

DRAFT
BOARD OF COUNSELING
QUARTERLY BOARD MEETING
May 6, 2011

TIME & PLACE: The meeting was called to order at 9:14 a.m. on Friday, May 6, 2011, in Board Room 2 at the Department of Health Professions, 9960 Mayland Drive, Henrico, Virginia.

PRESIDING: Donnie Conner, Ph.D., Chair

MEMBERS PRESENT: Mary Lou Argow
Johnston Brendel, Ed.D.
Michael Fletcher
Sandra Malawer
Charlotte Markva
Charles McAdams, III, Ed.D.
Patricia Mullen
Catherine Shwaery
John Penn Turner

MEMBERS ABSENT: Zena Bowen
William Scott, Ph.D.
Linda Seeman, Ph.D.

STAFF PRESENT: Evelyn B. Brown, Executive Director
Howard Casway, Senior Assistant Attorney General
Catherine Chappell, Deputy Executive Director-Licensing
Mimi Kline, Credentials Reviewer
Jennifer Lang, Administrative Assistant
Patricia Larimer, Deputy Executive Director-Discipline
Arne Owens, DHP Chief Deputy Director
Dianne Reynolds-Cane, DHP Director
Elaine Yeatts, DHP Senior Policy Analyst

ORDERING OF AGENDA: The agenda was accepted as presented.

APPROVAL OF A motion was made by Mr. Turner to approve the minutes

MINUTES: of the February 18, 2011 board meeting. The motion was seconded by Ms. Argow and passed unanimously.

PUBLIC COMMENTS: None.

DIRECTOR'S REPORT: Mr. Owens announced the first year anniversary for himself and Dr. Reynolds-Cane at the Department of Health Professions. He discussed the completion of strategic planning for the Agency to be presented to the General Assembly in 2012. In noting that the terms of some Board members will expire soon, he suggested that if members wanted to recommend an individual to be considered for board appointment, nominations can be directed to Mr. Owens or Dr. Reynolds-Cane, and the individual could apply by completing an application found on the website of the Secretary of the Commonwealth.

EXECUTIVE DIRECTOR'S REPORT: Ms. Brown distributed the Board's annual *Revenue, Expenditures and Cash Balance Analysis* Memorandum on behalf of Dr Reynolds- Cane. She noted that long-term projections indicate that the Board will remain in the black through June 30, 2016.

Ms. Brown also distributed a copy of the 2011 Behavioral Science Workforce Survey, to be completed on a voluntary basis by licensees of the Boards of Counseling, Psychology and Social Work, when they renew their licenses in June 2011. She added that Dr. Brendel represented the Board of Counseling on the Behavioral Science Ad Hoc Committee which developed the survey instrument.

COMMITTEE REPORTS: Discipline Committee. Dr. Conner reported that a Formal Hearing was held on March 25, 2011 for Sylvester Britt, Certified Rehabilitation Provider. At the formal hearing, the Board voted unanimously to revoke Mr. Britt's certificate to practice as a rehabilitation provider. Mr. Britt has since filed a Notice of Appeal in the Portsmouth Circuit Court.

Dr. Conner also reported that there are presently 18 cases under investigation by the Enforcement Division, with 18 cases at board level for review for probable cause. In addition, 2 cases have been noticed for informal conferences, and 2 formal hearings were scheduled following the Board meeting.

Credentials Committee. Ms. Argow reported that the Credentials Committee met on Thursday, May 5, 2011 and reviewed 21 applications with respect to degree requirements, coursework, supervision and a conviction. The Committee denied 8 of the applications, requested additional coursework from 8 applicants, requested additional information from 3 applicants, deferred 1 for an unsatisfactory supervision report, and denied 1 request to backdate supervision.

Regulatory Committee. Dr. McAdams reported that the Regulatory Committee met on May 5, 2011 and completed a comprehensive review of the *Regulations Governing the Practice of Professional Counseling*. He provided proposed changes as approved by the Regulatory Committee and contained in the Notice of Intended Regulatory Action (NOIRA). He highlighted the following proposed amendments :

- the residency is a post-“graduate” clinical experience rather than a post-“internship” experience.
- “supervision” means the provision of guidance and instruction that is specific to the clinical services being performed.
- applications for licensure must contain documentation of all mental health or health profession licenses ever held in another jurisdiction.
- licensure by endorsement language will clarify that the applicant must hold an LPC license in another jurisdiction.
- a definition for “clinical practice” will be added.
- essential coursework necessary to begin supervision will be included as reflected in Guidance Document

115-6.

- delete COAMFTE as an approval body for internships that would automatically qualify for 900 hours of experience towards residency.
- impose a time limitation of four years for the residency.
- clarify that the residency must focus on the provision of clinical counseling services .
- restrict supervisors of residents to those only licensed by the Board of Counseling.
- impose a time limitation of two years to pass the exam.
- add local government agencies to the group that can offer approved CE.
- revise *Standards of Practice* to include the prohibition of “romantic relationships” in addition to the prohibition of “sexual relationships” and include “student” with supervisees in the category of prohibited relationships.
- clarify that practice with a lapsed or expired license is prohibited.
- clarify that commission of fraud or misrepresentation in the submission of supervisory forms is grounds for disciplinary action.

Ms. Argow moved that the Board approve the NOIRA. The motion was seconded by Dr. Brendel and passed unanimously.

Dr. McAdams informed the Board that the Regulatory Committee will begin a comprehensive review of the *Regulations Governing the Practice of Marriage and Family Therapists* at the next scheduled committee meeting.

In addition, Committee members and staff will review forms and applications to reflect proposed changes to professional counseling regulations.

OLD BUSINESS:

Board members discussed the use of an agency subordinate

to conduct credentials informal conferences. Mr. Turner suggested that rather than using an agency subordinate it would be helpful to schedule a specific day each month for credentials informal conferences and would make himself available as a conference committee member on a monthly basis, as needed. Ms Markva added that she also could be available to serve as a conference committee member, on a monthly basis, as needed.

NEW BUSINESS:

Ms. Markva suggested a speaker with expertise in matters of “tele-counseling” and client confidentiality concerns. She agreed to make arrangements for the consultant to present at the August board meeting.

Dr. Conner announced that vice chair John Penn Turner would move into the position of chair of the Board for a two year term subsequent to adjournment of this meeting. Ms. Argow nominated Dr. McAdams to serve as vice chair. Ms Markva seconded the motion which passed unanimously.

ADJOURN:

The meeting adjourned at 11:02 a.m.

Donnie Conner, PhD, Chair
Director

Evelyn B. Brown, Executive