs). Ms. Holly seconded the motion, and it passed unanimously.
- **Review of Guidance Documents**
 - Guidance Document: 115.2.1 – It was recommended that Professional Counselors be removed from the title and the body be revised to reflect it applies to all professions under the Board. Dr. Doyle motioned to amend the Guidance

Documents with the revisions. The motion was seconded by Ms. Tracy and passed unanimously.

- o Guidance Document: 115.4.1 – Dr. Doyle made a motion to reaffirm, which was seconded by Ms. Tracy and passed unanimously.
- o Guidance Document: 115.4.11 – The Committee discussed the following revisions:
 - o Remove “Legislation enacted in 2003” and replace it with the Code of Virginia (§54.1-2400);
 - o Remove the all underlines;
 - o Remove the Confidential Consent Agreements Board of Counseling title;
 - o Remove the paragraph that begins with “At the February 27, 2004 meeting,” and ends with “Department of Health Professions.”; and,
 - o Add a number seven of that requires posting of the notice with an example statement to read “A licensee, certificate holder or a registrant fail to post client notification as required by §54.1-3506.1.

Dr. Doyle made a motion to take amend the Guidance Document with the proposed changes. The motion was seconded by Ms. Hunt and passed unanimously.

- o Guidance Document: 115.5 – Dr. Doyle made a motion to reaffirm, which was seconded by Ms. Tracy and passed unanimously.

- **Periodic Review of Regulations** – Ms. Yeatts indicated that the notice to conduct a periodic review had been issued, and the Committee will begin the review of the Regulations listed below the next scheduled Committee meeting in August. Ms. Yeatts stated that the public comment is scheduled to begin on June 11, 2018 and end on July 11, 2018. No action by the Board is required at this time.

Chapter	Board of Counseling
18 VAC 115-15	Regulations Covering Delegation to an Agency Subordinate
18 VAC 115-20	Regulations Governing the Practice of Professional Counseling
18 VAC 115-50	Regulations Governing Marriage and Family Therapists
18 VAC 115-60	Regulations Governing Licensed Substance Abuse Treatment Practitioners

- **Continuing Competency Activity** – A request to provide continuing competency hours for attending Board meetings will be discussed at the next scheduled Committee meeting.
- **Examination Trends** – Can an applicant/resident be approved to take the NCMHCE and/or the AMFTRB prior to or during residency? Current regulation does not prohibit anyone from taking our required exam prior to or during residency; therefore, it would be up to the applicant/resident when he/she would sit for the exam prior to submitting a licensure by exam application. The residency requirements would still have to be met/satisfied prior to licensure.
- **Scope of Practice**
 - o The Committee discussed scope of practices issues related to Psychology Testing and Blood and Urine Testing. It was reaffirmed that the Regulations allow testing, and it should be practiced only within the boundaries of the licensee's

competence, based on the licensee's education, training, supervised experience and appropriate professional experience.

- **NEXT SCHEDULED MEETING - August 16, 2018**

ADJOURNMENT:

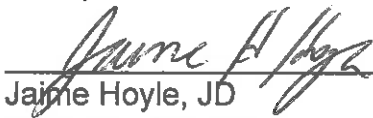
The meeting adjourned at 2:53 p.m.



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

11-01-2018

Date



Jaime Hoyle, JD
Executive Director

11/7/18

Date