

**VIRGINIA BOARD OF COUNSELING
REGULATORY COMMITTEE MEETING
DRAFT MINUTES
Thursday, May 8, 2014**

The Regulatory Committee of the Virginia Board of Counseling ("Board") convened at 1:13 p.m. on Thursday, May 8, 2014 at the Department of Health Professions, 9960 Mayland Drive, Richmond, Virginia. Dr. Johnston Brendel called the meeting to order.

**COMMITTEE MEMBERS
PRESENT:**

Johnston Brendel, Ed.D., LPC, LMFT
Kevin Doyle, Ed.D., LPC, LSATP
Charlotte Markva, LPC, LMFT, CSAC
Linda Seeman, Ph.D., LPC, LMFT

**COMMITTEE MEMBERS
ABSENT:**

Michael Fletcher

STAFF PRESENT:

Tracey Arrington-Edmonds, Administrative Assistant
Catherine Chappell, Executive Director
Christy Evans, Administrative Assistant
Jaime Hoyle, Chief Deputy Director, DHP
Jennifer Lang, Licensing Manager
Elaine Yeatts, Senior Policy Analyst

PUBLIC COMMENT:

Comment was made by Gerard Lawson, Ph.D., LPC, CSAC on behalf of the Virginia Counselor's Association (VCA). Dr. Lawson voiced concerns about the proposed changes in the LPC regulations. Specifically, he commented that removing CACREP and CORE from the regulations would likely lead to "CACREP aligned" programs rather than CACREP equivalent programs. In addition, the Department of Defense and the Veteran's Administration only recognize LPC's who graduated from CACREP clinical mental health programs. Given the amount of military personnel in Virginia there is great concern over the ability of an unintended two-tier LPC license; those with military approval and those without.

Dr. Lawson also expressed concern over the change to remove the word "counseling" from the residency experience requirement and the proposed change in requirements for internships (relating to 20 on-site and 20 off-site hours of supervision, and the reference to the internship supervisor qualifications).

APPOINTMENT OF COMMITTEE CHAIRPERSON:

Ms. Markva volunteered to serve as the Committee Chairperson, which was accepted by Committee members.

DISCUSSION:

Petitions for Rule Making:

Petition from Jacqueline Biggs for LPC regulations

A petition for rule-making was submitted to amend qualifications for supervisors of residents to include art therapists.

The petition was discussed by the Committee and Dr. Brendel made a motion to recommend to the Board to reject the petition. The motion was seconded by Dr. Doyle and the motion passed unanimously. The Committee concluded that since art therapy is not a license under the Virginia Board of Counseling and is not a licensed profession in Virginia, it would be difficult for the Board to identify who is qualified as an Art Therapist.

Petition from Jeffrey Chase for LPC regulations

A petition for rule-making was submitted to amend requirements in Chapter 20 for a degree program in counseling by accepting Master's degree graduates of a non-CACREP clinical-counseling psychology program.

The petition was discussed by the Committee and Dr. Brendel made a motion to recommend to the Board to reject the petition. The motion was seconded by Dr. Doyle and the motion passed unanimously. The Committee concluded that professional counseling has now matured to a point of there being a counseling identity. In addition, the expressed intent to prepare counselors has been in the regulations since March 13, 2000.

Proposed changes to LMFT regulations:

The Committee proposed the following changes to Chapter 50:

18VAC115-50-10. Definitions.

1. The definitions of "Ancillary counseling services" and "Clinical counseling services" are added to clarify experience requirements.
2. The definition of "Face-to-face" is added to clarify the type of delivery of clinical services.
3. The definition of "Internship" is changed to clarify that the experience should occur as an academic course of study, with supervised experience in a clinical setting.
4. The definition of "Residency" is changed to clarify that it is post-graduate experience, rather than post-internship experience.

18VAC115-50-20. Fees.

1. The one-time fee reduction which occurred in 2010 is deleted.
2. Section B. is changed to clarify that fees are nonrefundable.

18VAC115-50-30. Application for licensure by examination.

1. Wording is changed to clarify examination requirements.
2. Reference to the required examination is added in accordance with 18VAC115-50-70.
3. Language is removed that requires transcripts in original sealed envelope with the registrar's signature across the sealed envelope flap. The Board is aware that many programs now use electronic means to transmit official transcripts. In addition, if a transcript was previously provided, the board no longer requires a new transcript with an application for licensure by examination, unless additional coursework was subsequently obtained.
4. Language is changed to indicate that the board requires verification of any mental health or health related out-of-state license, certificate or registration, and additional language is added to address disciplinary action against another license.

18VAC115-50-40. Application for licensure by endorsement.

