

**BOARD OF COUNSELING
FULL BOARD MEETING
Friday, May 21, 2021**

TIME AND PLACE: Consistent with Amendment 28 to HB29 (the Budget Bill for 2018-2020) and the applicable provisions of § 2.2-3708.2 in the Freedom of Information Act, the Committee convened the meeting virtually to consider such regulatory and business matters as are presented on the agenda necessary for the committee to discharge its lawful purposes, duties, and responsibilities.

PRESIDING: Johnston Brendel, Ed.D., LPC, LMFT, Chairperson (Joined meeting at 1:28pm)

BOARD MEMBERS PRESENT: Barry Alvarez, LMFT
Kevin Doyle, Ed.D., LPC, LSATP
Natalie Harris, LPC, LMFT
Danielle Hunt, LPC, Vice-Chairperson
Bev-Freda L. Jackson, Ph.D., MA, Citizen Member
Maria Stransky, LPC, CSAC, CSOTP
Terry R. Tinsley, Ph.D., LPC, LMFT, CSOTP
Vivian Sanchez-Jones, Citizen Member
Holly Tracy, LPC, LMFT
Tiffinee Yancey, Ph.D., LPC

BOARD MEMBERS ABSENT: Jane Engelken, LPC, LSATP

STAFF PRESENT: Jaime Hoyle, JD, Executive Director
Christy Evans, Discipline Case Specialist
Jennifer Lang, Deputy Executive Director
Charlotte Lenart, Deputy Executive Director-Licensing
Sharniece Vaughan, Licensing Specialist

DHP STAFF PRESENT: David E. Brown, D.C., DHP Director
Elaine Yeatts, DHP Senior Policy Analyst

BOARD COUNSEL: James Rutkowski, Assistant Attorney General

CALL TO ORDER: Ms. Hunt welcomed Board members, staff, and the public to the meeting. Ms. Hunt called the meeting to order at 1:08p.m. After completing a roll call of Board members and staff, Ms. Hoyle confirmed that the 10 Board members present established a quorum.

APPROVAL OF MINUTES: With no amendments to the February 5, 2021 board meeting minutes, the minutes stand approved as presented.

ADOPTION OF AGENDA: The Board adopted the agenda as written.

PUBLIC COMMENT: No public comment.

AGENCY REPORT: Dr. Brown discussed COVID-19 vaccines. He reported on Virginia's efforts to vaccinate adults and provided an update on the Virginia Department of Health statistics. Dr. Brown discussed how the Governor relaxed the mask mandates and how that change effects the Agency. Dr. Brown stated that when the State of Emergency expires, the law requires board meetings to resume in-person.

Dr. Brown discussed the creation of the Diversity, Equity and Inclusion (DEI) Council at DHP. He stated that DHP expanded outreach efforts for positions of leadership within the agency and has continued in-house sessions for additional training. He also stated that DHP will include this type of training in the Board Member training and will continue to work with national associations regarding diversity opportunities.

CHAIRPERSON REPORT: Ms. Hunt provided the chairperson report, which included the quarterly accomplishments. Ms. Hunt thanked Board members for their involvement in the various endeavors of the Board.

Ms. Hoyle indicated that Dr. Doyle's and Ms. Jane Engelken's terms on the Board expire on June 30, 2021.

Ms. Hunt thanked Dr. Doyle for his service to the Board. Dr. Brendel joined the meeting and continued the Chairperson report. Dr. Brendel also thanked Dr. Doyle and Ms. Engelken for their service to the Board.

Dr. Brown recognized Ms. Stransky for her hard work reviewing cases and her role on the IFC Committee. Dr. Brown and Ms. Yeatts both expressed their thanks to Dr. Doyle for his service.

**LEGISLATION AND
REGULATORY REPORTS:**

Regulatory Actions:

Ms. Yeatts provided an update on current regulatory actions dated May 16, 2021.

18VAC 115-20 Regulations Governing the Practice of Professional Counseling – Unprofessional conduct-conversion therapy (Action 5225); Final – At Governor's Office for 26 days

18VAC 115-20 Regulations Governing the Practice of Professional Counseling – Periodic review (action 5230); Proposed - At Governor's Office for 160 days

18VAC 115-20 Regulations Governing the Practice of Professional Counseling – Resident license (action 5371);
Final – Effective 6/23/2021

18VAC 115-30 Regulations Governing the Certification of Substance Abuse Counselors – Clarification on Independent Practice (action 5692) Fast Track – At Governor's Office for 45 days

18VAC 115-40 Regulations Governing the Certification of Rehabilitation Providers - Periodic review (Action 5305);
Final – At Governor's Office for 26 days

18VAC 115-90 Regulations Governing the Licensure of Art Therapists (under development) – NOIRA – Register Date: 3/1/2021, Comment ended: 3/31/2021

Ms. Yeatts discussed the Art Therapy Advisory Board's role and the recent Art Therapy Advisory Board meeting. Ms. Yeatts stated that there was no consensus on proposed regulatory language. The Advisory Board will meet again and will present the proposed regulations at the next Quarterly meeting.

Ms. Yeatts provided an update on the post 2021 General Assembly actions.

COMMITTEE REPORTS:

Regulatory Committee:

Ms. Tracy reported that the Regulatory Committee met on May 14, 2021.

Dr. LoriAnn Stretch provided a presentation on her recommendations for telehealth regulatory and guidance document amendments.

The Committee discussed concerns and issues with the growing number of telehealth companies and the move toward Artificial Intelligence (AI).

