

**BOARD OF COUNSELING  
FULL BOARD MEETING  
Friday, November 6, 2020**

**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

**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  
Holly Tracy, LPC, LMFT  
Tiffinee Yancey, Ph.D., LPC

**ABSENT BOARD MEMBER:** Jane Engelken, LPC, LSATP  
Vivian Sanchez-Jones, Citizen Member

**STAFF PRESENT:** Victoria Cunningham, Licensing Specialist  
Jaime Hoyle, JD, Executive Director  
Jennifer Lang, Deputy Executive Director  
Charlotte Lenart, Deputy Executive Director-Licensing  
Brenda Maida, Licensing Specialist  
Jared McDonough, Administrative Assistant  
Sharniece Vaughan, Licensing Specialist

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

**WELCOME & INTRODUCTIONS:** Dr. Brendel welcomed Board members, staff and public. After completing a roll call of Board members and staff, Ms. Hoyle indicated that with 10 Board members present a quorum was established.

**APPROVAL OF MINUTES:** Upon a motion made by Ms. Tracy, and seconded by Ms. Stransky, the Board voted unanimously to approve the August 21, 2020 meeting minutes.

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

**PUBLIC IN ATTENDANCE:** Lori Cowan, LPC, LMFT, CRP  
Matthew Shurka, Co-Founder, Born Perfect  
Adam Trimmer, Virginia Ambassador, Born Perfect

**PUBLIC COMMENT:**

Ms. Cowan stated that the International Association Rehabilitation Professionals, Virginia Chapter is in support of the proposed changes to the Regulations Governing Certified Rehabilitation Providers.

**AGENCY REPORT:**

Dr. Brown reported that Dr. Allison-Bryan would not attend today as she is representing the Agency at a Virginia Healthcare Work Force Advisor Counsel.

The Agency continues to telework extensively. Boards are conducting meetings and disciplinary hearings virtually and in person depending on the preferences of the Board or the respondent.

Dr. Brown indicated that Ms. Hoyle has submitted several regulatory waivers on the Board's behalf. These waivers would help the Board of Counseling workforce during the COVID-19 crisis. The waivers must be approved by the Agency, Attorney General's office and then by the Office of the Secretary.

Dr. Brown provided information on the three workgroups studying marijuana/cannabis in Virginia. Secretary of Health and Human Resources (HHS) is examining the expansion of medical marijuana program. The Virginia Department of Agriculture and Consumer Services (VDACS) is looking into the legalization and recreational use of cannabis for adults. The General Assembly has asked the Joint Legislative Audit and Review Commission (JLARC) to make recommendations on the legalization of marijuana.

**CHAIRPERSON REPORT:**

Dr. Brendel provided the quarterly accomplishment report and thanked Board members for their involvement in the various endeavors of the Board. Dr. Brendel acknowledge several Board members and staff for their support with two virtual presentations for the Virginia Counseling Association (VCA) annual conference.

Dr. Doyle provided a brief summary of the American Association of State Counseling Board (AASCB) annual business meeting. Dr. Doyle thanked staff and Board members for their attendance and commented on the importance of the Boards involvement in the AACSB.

**LEGISLATION AND  
REGULATORY REPORTS:**

**Regulatory Actions:**

Ms. Yeatts provided an update on the changes to the chart in the agenda packet regarding current regulatory actions dated October 30, 2020.

- 18VAC 115-20 Regulations Governing the Practice of Professional Counseling – Unprofessional conduct-conversion therapy (Action 5225); Proposed – Register Date: 8/31/2020 Public Hearing: 10/23/2020, Public Comment closed on 10/30/2020. There were six commenters on Virginia TownHall, five in support and one in opposition. The Board will take action at the next Board meeting.
- 18VAC 115-20 Regulations Governing the Practice of Professional Counseling – Periodic review (action 5230); Proposed - At Secretary's Office.
- 18VAC 115-20 Regulations Governing the Practice of Professional Counseling – Resident license (action 5371); Proposed – Register Date: 9/14/2020; Public Hearing: 10/23/2020; Public Comment closes on 11/13/2020.
- 18VAC 115-20 Regulations Governing the Practice of Professional Counseling – Handling fee - returned check (action 5436); Fast-Track –Effective 10/15/2020.
- 18VAC 115-40 Regulations Governing the Certification of Rehabilitation Providers - Periodic review (Action 5305); Proposed – Register Date: 9/14/2020; Public Hearing: 10/23/2020; Public Comment closes 11/13/2020.
- 18VAC 115-80 Regulations Governing the Registration of Qualified Mental Health Professionals - Registration of QMHP-Trainees (Action 5444); Fast-Track – Effective 10/29/2020.

**Petition for Rulemaking:**

Ms. Yeatts discussed the petition for rule making received by Sharon Watson *requesting amendments to regulations to clarify that certified substance abuse counselors are not independent practitioners and must practice under supervision*. Mr. Alvarez moved, which was properly seconded, to support the petition. After Board discussion, Mr. Alvarez withdrew his motion that was properly seconded.

Mr. Alvarez provided a substitute motion, which was properly seconded, not to initiate rulemaking but to defer this issue to the Regulatory Committee for development of a guidance document. Upon a vote, the motion passed unanimously.

