



PRESIDING OFFICER:	Terry R. Tinsley, PhD, LPC, LMFT, CSOTP, Board Chairperson
BOARD MEMBERS PRESENT:	Benjamin Allison, Citizen Member Maria Anastasiou, LMFT Lester Paul Bernard, PhD, LPC Marlo Burdge, Citizen Member Nakeisha Gordon, LPC Luanne Griffin, LPC Matthew Scott, LMFT Maria Stransky, LPC, CSAC, CSOTP, Board Vice-Chairperson Tiffinee Yancey, PhD, LPC
BOARD MEMBERS ABSENT:	Natalie Franklin, LPC, LMFT
BOARD STAFF PRESENT:	Latasha Austin, Licensing & Operations Supervisor Shannon Brogan, Licensing Specialist Sandie Cotman, Registration Program Coordinator Jaime Hoyle, JD, Executive Director Jennifer Lang, Deputy Executive Director- Discipline Charlotte Lenart, Deputy Executive Director- Licensing Dalyce Logan, Licensing Specialist
DHP STAFF PRESENT:	Erin Barrett, JD, Director of Legislative and Regulatory Affairs, Department of Health Professions Matthew Novak, Policy Analyst, Department of Health Professions Arnie Owens, Agency Director, Department of Health Professions
BOARD COUNSEL PRESENT:	James Rutkowski, Assistant Attorney General
PUBLIC ATTENDEES:	Kesia Gwaltney, Department of Behavioral Health & Developmental Services Kevin Headly, Germanna Community College Denise Konrad, Virginia Health Care Foundation Mark Smith Crystal Stokes, Virginia Department of Education Ruth Ann Walker, Department of Behavioral Health & Developmental Services Brandie Williams, Rappahannock Community Services Board
CALL TO ORDER:	Dr. Tinsley called the meeting to order at 10:01 a.m.
MOMENT OF SILENCE:	Moment of silence was observed.
ROLL CALL/ESTABLISHMENT OF A QUORUM:	An introduction was done of all Board members and staff. Ten members of the Board were present at roll call; therefore, a quorum was established.
MISSION STATEMENT:	Dr. Tinsley read the mission statement of the Department of Health Professions, which was also the mission statement of the Board. Dr. Tinsley also read the emergency egress instructions.

ADOPTION OF AGENDA:

The agenda was adopted as presented.

PUBLIC HEARING:

A Public Hearing was held for the Board to hear public comment regarding proposed amendments to 18VAC115-80 regarding Qualified Mental Health Professionals (QMHPs) and proposed amendments to 18VAC115-90 regarding the new professions for Behavioral Health Technicians and Behavioral Health Technician Assistants. These changes are mandated by Senate Bill 403 of the 2024 General Assembly Session.

PUBLIC COMMENT:

Public comment was provided by Brandie Williams on behalf of the Virginia Association of Community Services Boards, Inc (VACSB). VACSB recommended setting the didactic hours for Behavioral Health Technician Assistants at 20 hours, Behavioral Health Technicians to 40 hours, QMHP Trainees at 60 hours and QMHPs at 80 hours. In addition, the VACSB recommended the number of hours of experience for a QMHP be set at 1000 hours. (*Attachment 1*)

The full board would discuss the requirement hours for didactic training during the full board meeting at the conclusion of the public hearing.

The Public Hearing concluded at 10:11a.m.

APPROVAL OF MINUTES:

The Board reviewed the minutes from the last quarterly board meeting held on August 2, 2024.

Motion: Ms. Stransky made a motion, which Dr. Yancey properly seconded to approve the minutes from the August 2, 2024 meeting as presented. The motion passed unanimously.

AGENCY REPORT:

Mr. Owens welcomed Ms. Anastasiou as a new Board Member. He thanked all the Board Members for their service to the Board.

Mr. Owens reported on the new protocols for enhanced security in the Perimeter Center known as "Expect the Check," a standard security precaution for many government agencies in the Commonwealth of Virginia.

