



**Virginia Board of Counseling
Full Board Meeting Minutes
Friday, September 16, 2022 at 10:15 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
Barry Alvarez, LMFT
Benjamin Allison, Esq., MBA, Citizen Member
Bev-Freda L. Jackson, Ph.D., MA Citizen Member
Danielle Hunt, LPC, Vice-Chairperson
Gerard Lawson, Ph.D., LPC, LSATP
Matthew Scott, LMFT
Maria Stransky, LPC, CSAC, CSOTP
Natalie Franklin, LPC, LMFT
Tiffinee Yancey, Ph.D., LPC
Terry R. Tinsley, Ph.D., LPC, LMFT, CSOTP
- BOARD STAFF PRESENT:** Charlotte Lenart, Deputy Executive Director- Licensing
Jaime Hoyle, JD, Executive Director
Jennifer Lang, Deputy Executive Director
- DHP STAFF PRESENT:** Erin Barrett, Senior Policy Analyst, Department of Health Professions
David C. Brown, D.C., Agency Director, Department of Health Professions
- PUBLIC ATTENDEES:** Arnold Woodruff, Virginia Association of Marriage and Family Therapy (VAMFT)
Becky Bowers-Lanier, B2L Consulting
Catie Caudill, Virginia Association of Medication Assisted Recovery Programs (VAMARP)
David Cassidy, Virginia Association of Medication Assisted Recovery Programs (VAMARP)
Hillary Piland, Virginia Association of Community Services Boards, Inc. (VACSB)
Jennifer Faison, Virginia Association of Community Services Boards, Inc. (VACSB)
Lori Macasa, Virginia Association of Medication Assisted Recovery Programs (VAMARP)
- CALL TO ORDER:** Dr. Brendel called the board meeting to order at 10:19 a.m.
- ROLL CALL/ESTABLISHMENT OF A QUORUM:** Dr. Brendel welcomed and congratulated the two new members of the Board: Benjamin Allison and Matthew Scott and congratulated Dr. Tinsley on his reappointment. With twelve 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.
- ADOPTION OF AGENDA:** The agenda was adopted as presented.

PUBLIC COMMENT: No public comment provided.

APPROVAL OF MINUTES: With a small edit to the May 13, 2022 minutes, the minutes stand approved as presented.

AGENCY DIRECTOR REPORT: Dr. Brown welcomed the new members and stated that serving as a Board member is one of the most rewarding things a person can do for their profession. He reminded the Board that their role as Board members is to protect the public, not the profession and these do not always overlap. He informed the Board of the Governor's initiative to reduce unnecessary regulations by 25%, which was reiterated in Executive Order 19. The Governor established the Office of Regulatory Management to carry out this initiative.

BOARD CHAIR REPORT: Dr. Brendel asked all the Board members to introduce themselves and provide their goals for the Board for the coming months. Board members expressed the following goals: support the enactment of the Counseling Compact, increase efficiencies in processes, create a space for all Board members to be involved, discipline issues – increase training in universities to address discipline issues, user friendly website, more Board outreach, address issues with QMHPs, ensure protection of public, access to quality care across the Commonwealth, reduce unnecessary requirements while keeping the quality of care, education the public about the role of the Board and work to change the perception, supervision training, reducing barriers and addressing workforce issues.

Ms. Hoyle introduced the Board of Counseling staff and thanked them for their efforts.

Dr. Brendel thanked Board members for attending the Counseling Regulatory Boards Summit conference. The conference focused on the compact, counselor impairment and website artificial intelligence. Dr. Brendel and Ms. Hoyle spoke with Virginia Senator John Bell to discuss the mental health needs of the citizens of Virginia.

Dr. Tinsley stated that he attended to the Association of Marriage and Family Therapy Regulatory Boards (AMFTRB) conference and represented Virginia as its delegate. Dr. Tinsley stated that the conference focused on portability, artificial intelligence, telehealth (virtual) services, continuity of care, process time of applications, California vs other states, examination testing (accommodations and cheating) and coaching vs therapy.

LEGISLATION & REGULATORY Regulatory Action Chart:

Ms. Barrett reviewed the regulatory action chart provided in the agenda packet.

Regulatory Actions:

Petitions for Rulemaking

A. Consideration of petition for rulemaking to registered individuals as QMHPs based solely on experience rather than college or graduate education

Ms. Barrett indicated that the Board had 31 comments and all commenters were in opposition of this change. The Board discussed the motion and agreed that the current educational requirements are sufficient for registration of qualified mental

health professionals.

