

**BOARD OF COUNSELING
QUARTERLY BOARD MEETING
Friday, September 19, 2014**

TIME AND PLACE:

The meeting was called to order at 10:04 a.m. on Friday, September 19, 2014, in Board Room 2 at the Department of Health Professions, 9960 Mayland Drive, Henrico, Virginia.

ATTENDANCE:

Presiding:

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

Board Members Present:

Cinda Caiella, LMFT

Kevin Doyle, Ed.D., LPC, LSATP

Scott Johnson, Ph.D., LMFT

Sandra Malawer, LPC, LMFT

Patricia Mullen, LPC

Joan Normandy-Dolberg, LPC

Phyllis Pugh, LPC, CSAC

Vivian Sanchez-Jones, Citizen Member

Joseph Scislowicz, LPC, LMFT

Terry Tinsley, Ph.D., LPC, LMFT

Holly Tracy, LPC, LMFT

Board Members Absent:

Benjamin Keyes, Th.D., Ph.D., Ed.D., LPC

Leah Mills, Citizen Member

Staff Present:

Tracey Arrington-Edmonds, Administrative Assistant

David Brown, D.C., DHP Director

Catherine Chappell, MHRM, Executive Director

Christy Evans, Administrative Assistant

Jennifer Lang, Licensing Manager

James Rutkowski, Assistant Attorney General

Elaine Yeatts, Senior Policy Analyst

WELCOME:

Dr. Brendel welcomed new board members and welcomed members of the public in attendance.

ORDERING OF AGENDA:

A change was made to incorporate the discipline report into the licensing manager's report and the agenda was accepted as amended.

APPROVAL OF MINUTES:

A motion was made by Dr. Johnson to approve the minutes as amended. The motion was seconded by Dr. Doyle and carried, with one member abstaining.

PUBLIC COMMENT:

No public comment was made.

REGULATORY COMMITTEE:

Petitions for Rule-Making:

Petition from Gerard Lawson for LPC regulations

A petition for rule-making was submitted to amend requirements for educational programs in counseling, and the Regulatory Committee's recommendation was to accept the petition and begin the regulatory process. The petition was discussed by the board members, and Ms. Normandy-Dolberg made a motion to accept the petition. The motion was seconded and carried with a majority vote (seven (7) votes in favor of accepting the position, four (4) votes in opposition, and one (1) abstention). The board offered the following as a basis for acceptance of the petition:

1. MPCAC (Masters in Psychology and Counseling Accreditation Council) accredits only nine (9) programs and eight (8) institutions, compared to the 661 programs and close to 300 institutions accredited by CACREP (Council for Accreditation of Counseling & Related Educational Programs).
2. CACREP accredits two-thirds of the counseling programs.
3. The petition comments that CACREP accredits only a small minority of programs are erroneous and were based on the number of programs in specific Northeast states.
4. The petition comments that claim that there are only three (3) clinical mental health programs in Virginia, doesn't take into account the programs that will be shifting from community mental health programs to clinical mental health programs when they apply for reaccreditation under the 2009 CACREP standards. Liberty and Hampton Universities are currently in the accreditation process. Soon, there will be very few programs in Virginia that will not have CACREP accreditation.
5. CORE (Council on Rehabilitation Education) is now affiliated with CACREP and ACA (American Counseling Association) is now promoting only one (1) accrediting body.

DHP DIRECTOR'S REPORT:

Dr. Brown introduced himself to the new board members and welcomed them. He thanked all board members for their dedication and service to the board. He announced a new board member training that is scheduled for October 10, 2014, which will consist of in-depth training.

He addressed the agency's concerns regarding applicants who do not disclose a criminal history, and the need to require a criminal background check for each applicant, but it would necessitate introduction of legislation and additional personnel with the State Police. Criminal background processing requires one (1) person for every 10,000 requests. However, in an effort to address the issue in the immediate future, the agency is working with the State Police to cross-reference our licensee and applicant databank with the

Virginia Sex Offender Registry. While felonies are not barriers from licensure, they need the board's consideration in each matter.

LEGISLATIVE UPDATE:

Ms. Yeatts reported that the Regulatory Committee reviewed regulations for LPC (Chapter 20), LMFT (Chapter 50) and LSATP (Chapter 60) and proposed changes (see Regulatory Committee minutes from September 18, 2014 for detailed changes). The following additional changes were made by the board after review of the Committee's proposed changes:

18VAC115-20-52(B)(2) – This subsection should read “Up to 20 hours of the supervision received during the supervised internship may be counted towards the 200 hours of face-to-face supervision, if the supervision was provided by a licensed professional counselor”.