Mr. Owens spoke about legislative proposals for the upcoming 2025 General Assembly in January 2025, which had been submitted for consideration.

Mr. Owens reported on the salary study under way by Gallagher to ensure all employees of DHP are properly being compensated.

BOARD CHAIR REPORT:

Dr. Tinsley provided a re-cap of the Association of Marital and Family Therapy Regulatory Boards (AMFTRB) Annual State Delegate Meeting he attended held in Baltimore, Maryland September 15-16, 2024.

Dr. Tinsley informed the board about a presentation on coaching held at the meeting and about discussions surrounding the use of ChatGPT and artificial intelligence. Dr. Tinsley indicated that he thinks the board should discuss guidelines and guidance for the use of ChatGPT and artificial intelligence in the profession. In the meantime, he indicated that he feels staff should look into having a disclaimer on the board's website about the board not supporting the use of ChatGPT and artificial intelligence until more information about its use has been provided.

Action Item: The use of ChatGPT and artificial intelligence was sent to the Regulatory Committee to discuss at its next meeting on October 18, 2024.

PRESENTATION:

The presentation scheduled on the agenda by the DHP Healthcare Workforce Data Center was moved to the January 2025 board meeting to be presented.

LEGISLATION & REGULATORY REPORT:

- **Chart of Regulatory Actions**

Ms. Barrett reviewed with the Board the current regulatory actions for the Board of Counseling as of September 18, 2024. A copy of the chart was included in the agenda packet.

- **Petition for Rulemaking #1**

Ms. Barrett reviewed and discussed a petition for rulemaking received to amend 18VAC115-20-52(B)(10) of the Regulations Governing the Practice of Professional Counseling and 18VAC115-50-60(B)(8) of the Regulations Governing the Practice of Marriage and Family Therapy to allow residents to bill directly for services and receive payments directly from clients.

The Board received 126 comments on Town Hall. 91 were in support of the petition; 28 were in opposition to the petition; and 7 did not state a discernible position or merely responded to arguments made in other comments.

Motion: Ms. Gordon made a motion, which Mr. Bernard properly seconded, to take no action on the petition. The motion passed unanimously.

The Board believes there are additional factors to consider, such as new liability for supervisors and public knowledge of supervision, prior to taking such a regulatory action. **Action Item:** To that end, the Board has referred this issue to its Regulatory Committee to further consider the petitioner's request. The motion passed unanimously.

- **Petition for Rulemaking #2**

Ms. Barrett reviewed and discussed a petition for rulemaking received to amend 18VAC115-20-52(D) of the Regulations Governing the Practice of Professional Counseling to require supervisors to report the total hours of residency and evaluate an applicant's competency within a set timeframe.

No public comment was received on the petition.

Motion: Dr. Yancey made a motion, which Ms. Gordon properly seconded, to accept the petition and initiate rulemaking to implement the request to require supervisors to report total hours of residency and evaluate an applicant's competency within a set timeframe. The motion passed unanimously.

- **Adoption of exempt regulatory changes to QMHP regulations and regulations governing BHT/BHTA registration**

Ms. Barrett reviewed and discussed with the Board draft changes to qualified mental health professional regulations pursuant to SB403; draft regulations governing behavioral health technician and behavioral health technician assistant registrations; public comment received by the Board regarding training hours included in draft regulations; and SB403.

The Board reviewed and discussed didactic hour recommendations provided by staff, the Virginia Association of Community Services Boards, Inc (VACSB) recommendations provided during the public comment period, and the Department of Behavioral Health & Developmental Services (DBHBS) recommendations that were included in the agenda packet.

Motion: Dr. Tinsley made a motion, which Ms. Stransky properly seconded to accept VACSB's recommendation to set the didactic hours for Behavioral Health Technician Assistants at 20 hours, Behavioral Health Technicians to 40 hours, QMHP Trainees at 60 hours and QMHPs at 80 hours but excluding the recommendation to change the experience hours for QMHPs to 1,000. The supervision hours for QMHPs would remain at 1,500. The motion passed, with two opposed.