MOTION: Dr. Lawson made a motion, which was properly seconded, to take no action. The motion passed unanimously.

B. Consideration of petition for rulemaking to allow supervision of QMHP-Trainees by QMHPs with 2 or more years of experience

The petitioner requested the Board of Counseling amend 18VAC115-80-40(C)(1) and 18VAC115-80-50(C)(1) to allow qualified QMHPs to provide supervision of QMHP-Trainees. QMHPs qualified to provide such supervision would have two or more years of experience and be specifically trained for supervision. Additionally, the petition requested that the Board amend Guidance Document 115- titled Approved Degrees in Human Services and Related Fields for QMHP Registration to allow undergraduate degrees in sociology and criminal justice as acceptable human services degrees.

Ms. Barrett indicated that there was 37 comments to this petition. The Board had a lengthy discussion on the petitioners request and QMHPs issues in general.

MOTION: Mr. Alvarez made a motion, which was properly seconded, to take no action on the petition but convene a regulatory advisory panel (RAP) to consider the issues raised in the petition and others related to the registration of qualified mental health professionals with the intent of issuing a notice of intended regulatory action for all changes needed. The motion passed unanimously.

The Board discussed the logistical issues surrounding initiating a RAP. Dr. Brendel indicated that it is important that the Board address this issue in a timely fashion but also look at the complexities to make sure the Board gets it right.

C. Consideration of petition for rulemaking to allow residents in counseling to use the title Licensed Professional Counselor – Resident

The petitioner requested the Board amend 18VAC115-20-52(B)(10) to allow residents in counseling to use the title Licensed Professional Counselor – Resident (LPC-R).

Ms. Barrett stated that there were 23 comments from the public with mixed responses. The Board stated that using the term LPC-R would be misleading to the public and felt that the current regulatory requirements for resident identification provide the necessary clarification for the public.

MOTION: Dr. Lawson made a motion, which was properly seconded, to take no action. The motion passed unanimously.

Consideration of final regulations following periodic review

Ms. Barrett presented the Regulatory Committees recommendation for changes to the periodic review as presented in the agenda packet to address the confusion over the requirement for a CACREP accredited degree and to help streamline the multiple avenues for licensure by endorsement.

MOTION: Dr. Lawson made a motion, which was properly seconded, to approve the final periodic regulations as amended and presented. Eleven Board members voted in favor of the motion and Dr. Tinsley abstained.

Consideration of fast-track regulatory action to reduce regulatory burden

Ms. Barrett and Ms. Lenart reviewed staff's suggestions to reduce the barriers to licensure as presented in the agenda packet.

The Board discussed the suggestion by staff to eliminate the need for a supervisory contract, and name and license number of the clinical supervisor, location of the supervised practice and attestation at that the applicant will be providing clinical counseling services for the temporary resident in counseling license. After a lengthy discussion, the Board agreed to defer this specific suggestion back to the Regulatory Committee.

MOTION: Ms. Hunt made a motion, which was properly seconded, to take no action on staffs suggested changes and to refer the issue back to the Regulatory Committee. Mr. Alvarez made a friendly amendment to the motion to accept the suggestion from staff to eliminate the need for verification of passing score on examination and table the other suggestion for the Regulatory Committee. Ms. Hunt accepted Mr. Alvarez's friendly amendment. The motion passed unanimously.

Consideration of amendments to Guidance Document 115-1.1

Ms. Barrett presented the Regulatory Committees recommendation to amend Guidance Document 115-1.1 to suggest practitioners complete continuing education that focus on diverse populations annually in response to public comment. After a lengthy discussion, the Board agreed to add this issue to the Regulatory Committee agenda for additional discussion. Dr. Tinsley suggested that the Board convene a workgroup to address continuing education requirements. Board staff will update the FAQs to add this suggestion from the Board.

MOTION: Mr. Alvarez made a motion, which was properly seconded, to adopt amendments to Guidance Document 115-1.1 as recommended by the Regulatory Committee. The motion passed unanimously.

Consideration of NOIRA to remove regulations duplicate of Code with regard to conversion therapy of minors

Ms. Barrett discussed the suggested removal of duplicate regulatory language that is in the Code of Virginia.