**COMMITTEE REPORT:**

**Regulatory Committee:**

Ms. Tracy providing information on the three public hearings held on October 23, 2020.

**Board of Health Professions Report:**

Dr. Doyle and Ms. Yeatts provided a summary of the last Board of Health Profession Meeting. A copy of the minutes from that meeting were included in the agenda packet.

**UNFINISHED BUSINESS:**

Dr. Brendel indicated that the Board recorded a Board Conversation and a Supervisor Information presentation that will be presented at the Virginia Counselor's Association annual conference.

**NEW BUSINESS:**

Ms. Yeatts discussed the proposed bylaws for the Art Therapy Advisory Board. After reviewing the proposed bylaws, Dr. Yancey moved, which was properly seconded, to adopt the bylaws for the Art Therapy Advisory Board as presented. The Board voted unanimously to accept the bylaws as presented.

Mr. Alvarez moved, which was properly seconded, to accept the recommendation of the Art Therapy Advisory Board for publication of a Notice of Intended Regulatory Action (NOIRA) to establish a new chapter 90 under the Board of Counseling. The Board voted unanimously to accept the recommendations of the Advisory Board.

Ms. Yeatts also recognized and welcomed Brenda Bonuccelli, Art Therapy Advisory Board Member to the meeting.

**PRESENTATION:**

Dr. Shobo presented a PowerPoint Presentation to the Board on the 2020 survey finding for Virginia licensed professional counselor workforce.

**STAFF REPORTS:**

**Executive Director's Report – Jaime Hoyle**

Ms. Hoyle reported that the Board has an excess of funds; however, due to the unknown expenditures related to the increasing number of disciplinary investigations and cases, staff is not recommending a one-time reduction in fees at this time.

Ms. Hoyle indicated that staff is working primarily remotely and continue to do a fantastic job.

Ms. Hoyle provided an update on Senate Bill 431 that requested a Study of Mental Health needs for minors.

**Discipline Report – Jennifer Lang, Deputy Executive Director**

Ms. Lang thanked the Board members for their work in reviewing discipline cases for probable cause. She reminded the Board of the goal to complete reviews within two weeks.

Ms. Lang stated that the Special Conference Committee held virtual Informal Formal Conferences (IFCs) in September and October. Ms. Lang informed the Board that although IFCs have been routinely held virtually, in-person IFCs would be available to respondents if requested.

Ms. Lang indicated that the Board continues to consider the option of settling cases with Consent Order when appropriate.

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

Ms. Lenart went over the report listed in the agenda packet. She indicated that the Board is receiving over 500 applications per month.

Ms. Lenart indicated that staff continues to work from home with one person coming into the office each day to process the mail. She thanked staff for doing a wonderful job.

Ms. Lenart indicated that the Board issued 685 temporary license from April to September.

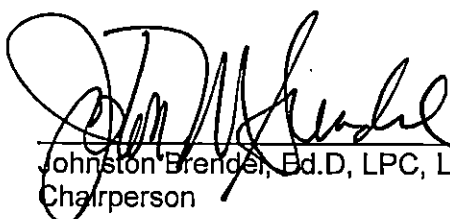
Ms. Lenart reported the Board has received over 50 pre-review of education applications which is a new service offered by the Board. This pre-review has been very helpful to applicants who are seeking guidance on their education prior to applying for the resident license. Lenart indicated that year to date the Board has deferred approximately 140 applicants who did not provide evidence that they met the minimum requirements outlined in the Regulations.

**BOARD COUNSEL REPORT:** Mr. Rutkowski had nothing to report.

**RECOMMENDED DECISIONS:** See Attachment A.

**NEXT MEETING:** Next scheduled Quarterly Board Meeting is January 22, 2021 at 10:00 a.m.

**ADJOURN:** The meeting adjourned at 11: 57a.m.

  
Johnston Brender, 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, Sharniece Vaughan, and Jared McDonough attend the closed meeting because their presence in the meeting was deemed necessary and would aid the Board in its consideration of the matters.

**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.

Dr. Tinsley moved that the Board of Counseling accept the recommended decisions of the agency subordinate. The motion was seconded by Mr. Alvarez and passed unanimously by a roll call.

**DECISIONS:**

**Eric Pustmueller, Resident in Counseling**

**Lic. #: 0704008169**

**Case # 192491**

Mr. Pustmueller did not appear at the board meeting. The board considered the agency subordinate's recommendation to suspend Mr. Pustmueller's license to practice as a Resident in Counseling.

**Heidi Flood, QMHP-A, QMHP-C**

**Reg. #: 0732007039**

**0733006269**

**Case # 198399**

Ms. Flood did not appear at the board meeting. The board considered the agency subordinate's recommendation to suspend Ms. Flood's registrations to practice as a QMHP-A and as a QMHP-C.

**Carla Villarroel Soler, QMHP-A, QMHP-C**

**Reg. #: 0732004157**

**0733004044**

**Case # 200470**

Ms. Villarroel Soler did not appear at the board meeting. The board considered the agency subordinate's recommendation to suspend Ms. Villarroel Soler's registrations to practice as a QMHP-A and as a QMHP-C.