

**BOARD OF COUNSELING
QUARTERLY BOARD MEETING
Friday, November 2, 2018**

TIME AND PLACE: The meeting was called to order at 9:04 a.m. on Friday, November 2, 2018, in Board Room 2 at the Department of Health Professions (DHP), 9960 Mayland Drive, Henrico, Virginia.

PRESIDING: Kevin Doyle, Ed.D., LPC, LSATP, Chairperson

BOARD MEMBERS PRESENT: Barry Alvarez, LMFT
Johnston Brendel, Ed.D., LPC, LMFT
Jane Engelken, LPC, LSATP
Natalie Harris, LPC, LMFT
Danielle Hunt, LPC
Bev-Freda L. Jackson, Ph.D., Citizen Member
Vivian Sanchez-Jones, Citizen Member
Maria Stransky, LPC, CSAC, CSOTP
Terry R. Tinsley, Ph.D., LPC, LMFT, CSOTP, NCC
Holly Tracy, LPC, LMFT
Tiffinee Yancey, Ph.D., LPC

STAFF PRESENT: Tracey Arrington-Edmonds, Licensing Specialist
Christy Evans, Discipline Case Specialist
Jaime Hoyle, JD, Executive Director
Charlotte Lenart, Licensing Manager

OTHERS PRESENT: David E. Brown, D.C., DHP Director
James Rutkowski, Assistant Attorney General
Elaine Yeatts, DHP Senior Policy Analyst

WELCOME & INTRODUCTIONS: Dr. Doyle welcomed the Board members, staff and public in attendance that consisted of Simone Lambert, LPC (President, American Counseling Association), Arnold Woodruff (VAMFT), Gerard Lawson (Professor, Virginia Tech), Denise Hall (Virginia Commonwealth University), and counseling students from Virginia Commonwealth University.

ADOPTION OF AGENDA: The agenda was accepted as presented.

PUBLIC COMMENT: Dr. Lambert, the President of the American Counseling Association (ACA), informed the Board that the ACA passed a motion supporting an interstate licensure compact. The compact would address making professional counselors licenses more portable and allow telehealth with neighboring states.

APPROVAL OF MINUTES: Dr. Brendel moved to approve the Board meeting minutes of May 18, 2018. Ms. Engelken seconded the motion, and it passed unanimously. The Board was informed that the Regulatory Committee meeting minutes of May 17, 2018 had been approved.

Upon a motion by Mr. Alvarez, which was properly seconded by Dr. Brendel, the September 7, 2018 Supervisor Summit minutes passed unanimously.

DHP DIRECTOR'S REPORT: Dr. Brown informed the Board of:

- An upcoming meeting with the Communication Director and the Society of Professional Journalists on Virginia Commonwealth University campus that should provide information related to today's social media trends and Virginia's efforts in the opioid health crisis.
- The completion of the DHP probable cause video for Board Member training.
- DHP's work with Virginia State Police and the Henrico County Crime Prevention Environmental Divide Unit to establish best practice safety protocols.
- Change of the DHP yearly Board Member orientation. Board member training will now be initiated at the Board level. The Board staff will schedule the orientation sessions to train board members on changes relevant to the Board and the Agency.
- A Conversion Therapy workgroup that convened on October 5, 2018, to discuss the need to regulate conversion therapy for minors. The workgroup heard 90 minutes of public comment. The Director's office will summarize the information, then each of the Board's can discuss moving forward with the regulation during future meetings.

**REGULATORY/LEGISLATIVE
REPORT:**

Ms. Yeatts provided a chart of current regulatory actions as of October 17, 2018 that listed:

- 8VAC 115-20 Regulations Governing the Practice of Professional Counseling – Credential review for foreign graduate (action 5089): This action provides a pathway for foreign-trained graduates in counseling to obtain licensure as a professional counselor in Virginia. The Notice of Intended Regulatory Action (NOIRA) register date was 9/17/18, and the public comment period closed on 10/17/18.

Ms. Stransky moved to adopt the proposed regulations. Ms. Sanchez-Jones seconded the motion, and it passed unanimously.

- 18VAC 115-20 Regulations Governing the Practice of Professional Counseling - requirement for CACREP accreditation for educational programs (action 4259): This regulatory action would add a requirement for all counseling programs leading to a license as a professional counselor to be clinically-focused and accredited by the Council for Accreditation of Counseling and Related Educational Programs (CACREP) or an approved affiliate, such as the Council on Rehabilitation Education (CORE). The proposed stage was withdrawn on 11/3/17 (state 8032).