18VAC115-50-60(B)(1)(c) – This subsection should read “Up to 20 hours of the supervision received during the supervised internship may be counted towards the 200 hours of face-to-face supervision, if the supervision was provided by a licensed marriage and family therapist or a licensed professional counselor”.

18VAC115-60-80(B)(2)(e) – This subsection should read “Up to 20 hours of the supervision received during the supervised internship may be counted towards the 200 hours of face-to-face supervision, if the supervision was provided by a licensed professional counselor”.

18VAC115-20-52(B)(7), 18VAC115-50-60(B)(9) and 18VAC115-60-80(B)(5) – A motion was made by Ms. Normandy-Dolberg to change the proposed residency requirements to “not less than 18 months or more than four years”. The motion was seconded and carried unanimously.

Dr. Johnson made a motion to adopt the regulations as amended. The motion was seconded and carried with a unanimous vote.

EXECUTIVE DIRECTOR'S REPORT:

Quorum

Ms. Chappell thanked the board members for their continued dedication and support. With 12 members in attendance, a quorum was established.

Board Members

Currently, of the 14 Counseling board members, there are two (2) members on expired terms (Dr. Brendel and Ms. Mullen). Because of the recent statutory change to the board's composition, seats have been reallocated among LPC, LMFT clinical fellows with the American Association of MFT, LSATP and citizen members. The Secretary of the Commonwealth's office is considering individuals to fill the two (2) remaining open LSATP seats and the board appreciates Dr. Brendel and Ms. Mullen for their dedication to the board by continuing to serve until replaced.

Staff Update

Ms. Chappell recognized board staff for their dedication and hard work. Ms. Lang continues to lead licensing efforts plus has taken on additional duties in the absence of other staff members. The board continues to utilize three (3) temporary, highly-skilled licensing staff members who serve as front line to

callers, emails and incoming applications. Because of hiring limitations for the agency, the board continues to employ temporary workers to meet business needs.

Ms. Chappell announced, for members who were not in attendance at the August meeting, that Patricia Larimer has left the board. Ms. Larimer served as the discipline deputy for the boards of Counseling, Social Work and Psychology for approximately five years. At her departure, staff was shifted to meet the discipline needs and the process remains on track. A day of informal conferences is scheduled for October 31 and will be staffed by Drs. Tinsley and Doyle, as well as December 5 (board members to be determined). There is one (1) formal hearing pending, which is tentatively scheduled for February following the board meeting.

Outreach Efforts

Ms. Chappell continues her efforts in community outreach, with several presentations planned for November, including Virginia Tech's graduate MFT program (Licensing 101), Northern Virginia LPC in Fairfax (focus on supervision), and the VCA conference with Dr. Doyle in Williamsburg (focus on discipline). She commented that she enjoys putting a face to the Board of Counseling and being available to answer questions.

Financial Update

Ms. Chappell distributed a financial analysis for the fiscal year ending June 30, 2014 for the board, which indicated a cash balance of \$715,024. Because of the annual renewals, the Board is able to sustain itself. The balance at June 30, 2014 reflects the incoming renewal payments which will be used to fund the next fiscal year.

LICENSING MANAGER'S REPORT:

Licensing Report:

The Board of Counseling regulates **4,913 licenses and 2,069 certificates**, which include:

3,921 Professional Counselors
814 Marriage and Family Therapists
178 Licensed Substance Abuse Treatment Practitioners
1,609 Certified Substance Abuse Counselors
148 Certified Substance Abuse Counseling Assistants
312 Certified Rehab Providers

Since the last meeting, board staff has received **799** applications and registration requests. This is a 16% increase from the prior four month period. This total includes:

655 LPC applications and registrations
58 LMFT applications and registrations
6 LSATP applications and registrations
55 CSAC applications and registrations
23 CSAC-A applications
2 CRP applications

Since May, staff has issued **141** licenses, **53** certifications, and **350** registration approvals. In addition, **125** applicants have been approved for the LPC exam. Staff continues to receive more than **250** calls and more than **500** emails each week, along with additional documentation that is requested from the applicants.

Ms. Lang explained the agency's satisfaction survey that is sent to new licensees for feedback and her goal to increase applicant satisfaction. When she began with the board in 2010, the satisfaction rating was 71.9%. For the quarter ending June 30th, the satisfaction rate went to 92.8%, which is a 23% increase. Ms. Lang thanked Ms. Chappell for her leadership, the board for their continued support, and the staff for their hard-work and dedication.