MOTION: Dr. Tinsley made a motion, which was properly seconded, to adopt a notice of intended regulatory action (NOIRA) to remove duplicative conversion therapy regulations from Chapters 20, 30, 50 and 50. The motion passed unanimously.

PRESENTATIONS:

Workforce Shortage and the Opioid Epidemic – David Cassise

Mr. Cassise, president of the VAMARP provided a presentation on the opioid epidemic as presented in the agenda.

Virginia's Licensed Professional Counselor Workforce: 2022- Barbara Hodgdon

Ms. Hodgdon provided a presentation on workforce data as presented in the agenda.

COMMITTEE REPORT

Ms. Hoyle stated that in addition to the items added to the Regulatory Committee agenda today, the Committee will also be discussing the reinstatement and active/inactive status for licensed residents.

EXECUTIVE DIRECTOR'S REPORT:

Ms. Hoyle discussed the budget for the board, and confirmed for board members that the board receives no general fund money, and fees generate all funds in the budget.

Ms. Hoyle talked about the limitations of the website and limitations of our internal

system and the inability for the applicants and licensees to upload documentation.

Ms. Hunt wanted the Board to advocate for new technology to enhance the Board's website. Board staff will ask the Finance and Budget Director and IT Director to have a conversation with the Board.

DISCIPLINE REPORT:

Ms. Lang reported on the disciplinary statistics for the Board of Counseling from May 1, 2022 through August 31, 2022. A copy of the report was included in the agenda packet. She noted that since Dr. McAdams started as a discipline reviewer with the board, in June 2021, he has reviewed more than 200 cases. Additionally, she advised the board that continuing education audits have begun and she will provide an update on the statistics at the first or second meeting of 2023.

LICENSING REPORT:

Ms. Lenart discussed the licensure statistics, deferred applications and satisfaction survey report as presented in the agenda packet. Ms. Lenart thanked her staff for their dedication and service to the Board. Ms. Lenart reported on new technology that will be utilized by staff to help enhance communications and efficiencies. She anticipates Board staff starting to use the new BOT technology in the upcoming weeks.

**CONSIDERATION OF
RECOMMENDED DECISIONS
FROM THE AGENCY
SUBORDINATE**

See Attachment "A"

NEXT MEETING DATES:

Dr. Brendel announced that the next Board meeting would occur on November 4, 2022.

ADJOURNMENT:

Dr. Brendel adjourned the September 16, 2022 Board meeting at 2:21 p.m.

DocuSigned by:

John Brendel

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

DocuSigned by:

Jaime Hoyle

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Jaime Hoyle, JD, Executive Director

Attachment A

CONSIDERATION OF AGENCY SUBORDINATE RECOMMENDATIONS:

BOARD MEMBERS PRESENT:

Johnston Brendel, Ed.D. LPC, LMFT, Chairperson
Danielle Hunt, LPC, Vice-Chairperson
Benjamin Allison, Citizen Member
Angela Charlton, Ph.D., LPC
Natalie Franklin, LPC, LMFT
Bev-Freda Jackson, Ph.D., Citizen Member
Gerard Lawson, Ph.D., LPC, LSATP
Matthew Scott, LMFT
Terry Tinsley, Ph.D., LPC, LMFT, CSOTP
Tiffinee Yancey, Ph.D., LPC

CLOSED MEETING:

Mr. Allison 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. He further moved that Jaime Hoyle, Jennifer Lang, and Charlotte Lenart attend the closed meeting because their presence was deemed necessary and would aid the Board in its considerations. The motion was seconded and passed unanimously.

RECONVENE:

Mr. Allison 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.

RECOMMENDATIONS:

Catherine Wright, LPC

License No.: 0701006749

Case Nos.: 196935 and 201612

Catherine Wright was not present at the board meeting. The board considered the agency subordinate's recommendation to indefinitely suspend Ms. Wright's license to practice as a professional counselor in the Commonwealth of Virginia.

Laurel Martin, LPC, LMFT

License Nos.: 0701001722 and 0717000049

Case No.: 201265

Laurel Martin was not present at the board meeting. The board considered the agency subordinate's recommendation to place no sanction on Ms. Martin's licenses to practice as a professional counselor and a marriage and family therapist in the Commonwealth of Virginia.

DECISION:

Dr. Lawson moved that the Board of Counseling accept the recommended decisions of the agency subordinate as presented. The motion was seconded by Dr. Yancey and passed unanimously.