The Board addressed this issue under unfinished business.

- 18VAC 115-20 Regulations Governing the Practice of Professional Counseling - acceptance of doctoral practicum/internship hours towards residency requirements (action 4829): This regulatory action allows supervised practicum and internship hours in a doctoral program accredited by CACREP to meet a portion of the hours of supervised practice required for licensure. The proposed register date was 8/6/18 and the public comment period closed on 10/5/18.

Ms. Hunt moved to adopt the final regulations. Ms. Harris seconded the motion, and it passed unanimously.

- 18VAC 115-30 Regulations Governing the Certification of Substance Abuse Counselors updating and clarifying regulations (Action 4691); This regulatory action updates and clarifies the regulations. The proposed register date was 10/29/18, and the public comment period is 10/29/18 to 12/28/18. A public hearing was held on 11/1/18. The Board will address final approval of the regulatory changes at the next Board meeting.
- 18VAC115-70 Regulations Governing the Registration of Peer Recovery Specialists (under development) – Initial regulations for registration (action 4890); These regulations are promulgated pursuant to a mandate of Chapters 418 and 426 of the 2017 Acts of the Assembly, which gave the Board of Counseling the authority to register peer recovery specialists. The proposed regulations are under review at the Governor's Office (stage 8296).
- 18VAC115-80 Regulations Governing the Registration Qualified Mental Health Professionals (under development) – Initial regulations for registration (action 4891); These regulations are promulgated pursuant to a mandate of Chapters 418 and 426 of the 2017 Acts of the Assembly, which gave the Board of Counseling the authority to register qualified mental health professionals. The proposed regulations are under review at the Governor's Office (stage 8297).
- Charles R. McAdams, III filed a petition for rulemaking, requesting that the Board amend the requirements for licensure by endorsement to include the National Counselor Licensure for Endorsement Process (NCLEP) as a route for counselor licensure.

Dr. Brendel moved not to initiate rulemaking, but consider the content during the scheduled periodic review. Ms. Sanchez-Jones seconded the motion, and it passed unanimously.

Ms. Hunt moved that the Board take action during the periodic review to recognize Certified Clinical Mental Health Counselors (CCMHC) by National Board for Certified Counselors (NBCC) as a Board recognized entity. The motion was seconded and passed unanimously.

CHAIRMAN REPORT:

Dr. Doyle reported that he and Ms. Lenart attended the State Licensure Board meeting in September in Minneapolis sponsored by CCE and that discussions focused on licensure portability and compacts among other things. He stated that AASCB will not be having its annual meeting in January but will instead piggyback with the CCE meeting later in 2019.

EXECUTIVE DIRECTOR'S REPORT:

Ms. Hoyle reported that the Board's operating budget report as of June 30, 2018 was provided in the agenda packet. She highlighted the surplus of funds due to the continued increase in applications. All applications are increasing, but the vast majority of applications are QMHPs. She thanked staff for processing the increased volume of ALL applications in accordance with agency performance standards.

Dr. Brown thanked Ms. Lenart and her team for all of their hard work. Upon a motion by Dr. Doyle, that was properly secondly, the Board unanimously commended Ms. Lenart and her team.

**DEPUTY EXECUTIVE DIRECTOR'S
DISCIPLINE REPORT:**

Ms. Hoyle reported on behalf of Ms. Lang that the reports provided in the agenda packet are also available on our website. The Board is seeing an increase in complaints related to QMHP's, and we anticipate this number to grow. She thanked the Board for working with the disciplinary staff in order to keep the cases up-to-date per agency requirements.

LICENSING MANAGER'S REPORT:

Ms. Lenart reported to date, this year the Board has issued the following licenses, certifications and residency approvals.

- 563 LPC licenses - total of 1,666 resident in counseling (575 initial and 1,091 add/change),
- 46 LMFTs total of 82 residents in marriage and family (41 initial and 41 add/change),
- 54 LSATPs with one resident in substance abuse
- 107 CSAC – 176 CSAC supervision applications
- 49 CSAC-As,
- 7 CRPs

Additionally, the Board has received 12,654 QMHP-A, QMHP-C and QMHP-Trainee applications and has approved 8,756 registrations. The Board has received 213 Peer Recovery Specialists applications, and approved 158. (There are almost 4,000 applications pending and the Board continues to receive 60 to 120 applications per day) she expects these number to continue to increase as it get closer to the December 31, 2018 deadline for QMHP applicants to apply by grandfather.

