



**Virginia Board of Counseling
Full Board Meeting Minutes
Friday, May 5, 2023, at 10:00 a.m.
9960 Mayland Drive, Henrico, VA 23233
Board Room 2**

- PRESIDING OFFICER:** Johnston Brendel, Ed.D., LPC, LMFT, Chairperson
- BOARD MEMBERS PRESENT:** Angela Charlton, Ph.D., LPC
Benjamin Allison, Citizen Member
Danielle Hunt, LPC, Vice-Chairperson
Natalie Franklin, LPC, LMFT
Gerard Lawson, Ph.D., LPC, LSATP
Maria Stransky, LPC, CSAC, CSOTP
Matthew Scott, LMFT
Terry R. Tinsley, Ph. D., LPC, LMFT, CSOTP
Tiffinee Yancey, Ph.D., LPC
- BOARD STAFF PRESENT:** Anne Atkinson, Executive Assistant
Charlotte Lenart, Deputy Executive Director
Jaime Hoyle, JD, Executive Director
Jennifer Lang, Deputy Executive Director
- BOARD COUNSEL PRESENT:** James Rutkowski, Assistant Attorney General, Board Counsel
- DHP STAFF PRESENT:** Arne Owens, Director, Department of Health Professions
Erin Barrett, JD, Director of Legislative and Regulatory Affairs
James Jenkins, Jr., Chief Deputy, Department of Health Professions
Matthew Novak, Policy Analyst, Department of Health Professions
- PUBLIC ATTENDEES:** Cinda Caiella, LMFT, Mind Health Center
Denise Daly Conrad, Director of Strategic Initiatives, Virginia Healthcare Foundation
- CALL TO ORDER:** Dr. Brendel called the board meeting to order at 10:00 a.m.
- ESTABLISHMENT OF A QUORUM:** With ten members present at roll call, a quorum was established.
- MISSION STATEMENT:** Ms. Hoyle read the mission statement of the Department of Health Professions, which was also the mission statement of the Board. Ms. Hoyle also read the emergency egress instructions.
- ADOPTION OF AGENDA:** The meeting agenda was adopted as presented.
- PUBLIC COMMENT:** No public comment provided.
- APPROVAL OF MINUTES:** The Board approved the January 20, 2023, minutes as presented.

AGENCY DIRECTOR REPORT:

Mr. Owens, announced that Fentanyl Awareness Day events will take place on May 9, 2023, throughout the Commonwealth. Various locations will host events, some to be attended by the Governor and First Lady. Training will be conducted for individuals to administer the drug Naloxone, which is used to treat fentanyl overdose when administered right away.

Mr. Owens reported on the importance of the Governor's initiative, Right Help, Right Now. (Pillar 5) of which Ms. Hoyle and Mr. Jenkins are co-leads.

Mr. Owens stated DHP has recently completed an internal strategic planning process to make DHP the best place to work and continue to retain and attract other state agencies employees to work at DHP.

DHP is already underway to address the healthcare worker shortage through preparation of legislative proposals for the 2024 General Assembly.

CHAIR REPORT:

Dr. Brendel reported that he and Vice Chair Danielle Hunt's second term as Board Members will end on June 30, 2023. Ms. Charlton's first term will expire on June 30, 2023. Dr. Brendel stated that he will be resigning at the end of his term.

Dr. Brendel recognized Ms. Hunt and Ms. Stransky for their time and dedication on the Special Committee. The Special Committee conducts Informal Conferences which allows applicants and licensees their due process.

Dr. Brendel also recognized the effort of those Board members who attended the Regulatory Advisory Panel.

Dr. Brendel discussed the advancements over the years to include Virginia becoming the 20th state to join the Counseling Compact; board staff customer service improvements; process efficiencies; board members and staff participation in national organizations; counselor identity and the addition of QMHPs in 2018.

Dr. Brendel thanked staff for their ongoing efforts to improve the Board and commented on the staff's amazing performance during the pandemic. He remarked that the Agency should continue to keep an eye on retention of the staff.

Dr. Brendel talked about learning about the profession from a bird's eye view and being able to listen to perspectives from others that he would not ordinarily encounter.

LEGISLATION & REGULATORY REPORT:

Ms. Barrett reviewed the Board of Counseling chart of regulatory actions.

Ms. Barrett discussed the exempt regulatory changes to allow agency subordinates to hear credential cases. The change to the regulations were presented in the agenda packet.

Motion: Ms. Stransky moved, which was properly seconded, to adopt the exempt regulatory action changes effective July 1, 2023. The motion passed unanimously.

Ms. Barrett presented the proposed emergency regulation changes to implement provisions of the Counseling Compact. Ms. Barrett reported that the Regulatory Committee recommended the full Board adopt the language as presented.

Motion:

Dr. Lawson moved, which was properly seconded, to adopt the emergency regulations and Notice of Intended Regulatory Action (NOIRA) to implement provisions of the Counseling Compact as discussed. The motion passed unanimously. Refer to Attachment A.

Petition for Rulemaking:

The petitioner requested Guidance Document 115-1.4 be amended to exclude residents from the regulatory requirements outlined in 18VAC11520-52(B)(5) to allow teleaudio services to count as client contact hours.

