

**DRAFT**

**Virginia Board of Counseling  
Quarterly Board Meeting Minutes  
Friday, April 19, 2024, at 10:00 a.m.  
9960 Mayland Drive, Henrico, VA 23233  
Board Room 2**

**PRESIDING OFFICER:** Gerard Lawson, PhD, LPC, LSATP, Board Chairperson

**BOARD MEMBERS PRESENT:** Lester Paul Bernard, PhD, LPC  
Natalie Franklin, LPC, LMFT  
Nakeisha Gordon, LPC  
Luanne Griffin, LPC  
Matthew Scott, LMFT  
Maria Stransky, LPC, CSAC, CSOTP  
Terry R. Tinsley, PhD, LPC, LMFT, CSOTP  
Tiffinee Yancey, PhD, LPC

**BOARD MEMBERS ABSENT:** Benjamin Allison, Citizen Member

**BOARD STAFF PRESENT:** Latasha Austin, Licensing & Operations Supervisor  
Jaime Hoyle, JD, Executive Director  
Jennifer Lang, Deputy Executive Director- Discipline  
Dalyce Logan, Licensing Specialist

**DHP STAFF PRESENT:** Erin Barrett, JD, Director of Legislative and Regulatory Affairs, Department of Health Professions  
James Jenkins, RN, Agency Deputy Director, Special Advisor to the Governor on Workforce  
Arne Owens, Agency Director, Department of Health Professions

**BOARD COUNSEL PRESENT:** Laura Booberg, Assistant Attorney General

**PUBLIC ATTENDEES:** Prinetti Blakes  
Denise Konrad  
Meghan McIntyre

**CALL TO ORDER:** Dr. Lawson called the Board Meeting to order at 10:02 a.m.

**ROLL CALL/ESTABLISHMENT OF A QUORUM:** An introduction was done of all Board members and staff. Nine members of the Board were present at roll call; therefore, a quorum was established.

**MISSION STATEMENT:** Dr. Lawson read the mission statement of the Department of Health Professions, which was also the mission statement of the Board. Dr. Lawson also read the emergency egress instructions.

**ADOPTION OF AGENDA:** **Motion:** Ms. Stransky made a motion, which Ms. Franklin properly seconded, to adopt the agenda as presented. The motion passed unanimously.

**PUBLIC COMMENT:** No public comment was provided.

**APPROVAL OF MINUTES:** The Board reviewed the minutes from the last meeting held on February 2, 2024. It was noted that the adjournment time of the meeting was corrected from pm to am.

**Motion:** Dr. Bernard made a motion, which Dr. Yancey properly seconded to approve the minutes from the February 2, 2024, meeting as amended. The motion passed unanimously.

#### **AGENCY REPORT:**

Mr. Owens reported on the legislative session and that it was a successful session. He indicated that the general assembly would reconvene in May. He reported that legislation passed that will increase the number of practitioners in Virginia, therefore increasing the workforce. Staff have been working on implementation plans.

Mr. Owens informed the Board that the budget would be sorted out when the general assembly reconvenes in May. He informed the Board that since DHP is a non-general fund agency, the funds to operate the agency are not dependent on the budget. However, the ability to change the number of full-time staff the agency has to ensure there are enough staff to do the work as more license types are created is dependent on the budget.

Mr. Owens reported on the leadership changes at DHP. He informed the Board that the new Director of the Enforcement Division is Sarah Rogers. He also indicated that a new Communications Director would be starting on April 25<sup>th</sup> to replace Diane Powers who retired. He added that Leslie Knachel will soon begin as the new Chief Operating Officer for the agency replacing Lisa Hahn who is retiring. He also indicated that the process would soon start for a new Executive Director for the Board of Nursing to replace Jay Douglas who will be retiring this summer.

Lastly, Mr. Owens reported that Impact Makers has been working with several Boards to help make licensing processes more efficient.

#### **BOARD CHAIR REPORT:**

Dr. Lawson reported that with the success of the legislation session, that there will be a lot of upcoming work on the new credentials.

As President-Elect for the American Association of State Counseling Boards (AASCB), he reported that questions are starting to be asked from counselors if sessions can be recorded to build an AI program. He added that he has concerns about confidentiality. He also informed the board that the Compact is moving forward and should start taking applications within the year.

Dr. Lawson informed the board that the National Board for Certified Counselors (NBCC) Regulatory Submit would be held in Puerto Rico June 26, 28, 2024. Any board members interested in participating should contact Ms. Hoyle.

Following questions regarding the chairs report, there was a recommendation to start an AI Committee to review best ways for counselors to use AI. It was also suggested that it would be better to start the committee after the fall due to the number of legislation changes that will have to be made due to the new credentials. The Board was also informed that the AASCB will also have an AI Committee.

#### **LEGISLATION & REGULATORY REPORT:**

- **Chart of Regulatory Actions**

Ms. Barrett reviewed with the Board the current regulatory actions for the Board of Counseling as of April 10, 2024. A copy of the chart was included in the agenda packet.