On September 7th, the Board held its 2nd supervisor summit, and had approximately 130 attendees. The feedback from the meeting has been positive. The QMHP session that was scheduled for October 11, 2019 was canceled due to inclement weather causing the closing of all Richmond area state offices. The QMHP session has been rescheduled for November 27, 2018 at 10:00am. Board members are encouraged to participate. DBHDS and DMAS will be present to help answer questions concerning the registration of QMHPs and Peers.

Ms. Lenart thanked Ms. Hoyle and Dr. Brown for allowing her the opportunity to attend the State Licensure Board Meeting and the Association of Marital and Family Therapy Regulatory Board Conference this fall. The knowledge and contacts that were made are invaluable.

Recently, Ms. Lenart presented at the Virginia Association of Community Based Providers conference in October in which she provided a regulatory update along with information on the proposed changes to the QMHP Regulations.

Ms. Lenart shared that the Board of Counseling customer satisfaction survey for the 4th quarter with over 70 responses received a 98.3% approval satisfaction score. The score is directly related to the staff's hard work and dedication. Staff have not only had a dramatic increase in applications, but the calls and emails have more than tripled. Staff continues to strive to provide excellent customer service and process applications within 30 days.

BOARD COUNSEL REPORT:

No report.

BOARD OF HEALTH

Dr. Doyle informed the Board of key issues that he wants the Board to be aware of as

PROFESSIONS REPORT:

they relate to the Board of Counseling:

- The Board will schedule the Board Member training sessions at Board meetings because DHP will no longer host the yearly Board Member training.
- Virginia Department for Aging and Rehabilitative Services reported on Recommendations for Improving Family Caregiver Support in Virginia 2018. This information impacts the counseling professions.
- Other boards are entering into licensure compacts. Is a compact obtainable or necessary for the Board of Counseling?
- Ms. Willinger presented on DHP's criminal background check process, and she will be presenting this information later on the agenda for the Board to decide whether background checks should be required for the Board of Counseling applicants.

REGULATORY COMMITTEE REPORT:

Dr. Brendel thanked everyone that attended the Regulatory Committee meeting on November 1, 2018 and the public that attended. He announced the next scheduled Regulatory Committee meeting is February 7, 2019 and an additional meeting will be scheduled for January 2019 in order to complete the periodic review of the regulations.

Dr. Tinsley chaired the Ad-Hoc Committee on Technology Assisted Counseling. Dr. Tinsley asked staff to request Kathy Wibberly from the Mid-Atlantic Telehealth Resource Center speak to the full board at its February 8 meeting. The Ad-Hoc Committee will then meet again in February to develop a draft guidance document on Technology Assisted Counseling, and submit this draft guidance document to the Regulatory Committee at its May 30th meeting.

UNFINISHED BUSINESS:

CACREP Regulations - 18VAC 115-20 Regulations Governing the Practice of Professional Counseling - requirement for CACREP accreditation for educational programs (action 4259): The proposed stage of this regulatory action was withdrawn on 11/3/17 (state 8032). The Board discussed next steps.

Ms. Engelken moved to reinstate the proposed regulatory action, and Ms. Sanchez-Jones seconded the motion. The motion passed with 8 in favor 4 in opposition.

NEW BUSINESS:

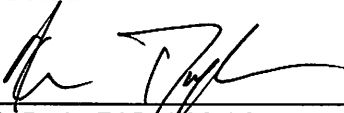
Residency Status - Joan Normandy-Dolberg informed the Board, through a letter, of interest of issuing a temporary resident license to practice counseling to individuals approved to begin their residency towards licensure as a professional counselor. No action required at this time, but Dr. Normandy-Dolberg wanted the Board to know of the possibility of legislation, and have the opportunity to voice any concerns.

Healthcare Workforce Report - Dr. Carter, Director for the Healthcare Workforce Data Center informed the Board that the 2018 Virginia Licensed Professional Counselors Workforce surveys had been approved and are posted on the agency's website (www.dhp.virginia.gov/hwdc/). The report provides information on trends in Virginia and is the accomplishment of many agencies working together.

Criminal Background Presentation - Ms. Willinger, Deputy Executive Director for DHP Board of Nursing guided the Board through a PowerPoint presentation on their process for obtaining criminal background checks (CBC). The Board will discuss the issue more at the next scheduled meeting in 2019.

NEXT MEETING: Next scheduled Quarterly Board Meeting is February 8, 2019 at 10:00 a.m.

ADJOURN: The meeting adjourned at 1:31 p.m.



Kevin Doyle, Ed.D., LPC, LSATP
Chairperson



Jaime Hoyle, JD.
Executive Director