The Committee recommended that the Board provide immediate guidance through a newsletter/board brief and to amend the guidance

document on telehealth. Board staff will draft a proposed guidance document based on Dr. Stretch's recommendation for review at the next Regulatory meeting.

The Committee also discussed the counseling compact and the pros and cons of being one of the first ten states, which would allow the Board to be an active member of the compact commission. The Committee also discussed the Marriage and Family Therapists pursuing reciprocity instead of a compact.

The Committee discussed the need for a human service definition. The Board talked about the need to protect the public and ensure that applicants have the minimum education. Staff will develop a draft definition of human service by outlining the elements of human service and present this to the Committee.

The Committee discussed the need for more collaboration with DBHDS and DMAS around QMHPs to include an initial training, which would include ethics, and a training for supervisors about the requirements and scope of practice of QMHPs.

The Committee discussed a possible Code change to allow Agency Subordinates to hear credential review cases.

Board of Health Professions Report:

Dr. Doyle provided a brief summary of the recent Board of Health Professions meeting. Dr. Doyle indicated that the Board continues to grow and is a lot different from 5 to 10 years ago. Dr. Doyle commended the staff for addressing the needs of over 34,000 licensees. Dr. Doyle and Ms. Hoyle discussed the need for a Board member to be appointed as a member to the Board of Health Professions as of July 1, 2021.

STAFF REPORTS:

Executive Director's Report – Jaime Hoyle

Ms. Hoyle's report included the Board's financials as presented in the agenda packet.

Ms. Hoyle announced that the Board has recently hired Charles McAdams, former Board member and counseling educator, to review probable cause cases for the Board. Ms. Hoyle also announced that the Administration approved her request to hire a part-time executive assistant, which will help facilitate meetings, minutes, and travel for the Boards.

Ms. Hoyle gave a brief update on the AASCB annual conference and provided information on the Board's outreach.

Ms. Hoyle discussed the process for Board appointments and re-appointments.

Ms. Hoyle thanked Dr. Doyle for leading the Board and staff in a

positive direction throughout his years as a Board member and Board Chair.

Discipline Report – Jennifer Lang, Deputy Executive Director

Ms. Lang's report gave a brief update on the discipline report posted in the agenda packet. Ms. Lang reported that she is on the AASCB regulatory excellence committee that reviewed endorsement requirements. The Committee will now look into the telehealth. Ms. Lang will report to the Board on what the Committee discusses.

Ms. Lang thanked Dr. Doyle for all his help for the past 11 years she has been with the Board. She also thanked Christy Evans for her hard work and dedication.

**Licensing Report – Charlotte Lenart, Deputy Executive Director-
Licensing**

Ms. Lenart gave a brief summary of the licensing report and thanked Dr. Doyle for his service and support to the staff. Ms. Lenart also thanked the Board of Counseling staff for their hard work and dedication.

Ms. Lenart discussed her outreach efforts and upcoming renewals.

Ms. Lenart led a discussion on continuing education exemption requests. After the brief discussion, the Board agreed that staff should not grant exemptions, but should offer extensions based on the increased amount of free and low cost training available to all licensees.

Dr. Brendel expressed his thanks to staff for their work in positively changing the perception of the Board in the community.

RECOMMENDED DECISIONS:

See Attachment A.

**PRESENTATION ON
TELEHEALTH:**

State of Telehealth in the U.S. Presentation – Dr. LoriAnn Stretch

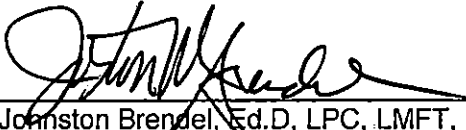
Dr. Stretch conducted a comprehensive review of telehealth legislation, laws, regulations, administrative code, and guidance documents across all fifty states and the District of Columbia. Dr. Stretch presented her 14 key practice standards of telehealth recommendations for the protection of the public. Board members were able to ask questions and discuss areas of concern. Staff will take the suggestions outlined in Dr. Stretch's report and create a draft guidance document by updating the language and tying the recommendations back to regulations and present the updated guidance documents at the next Board meeting.

NEXT MEETING:


Next scheduled Quarterly Board Meeting is August 20, 2021.

ADJOURN:

The meeting adjourned at 3.16 p.m.



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



Jaime Hoyle, J.D
Executive Director

Attachment A

CONSIDERATION OF AGENCY SUBORDINATE RECOMMENDATIONS:

CLOSED MEETING:

Ms. Stransky 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. She further moved that James Rutkowski, Jaime Hoyle, Jennifer Lang, Charlotte Lenart, Christy Evans, and Sharniece Vaughan attend the closed meeting because their presence in the meeting was deemed necessary and would aid the Board in its consideration of the matters.

Ms. Hunt 2nd the Motion and the motion passed unanimously by a roll call.

RECONVENE:

Ms. Stransky 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:

Florian Ezui, LPC

License # 0701007213

Case # 195812

Florian Ezui was not present at the board meeting. The board considered the agency subordinate's recommendation to indefinitely suspend Mr. Ezui's license to practice professional counseling in the Commonwealth of Virginia.

Tony Gee, CSAC

Certificate # 0711000271

Case # 198536

Mr. Gee was not present at the board meeting. The board considered the agency subordinate's recommendation to place certain terms and conditions on Mr. Gee's certificate to practice substance abuse in the Commonwealth of Virginia.

DECISION:

Ms. Tracy moved that the Board of Counseling accept the recommended decisions of the agency subordinate as presented. The motion was seconded by Ms. Stransky and passed unanimously by a roll call.