- **Consideration of approved training programs “recognized or approved by the Board” for QMHP, QMHP-T, BHT, and BHTA applicants**

Ms. Barrett recommended that this be delayed so the Board and staff could relook at training programs that would meet the approved 20, 40, 60, and 80 didactic hours passed in the previous above motion.

Motion: Ms. Stransky made a motion, which Dr. Yancey properly seconded, to delay the consideration of approved training programs recognized or approved by the Board until the January 2025 Board Meeting. The motion passed unanimously.

EXECUTIVE DIRECTOR'S REPORT:

Ms. Hoyle welcomed Ms. Anastasiou as a new Board Member and thanked staff for their hard work and dedication.

Ms. Hoyle reported on board member appointments and vacancies, the financials of the board, the increase in applications by fiscal year and the number of licenses issued for the quarter. (*Attachment 2*)

Ms. Hoyle informed the board that she would be attending the Counseling Compact Full Commission Meeting next week and would report back at the next Board meeting scheduled for January 2025.

DISCIPLINE REPORT:

Ms. Lang referenced the discipline report included in the agenda packet that reported on the discipline stats for the Board of Counseling from July 13, 2024-September 20, 2024.

Ms. Lang informed the Board that in November, she would give a presentation on ethics and an overview of the board to students in the counseling program at William & Mary.

Ms. Lang reported that the recruitment process for a new discipline and compliance case specialist has been completed and the chosen candidate is scheduled to start on October 10, 2024.

LICENSING REPORT:

Ms. Lenart reported on the licensure stats for the Board of Counseling as of September 25, 2024. A copy of the report was included in the agenda packet.

Ms. Lenart also thanked Ms. Stransky for her review of numerous QMHP coursework descriptions and Dr. Tinsley for reviewing the education and conviction information for applicants.

Ms. Lenart informed the Board that after 12 years, the credential reviewer who is a former board member and educator who provided guidance to staff by reviewing individual coursework for applicants applying for licensure, will be retiring in December.

Ms. Lenart also recognized and thanked staff for their hard work. She informed the

Board that she would be doing outreach at Mary Balwin next week. She also informed the Board that interviews were recently conducted for a new full-time licensing specialist position for QMHP and a part-time administrative assistant. The chosen candidate for the part-time position is scheduled to start on October 25, 2024 and she hopes the candidate chosen for the full-time position will be able to start later this month as well.

Lastly, Ms. Lenart informed the Board that the Business Process Engineering efforts for the Board of Counseling started today. The engineering will include updating and developing license handbooks for each license, certification and registration type, developing new website pages, updates to all forms, applications and checklist to make the items more reader and user friendly.

Mr. Owens, Ms. Barrett, Mr. Novak, Mr. Boatwright, Ms. Brogan, Ms. Cotman, Ms. Logan, and all public attendees left the meeting at 11:41a.m. for the Board of Counseling to move into a closed session.

Consideration of a Consent Order and Recommended Decisions of the Agency Subordinate

Closed Meetings:

Dr. Yancey moved that the Board of Counseling convene in a closed session pursuant to § 2.2-3711(A)(27) of the *Code of Virginia* to consider recommendations of the agency subordinate, and a Consent Order in the matter of Roy Branklin, LPC. She further moved that James Rutkowski, Jaime Hoyle, Jennifer Lang, Charlotte Lenart, and Latasha Austin attend the closed meeting because their presence was deemed necessary and would aid the board in its consideration of the matters. The motion was seconded and passed unanimously.

Cases Considered:

- Recommended Decisions
 - Krystal Loving, QMHP-A Reinstatement Applicant
Case No. 231194
 - Krystal Loving did not appear before the board and did not submit a written response. The board considered the agency subordinate's recommendation to deny Ms. Loving's application for reinstatement of the QMHP-A registration.
 - Parnia Samimi Darzikolaie, Resident in Counseling
Case No. 232482
 - Parnia Samimi Darzikolaie did not appear before the board but did submit a written response. The board considered the agency subordinate's recommendation to place certain terms and conditions on Parnia Samimi Darzikolaie's license to practice as a resident in counseling
- Consent Order
 - Roy Branklin, LPC Reinstatement Applicant
License No. 0701011528
Case No. 241346

Reconvene: (11:53a.m.)