NBCC Conference:

In August, Ms. Lang represented the board at the NBCC State Counseling Board Conference in Greensboro, NC. She relayed information on her discussions with other state boards, specifically Maryland, DC and West Virginia. With the large amount of licensees that are shared among these states, collaboration between the boards, in both licensure and discipline, is essential. Most of the states represented at the conference discussed similar concerns that board staff experiences on a daily basis. Florida and several other states have passed laws allowing the boards to issue Cease and Desist Orders for unlicensed practice, which often includes large fines. Maryland and DC board staff has expressed an interest in attending our next educational summit.

Ms. Lang provided a copy of a PowerPoint presentation on social media and distance counseling. Due to board member interest in this topic, she will work on arranging a future presentation on this topic.

At the conference, NBCC made several announcements regarding future plans, which include:

1. Computer Based Testing (CBT) – By February 2015, all states will transition to CBT. NBCC will partner with Pearson Vue for exam administration. This will allow for weekly scores reported to the board, additional exam versions, higher exam security, and more accessible testing centers for applicants.
2. CACREP – As of January 2015, NBCC will begin a 7-year transition for national certification to require completion of a degree with a CACREP accredited program. NBCC awards 15 grants per year to schools seeking accreditation.

Ms. Chappell commented that NBCC provided full funding for one board member and one senior staff member to attend their annual meeting.

Registry:

The supervisor registry is in the final stages. If changes can be made to the database that are necessary to complete this project, the agency data department is hoping to have the information posted online by October 1, 2014.

Discipline Report:

Ms. Lang reported that Counseling has 54 open cases at board level, including:

- Administrative Proceedings Division (2 cases)
- IFC process (9 cases)
- FH process (1 case)
- Probable cause review to be completed (34 cases)
- Compliance monitoring (8 cases)

In addition, 31 cases are currently being investigated. Ms. Lang asked board members for their assistance in probable cause reviews.

COMMITTEE REPORTS:

Board of Health Professions:

Ms. Chappell commented that the Board of Counseling does not currently have a member representative on the Board of Health Professions.

NEW BUSINESS:

Educational Summit:

The board scheduled an Educational Summit as part of the board meeting on November 14, 2014. Staff will follow up with educational programs and send a Save the Date invitation.

CLOSED MEETING:

Mr. Scislowicz moved that the Board of Counseling convene in closed session pursuant to §2.2-3711(A)(27) of the Code of Virginia in order to consider Recommended Decisions. He further moved that Catherine Chappell, Jennifer Lang, James Rutkowski, Tracey Arrington-Edmonds, and Christy Evans attend the closed meeting because their presence in the meeting was deemed necessary and they would aid the Board in its consideration of the matters. The motion was seconded and carried.

RECONVENE:

Mr. Scislowicz moved that pursuant to §2.2-3712 of the Code of Virginia that 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. The motion was seconded and carried with a unanimous vote.

DECISIONS:

Traver Stewart, LPC Applicant

The IFC Credentials Committee concluded that Mr. Stewart violated 18VAC115-20-140(A)(1) of the regulations which govern professional counselors, and failed to satisfy the requirements of 18VAC115-20-45(B)(1) and (2) and 18VAC115-20-45(B)(2)(b). The Committee recommended a denial of Mr. Stewart's application for licensure by endorsement.

Cynthia Coleman, LPC Applicant

The IFC Credentials Committee concluded that Cynthia Coleman, LPC Applicant, failed to satisfy the requirements of 18VAC115-20-40 and 18VAC115-20-49(A) and/or (B) of the regulations which govern professional counselors, and recommended that her application for registration of supervision be denied.

Rebecca Derwin, LPC Applicant

The IFC Credentials Committee concluded that Rebecca Derwin, LPC Applicant, violated 18VAC115-20-140(A)(2) of the regulations which govern professional counselors, and further failed to satisfy the requirements in 18VAC115-20-45. The Committee recommended a denial of Ms. Derwin's application for licensure as a professional counselor by endorsement.

UNAPPROVED DRAFT MINUTES

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Dr. Johnson made a motion to accept the recommendations as presented. The motion was seconded and carried with a unanimous vote.

ADJORN:

The meeting adjourned at 11:19 a.m.

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

Catherine Chappell, MHRM
Executive Director