Ms. Barrett added that at the next meeting she will be requesting that two regulatory actions be withdrawn as legislation made changes in contrast to proposed changes.

- **Petition for Rulemaking**

Ms. Barrett reviewed and discussed a petition for rulemaking received to amend 18VAC115-20-52(C) to allow licensed clinical social workers to provide supervision to residents in professional counseling. Ms. Barrett informed the Board that 64 comments were received in opposition of the petition, 20 in support of the petition and 3 that were not clear.

**Motion:** Dr. Bernard made a motion, which Ms. Stransky properly seconded, to take no action because if the Board permitted licensed clinical social workers to supervise residents in counseling, the Board of Counseling would have no jurisdiction to discipline the LCSW supervisor in the event a violation of law occurred. Additionally, access to technology-assisted supervision has increased the availability of supervisors for residents in counseling. Technology-assisted supervision was not in existence at the time licensees of other boards were previously permitted to supervise counseling residents. Finally, the Board believes that residents in counseling would be better served by supervision from a licensed professional counselor given the differences in the disciplines of licensed professional counseling and licensed clinical social work. The motion passed unanimously.

- **Legislative Report**

Ms. Barrett reviewed with the Board the current legislations that have been passed and approved by the Governor. They include:

- HB329, which affects endorsement requirements for licensure as a marriage and family therapist.

This bill affects two regulatory changes that will be requested to be withdrawn.

- HB426, which would recognize the National Counselor Examination (NCE) as a valid examination for licensure as a licensed professional counselor in the Commonwealth of Virginia.

No regulatory changes are needed as a result of this bill. Some board members expressed concern regarding allowing this examination as it can be taking before receiving a master's and perhaps the Board may see more ethical violations with persons who take this exam. Board members were reminded that the board is already accepting person who have taken this exam as applicants coming in by endorsement can take this exam.

- SB403, this bill will merge QMHP A & C into one QMHP and creating new registration types for Behavioral Health Technicians and Behavioral Health Technician Assistants.

The Board will have to create new regulations and exempt action for initial promulgation. The Regulatory Committee will need to work on these in July to present to the Board at the August 2024 meeting for a final vote at the October 2024 meeting. New registrations should be issued in early 2025.

## **EXECUTIVE DIRECTOR'S REPORT:**

Ms. Hoyle welcomed Ms. Griffin to the Board as she was unable to attend the first meeting following her appointment. Ms. Hoyle informed the board that there are still currently two vacancies on the Board and that Ms. Franklin's 2<sup>nd</sup> term and Dr. Gerard's 1<sup>st</sup> term will end of as June 30, 2024. Ms. Hoyle thanked those board members who volunteered to work on the regulatory committee and that for anyone interested in working on the AI committee to let her know.

Ms. Hoyle informed the board that staff vacancies have been filled with the recent hire of Ms. Austin as the Licensing and Operations Supervisor and Mr. Boatwright as the Licensing Specialist. She also thanks Ms. Barrett for her hard work and the work she does advocating for the Board.

Ms. Hoyle added that she will be doing some outreach in May and that she continues her work along with Mr. Jenkins with Right Help Right Now.

Mr. Jenkins provided an update on Right Help Right Now and informed the Board that the new Executive Director is Hallie Pence and that they are currently working on a digital campaign.

**DISCIPLINE REPORT:**

Ms. Lang referenced the discipline report included in the agenda. Additionally, she reported that as of April 5, 2024, the behavioral science boards (Counseling, Psychology, and Social Work) had received a total of 227 discipline cases. This is a 24% increase from the cases received for the same time frame in 2023. She thanked Christy Evans, Discipline and Compliance Case Manager, for taking on new responsibilities in the discipline process. Ms. Lang is working with the agency in hopes to get approval for additional FTEs. The cases for the behavioral science boards consistently increase each year and are expected to rise significantly with the addition of six new pending credentials among the three boards.

Ms. Lang advised that because of an increase in cases requiring immediate hearings, per the Code of Virginia, there is a backlog of matters to be heard at formal hearings. To address the backlog, she is planning to hold formal hearings following scheduled meetings of the Regulatory Committee. However, given the plans for the committee to work on new credentials, this may not begin until the beginning of 2025. She will continue to work on getting the older cases scheduled as soon as possible.

**LICENSING REPORT:**

Ms. Hoyle referenced the licensing report that was included in agenda packet. Additionally, she reported that Ms. Lenart has been working with Impact Makers and she reminded the board that renewals are coming up.

**NEXT MEETING DATES:**

The next meeting is scheduled for Friday, August 2, 2024. Next Regulatory meeting will be July 19, 2024

**ADJOURNMENT:**

Dr. Lawson adjourned the April 19, 2024, meeting at 11:35 a.m.

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Gerard Lawson, PhD, LPC, LSATP, Chair

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Jaime Hoyle, JD, Executive Director