Dr. Yancey certified that, pursuant to § 2.2-3712 of the *Code of Virginia*, the Board of Counseling heard, discussed, and 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.

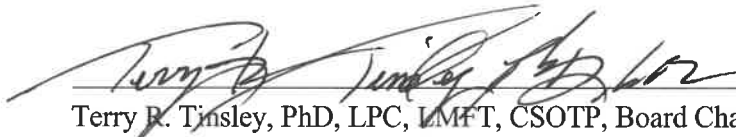
Decisions:

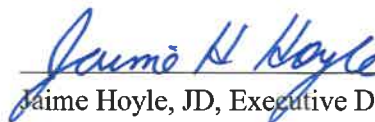
Ms. Stransky made a motion to accept the recommendations of the agency subordinate as presented. The motion was seconded and passed unanimously.

Dr. Tinsley made a motion to accept the consent order to approve the application of Roy Branklin for reinstatement of his license to practice as a professional counselor. The motion was seconded and passed unanimously.

NEXT MEETING DATES: The next meeting is scheduled for Friday, January 24, 2025.

ADJOURNMENT: Dr. Tinsley adjourned the October 4, 2024, meeting at 11:54 a.m.


Terry R. Tinsley, PhD, LPC, LMFT, CSOTP, Board Chairperson


Jaime Hoyle, JD, Executive Director



Virginia Association Of
Community Services Boards, Inc.
Making a Difference Together

Attachment 1
*Premier Behavioral Health and
Developmental Disability
Services in Virginia's
Communities*

6641 West Broad Street, Suite 102 ▪ Richmond, Virginia 23230 ▪ www.vacsb.org ▪ (804) 330-3141

04 OCT 2024

To: Members, DHP Board of Counseling

From: Jennifer Faison, Executive Director, VACSB

Re: Comments for Regulatory Action Regarding 18VAC115-90-10 et seq.

The Virginia Association of Community Services Boards, Inc. (VACSB) appreciates the opportunity to provide comments on draft regulations concerning the establishment of two new professions, Behavioral Health Technicians (BHTs) and Behavioral Health Technician-Assistants (BHT-As), and revisions to regulations regarding Qualified Mental Health Professionals (QMHPs) and Qualified Mental Health Professional-Trainees (QMHP-Ts).

We have gathered feedback from Community Services Boards (CSBs) that will be affected by these draft regulations. These groups have provided valuable insights, both in terms of the potential benefits the regulations will offer and constructive feedback on areas where further refinement may be beneficial.

VACSB recommends setting the didactic hours for BHT-As at 20 hours, BHTs to 40 hours, QMHP trainees at 60 hours and QMHPs at 80 hours. In addition, the VACSB recommends the number of hours of experience for a QMHP be set at 1000.

The stated goal of the legislation driving these regulatory changes is to create a career ladder in the behavioral health field that allows for earlier entry without replacing existing certifications such as peer recovery specialists (PRS) and certified substance abuse counselors (CSAC). To effectively expand the workforce, the required didactic hours should be concomitant with the level of educational attainment as well as recognize that there are existing positions within our system, such as psychiatric technicians, who are working directly with individuals with complex needs in our state hospitals and who do so with a high school diploma and no additional coursework.

Thank you for your time and consideration of these recommendations. These perspectives are shared with the intent of fostering continued dialogue and ensuring that the final implementation of the regulations have the intended effect.

If you have any questions regarding the above comments, please contact Jennifer Faison at jfaison@vacsb.org, (804) 330-3141.