1. Language is changed to clarify that licensure by endorsement must hold or have held an equivalent license in another jurisdiction in the United States, must provide verification of a passing score on a marriage and family therapy exam in the jurisdiction where the license was obtained, must submit an affidavit regarding the laws and regulations in Virginia, and must submit a current NPDB report.
2. The clinical practice requirements in Section B is changed from five of the past six years, to twenty-four of the last sixty months immediately preceding the licensure application in Virginia.

18VAC115-50-50. Degree program requirements.

1. Language is changed to clarify that a program must prepare individuals to practice marriage and family therapy with a core faculty trained in marriage and family therapy.
2. Section B is changed to clarify that a CACREP or COAMFTE approved program is recognized as meeting degree requirements only. Course work requirements are addressed in a separate regulation and must still meet Virginia requirements.

18VAC115-50-55. Course work requirements.

1. Clarification is added to coursework requirements, and additional courses are added as requirements.
2. The internship requirements are changed to remove the reporting of 300 hours of total internship with couples and families, and increasing the direct contact experience with couples and families from 120 hours to 200 hours. It also adds internship supervision requirements.
3. Section B adds language allowing current licensees as a professional counselor, clinical psychologist, clinical social worker or psychiatrist to submit proof of successful completion of 60 semester hours or 90 quarter hours of graduate study, including marriage and family studies and marriage and family therapy.

18VAC115-50-60. Residency.

1. Changes are made to clarify residency requirements and provision of marriage and family services.
2. Language is removed regarding residencies in exempt settings prior to September 3, 2008.
3. Section B reduces the total hours of residency from 4000 hours to 3400 hours. It further clarifies face-to-face supervision and allows for the use of technology.
4. A change is made to allow a waiver of remaining hours if an applicant is licensed in counseling, psychology, psychiatry or social work.

5. Internship requirements towards residency hours are changed with the reduction of total residency hours. Hours in excess of 600 total hours during internship may count for up to an additional 300 hours of residency.
6. Language is added to limit the time for residency. The residency shall be completed in not less than two years and no more than four years. Also, provision is added to allow for acceptance of residency hours approved by the board in another US jurisdiction.
7. Language is removed regarding supervision provided prior to September 3, 2008.
8. Language is changed to require MFT applicants to receive supervision from a licensed marriage and family therapist or professional counselor only.

18VAC115-50-70. General examination requirements.

1. In section A, language is added to waive the exam for current licensed professional counselors in Virginia, in accordance with the *Code of Virginia*.
2. In section C, the language is changed to require that an applicant pass the exam within two years from the initial notification of approval.
3. In section D, language is added to specify that applicants shall not provide marriage and family services unless they are under supervision approved by the board.

18VAC115-50-90. Annual renewal of license.

1. Language is added to specify that unlicensed practice is prohibited and grounds for disciplinary action.

18VAC115-50-96. Continued competency activity criteria.

1. In section B, "governmental agencies" is added to CE providers.

18VAC115-50-100. Late renewal, reinstatement.

1. Language is added and changed for clarification on the process for reinstatement. It also adds a requirement that CE's required for reinstatement must be obtained within the four years immediately preceding application for reinstatement.

18VAC115-50-110. Standards of Practice.

1. Section D, "romantic relationships" are added to clarify dual relationships, as well as "students" being added to the prohibited relationships.

18VAC115-50-120. Disciplinary action.

1. Language is changed to reflect the *Code of Virginia* in the board's ability to revoke, suspend or deny renewal of a license or a registration.
2. Language is added to include submission of an application or supervisory forms to the grounds for action by fraud or misrepresentation. Also added is a guideline for disciplinary action in performance of an act likely to deceive, defraud or harm the public.

With the review of the Marriage and Family Therapy regulations, it was agreed that the regulations governing Professional Counselors and Substance Abuse Therapy Practitioners will be revised to reflect similar changes.

A motion was made by Dr. Seeman, and duly seconded by Dr. Brendel to present the proposed changes to LPC, LSATP, and LMFT regulations to the Board. The Committee voted unanimously to present their recommendations to the Board on May 9, 2014.

GUIDANCE DOCUMENTS:

Due to time constraints, discussion on technology-assisted counseling/supervision, discussion of the need for a guidance document relating to provision of psychological evaluations, and a guidance document related to supervision was tabled until the next Regulatory Committee meeting.

NEXT MEETING:

The next Committee meeting is scheduled for August 14, 2014.

ADJOURNMENT:

The meeting was adjourned at 4:26 p.m.

Charlotte Markva, Chairperson

Catherine Chappell, Executive Director