The Board decided to take no action on the petitioners request to amend Guidance Document 115-1.4.

NEW BUSINESS:

Ms. Hoyle discussed Article IX of the Counseling Compact which requires that each state appoint a delegate to vote on promulgation of rules and creation of bylaws and participate in the business and affairs of the Commission by attend meetings on behalf of the Board.

Motion:

Ms. Hunt moved, which was properly seconded, to appoint Ms. Hoyle or her designee to service as the delegate for the Board. The motion passed unanimously.

Update Discussion from Jaime Hoyle, Executive Director, on Right Help. Right Now. Behavioral Health Transformation Initiative

Ms. Hoyle indicated that DHP is working on the Governor's three-year plan to transform Virginia's Behavioral Health system. Ms. Hoyle and Mr. Jenkins, DHP Chief Deputy, serve as co-leads on the Pillar 5 - Behavioral Workforce Committee.

American Association of State Counseling Boards (AASCB) Conference Update

Dr. Lawson, Ms. Hunt, and Ms. Lenart gave the highlights on the recent AASCB conference which included information on the Counseling Compact, technology, development and results for the National Clinical Mental Health Counseling examination (NCMHCE), and diversity on the Board.

BSU Technology Initiatives and Implementations

Board staff has updated all online and paper applications as it relates to HB1573/SB970 which required the Board to amend its application questions removing existing questions pertaining to mental health conditions and impairment and to include specific questions.

Ms. Lenart discussed the new technology that now allows for applicants to upload their supplemental documentation when applying online. Ms. Lenart gave the Board a short demonstration of this process.

Ms. Lenart provided ongoing information on the BOT automated emails and stated that the Board website will be updated with a new look and feel in the next few weeks.

Discussion on the Department of Health Professions, Workforce Dashboards – Diane Powers, Communication Manager

Ms. Powers provided information on the launch of DHPs new 2023 digital Virginia’s Behavioral Health Workforce Dashboard. This dashboard gives state-specific data regarding licensees of Virginia’s behavioral healthcare workforce. Refer to Attachment B.

REGULATORY COMMITTEE:

Dr. Lawson provided an update on the Regulatory Advisory Panel (RAP) meeting on March 3, 2023. The Board met with the stakeholders to discuss the recent petitions for rulemaking that asked the Board to modify the regulations lowering the standards by broadening the education requirements and reducing or expanding the supervision allowing seasoned QMHPs to supervise. The Board is reluctant to lessen the requirements as they continue to see discipline complaints about QMHPs that raise questions about their preparation and whether they understand their scope of practice and appropriate ethical behavior. The Committee would like to explore specific training that would provide QMHPs with specific training to help prepare them for their scope of practice.

The Committee may request another RAP meeting in July. Staff suggested that a survey be sent to the constituencies that participated at the RAP to get their feedback on critical issues to conduct a more productive meeting. Dr. Lawson suggested that we gather information from QMHPs to identify if QMHPs feel well prepared or supported in their roles as a QMHPs.

EXECUTIVE DIRECTOR’S REPORT:

Ms. Hoyle recognized the staff dedication to the mission of the Board. Ms. Hoyle recognized Ms. Lang and Ms. Lenart for their ongoing effort and dedication to the Board.

Ms. Hoyle reported on the budget for the board. A copy of the financial report was included in the on page 83 of the agenda packet.

Ms. Hoyle praised Board Deputy Directors Jennifer Lang and Charlotte Lenart, for their outstanding work which includes website changes, good relationships with enforcement and overall outstanding reputations throughout the Commonwealth.

Ms. Hoyle talked about Dr. Brendel and Ms. Hunt’s hard work and dedication to the Board by responding to emails, reviewing cases, attending conferences, leading meaningful discussions, and being fierce advocates for staff.

LICENSING REPORT:

Ms. Lenart referenced the licensing report on page 84. She discussed the new endorsement application process which has enabled endorsement applications to be reviewed in an expedited manner.

Ms. Lenart thanked Dr. Brendel and Ms. Hunt for their dedication, leadership and support throughout their years serving on the Board.

DISCIPLINE REPORT:

Ms. Lang referenced the discipline report included in the agenda. She reported that the Board of Counseling has received 128 completed investigations to date (through April 14), which is a 14.3% increase for the same period in 2022.

Ms. Lang also reported that she is recruiting for a new part-time position to concentrate on CE audits and hopes to have someone in the position soon. She reminded board members that discipline staff currently consists of Ms. Lang and Christy Evans, so this new position will allow Ms. Evans to focus more on the discipline process and compliance case management.

Ms. Lang thanked Dr. Brendel and Ms. Hunt for their dedication to the board and staff during their time serving as board members.

**SUBORDINATE
RECOMMENDATIONS:**

Refer to Attachment C.

NEXT MEETING DATES:

Dr. Brendel announced that the next Board meeting will occur on July 21, 2023.

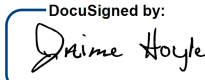
ADJOURNMENT:

Dr. Brendel adjourned the May 5, 2023, Board meeting at 12:00 p.m.

The minutes were approved at the Board of Counseling
Quarterly meeting on 7/21/2023.

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

DocuSigned by:



Jaime Hoyle, JD, Executive Director