VACSB Officers

Chair: Patrick Sowers

1st Vice Chair: Gib Sloan, Chesterfield CSB

2nd Vice Chair: Ingrid Barber, Alleghany Highlands Community Services

Secretary: Stephanie Clark, Alleghany Highlands Community Services

Treasurer: Bernetta Watkins, Crossroads CSB

Past Chair: Angelo Wider

Executive Director: Jennifer Faison



Board of Counseling

Executive Director's Report

October 4, 2024

Board Members/Appointments

Lester Paul Bernard, Ph.D., LPC Lynchburg, VA 1st Term Ends 6/30/2027 LPC Member	Nakeisha Gordon, LPC Richmond, VA 1st Term Ends 6/30/2027 LPC Member
Luanne Griffin, LPC Alexandria, VA 1st Term Ends 6/30/2027 LPC Member	Vacant LSATP Member
Marlo Burdge, Citizen Member Richmond, VA 1st Term Ends 6/30/2028	Natalie Franklin, LPC, LMFT Newport News, VA 2nd Term Ends 6/30/2024 LPC Member
Benjamin Allison, Citizen Member Forest, VA 1st Term Ends 6/30/2026	Tiffinee Yancey, Ph.D., LPC Suffolk, VA 2nd Term Ends 6/30/2025 LPC Member
Maria Anastasiou, LMFT Woodbridge, VA 1st Term Ends 6/30/2025 LMFT Member	Matthew Scott, LMFT Lynchburg, VA 1st Term Ends 6/30/2026 LMFT Member
Maria Stransky, LPC, CSAC, CSOTP Vice-Chairperson Richmond, VA 2nd Term Ends 6/30/2025 LPC Member	Terry R. Tinsley, PhD, LPC, LMFT, CSOTP Chairperson Gainesville, VA 1st Term Ends 6/30/2026 LMFT Member

Financials

FY 2024 Budget / Actual through June Final
2024

Virginia Department of Health Professions

Cash Balance

6/30/2024

100%

Period Ending:

% of the Year Completed:

Department Name:

Board of Counseling

Cash Balance as of June 30, 2023

YTD FY 2024 Revenue

Less: YTD FY 2024 Direct & Allocated Expenditures

Cash Balance as of June 30, 2024

3,618,387

2,541,665

2,160,025

\$4,000,027

Board of Counseling Applications by Fiscal Year

	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
CSAC												
Initial	71	93	89	98	143	220	191	129	114	111	125	155
Add/change	26	20	10	19	1							
Total	97	113	99	117	144	220	191	129	114	111	125	155
CSAC Supervisor												
Initial	75	119	110	136	184	192	172	209	224	239	322	468
Add/change	6	3	8	30	27	45	36	54	78	68	94	123
Total	81	122	118	166	211	237	208	263	302	307	416	591
LMFT	41	33	44	51	63	62	68	65	108	136	103	131
LPC	348	410	490	486	567	708	753	734	1002	1200	1094	1254
Pre Rev LPC												
Pre Rev MFT												
Pre Rev SATP												
QMHP-A												
QMHP-C												
RPRS												
CRP	11	6	1	7	5	4	2	4	5	7	1	5
ROS												
Initial	455	534	649	689	713	715	818	798	884	1060	1031	1127
Add/change	424	581	711	808	902	960	981	517				
Total	879	1115	1360	1497	1615	1675	1799	1315	884	1060	1031	1127
RMF												
Initial	38	40	33	35	54	55	54	50	45	54	56	65
Add/change	22	51	46	57	37	35	47	23				
Total	60	91	79	92	91	90	101	73	45	54	56	65
RSAT												
Initial	1		1	4	3	2	4	11	12	13	11	19
Add/change												
Total	1	0	1	4	3	2	4	11	12	13	11	19
CSAC-A	36	41	44	37	64	59	55	60	42	49	57	78
LSATP	9	9	6	9	23	41	61	77	72	76	84	78
QMHP-Trainee												
Initial	1562	1940	2241	2462	2783	348	2297	1827	2053	2455	2231	2375
Total	1562	1940	2241	2462	2783	10058	16887	7019	6845	7521	7309	7923

License Issued*

(unofficial numbers)

	Endorsement	Examination	Reinstatement
CSAC	11	78	5
LMFT	78	17	5
LPC	416	682	23
LSATP	66	2	0