

**VIRGINIA BOARD OF COUNSELING  
REGULATORY COMMITTEE MEETING  
Thursday, October 31, 2019**

**TIME AND PLACE:** The meeting was called to order at 10:00 a.m. on Thursday, October 31, 2019, in Board Room 4 at the Department of Health Professions (DHP), 9960 Mayland Drive, Henrico, Virginia.

**PRESIDING:** Johnston Brendel, Ed.D., LPC, LMFT, Chairperson

**COMMITTEE MEMBERS PRESENT:** Kevin Doyle Ed.D., LPC, LSATP  
Terry Tinsley, PhD, LPC, LMFT, CSOTP

**COMMITTEE MEMBER ABSENT:** Holly Tracy, LPC, LMFT

**STAFF PRESENT:** Sandie Cotman, Licensing Specialist  
Jaime Hoyle, JD, Executive Director  
Jennifer Lang, Deputy Executive Director  
Charlotte Lenart, Deputy Executive Director, Licensing  
Brenda Maida, Licensing Specialist

**OTHERS PRESENT:** Elaine Yeatts, DHP Senior Policy Analyst

**APPROVAL OF MINUTES:** Dr. Doyle moved to approve the minutes of the August 15, 2019 meeting with minor changes to the wording. The motion was seconded by Dr. Brendel and passed with one member (Dr. Tinsley) abstaining.

**PUBLIC COMMENT:** Written public comment was received from Joseph Lynch, Vice President of the Virginia Society for Clinical Social Work.

**DISCUSSIONS:**

**I. Unfinished Business:**

**Discussion on supervisor designation and qualifications:**

- Board staff provided research on the minimum requirements of a supervisor from other jurisdictions. Committee recommended no changes at this time.

**Discussion on creating didactic training in substance abuse definitions for each required area:**

- Staff requested Dr. Brendel ask Board members, with substance abuse credentials (Dr. Doyle, Ms. Engelken and Ms. Stransky), to be on a committee to develop definitions on core areas of substance abuse counseling didactic training consistent with the requirements in the final stages of regulations.

### **Criminal Background Checks:**

- After discussion, Dr. Doyle moved, which was seconded by Dr. Tinsley, to recommend to the full Board to request the Agency address the Board's due diligence and duty to protect the public and require all applicants under the Board to complete a criminal background check prior to being considered for certification, licensure or registration. The motion passed unanimously.

## **II. New Business:**

- **Discuss Regulatory Committee membership, leadership and scheduling.**  
Discussed scheduling changes to the Regulatory Committee meetings to at least two weeks prior to the full Board meeting to allow all Board members and staff the opportunity to review the Committees recommendations. Dr. Brendel thanked Dr. Tinsley for agreeing to be a part of the Committee.
- **Chart of Regulatory Actions**  
Ms. Yeatts provided a chart of current regulatory actions as of October 9, 2019 that listed:
  - Regulations Governing Delegation to an Agency Subordinate [18 VAC 115 - 15]  
Action: Periodic review; Stage: Fast-Track - Register Date: 10/28/19 Effective: 12/12/19
  - Regulations Governing the Practice of Professional Counseling [18 VAC 115 - 20]  
Action: Credential review for foreign graduates; Stage: Proposed - Register Date: 7/22/19  
- Board to adopt final regulations
  - Regulations Governing the Practice of Professional Counseling [18 VAC 115 - 20]  
Action: Acceptance of doctoral practicum/internship hours towards residency requirements; Stage: Final - Register Date: 9/16/19 – Effective: 10/16/19
  - Regulations Governing the Practice of Professional Counseling [18 VAC 115 - 20]  
Action: Requirement for CACREP accreditation for educational programs; Stage: Proposed - At Governor's Office
  - Regulations Governing the Practice of Professional Counseling [18 VAC 115 - 20]  
Action: Periodic review; Stage: NOIRA - Register Date: 8/19/19 - Board to adopt proposed regulations
  - Regulations Governing the Practice of Professional Counseling [18 VAC 115 - 20]  
Action: Resident license; Stage: Emergency/NOIRA - At Secretary's Office
  - Regulations Governing the Practice of Professional Counseling [18 VAC 115 - 20]  
Action: Unprofessional conduct - conversion therapy; Stage: Proposed - At DPB
  - Regulations Governing the Certification of Substance Abuse Counselors [18 VAC 115 - 30] Action: Updating and clarifying regulations; Stage: Final - At Governor's Office

- **Regulations Governing the Certification of Rehabilitation Providers [18 VAC 115 - 40]**  
Action: Periodic review; Stage: NOIRA - Register Date: 11/11/19
- **Regulations Governing the Registration of Peer Recovery Specialists [under development] [18 VAC 115 - 70]** Action: Initial regulations for registration; Stage: Final - Register Date: 10/14/19 – Effective 11/13/19
- **Regulations Governing the Registration of Qualified Mental Health Professionals [under development] [18 VAC 115 - 80]** Action: Initial regulations for registration of Qualified Mental Health Professionals; Stage: Final - Register Date: 10/14/19 – Effective 11/13/19
- **Review, discuss and make recommendation for the proposed regulations related to qualified mental health professional – trainees.**  
The Committee discussed public comment from Mr. Lynch. The Committee requested that Dr. Doyle and Ms. Hoyle respond in writing to Mr. Lynch regarding his concerns.

Dr. Doyle, moved, which was seconded by Dr. Tinsley, to recommend a Fast-Track action on the proposed language regarding QMHP-Trainees to the full Board. The motion passed unanimously.

Dr. Doyle, moved, which was seconded by Dr. Tinsley, to recommend an Exempt action on the reduction of fees for QMHP-Trainees to the full Board. The motion passed unanimously.

- **Consideration of public comment on the Notice of Intended Regulatory Action (NOIRA) and proposed regulations related to periodic review for Regulations Governing the Practice of Professional Counseling, Marriage and Family Therapy and Substance Abuse Practitioners.**  
The Committee discussed the public comment related to the periodic review. The Board discussed the term face-to-face but decided to make no changes.  
  
Dr. Tinsley, moved, which was seconded by Dr. Doyle, to recommend the proposed changes to the periodic review for the practice of professional counseling, marriage and family therapy and substance abuse practitioners to the full Board. The motion passed unanimously.
- **Petition for Rulemaking amend regulations to amend 18VAC115-20-52 to eliminate the restriction on residents' ability to directly bill for their services.**  
The Committee deferred any recommendations to the full Board so that all public comment can be reviewed and discussed. Public comment period ends on October 25, 2019.
- **Petition for Rulemaking to amend regulations to amendment section 18VAC115-50-55 to reduce the required Internship number of hours of experience with couples and families from 200 of the 240 to 120 of the required 240 hours.**  
The Committee deferred any recommendations to the full Board so that all public comment can be reviewed and discussed. Public comment period ends on November 13, 2019.

- **Review Guidance Document 115-1.8: Examinations approved by the Board for Certification as a Rehabilitation Counselor, adopted September 11, 2015.**  
Dr. Doyle moved, which was seconded by Dr. Tinsley, to recommend Guidance Document 115-1.8 be reaffirmed to the full Board. The motion passed unanimously.

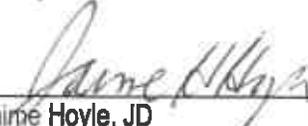
- **Review Guidance Document 115-7: Supervised Experience Requirements for the Delivery for Clinical Services for Professional Counselor Licensure, revised November 13, 2015.**  
The Committee agreed to delay the review of Guidance Document 115-7 until after the emergency regulations related to the issuance of temporary resident license are in effect.
- **Review Guidance Document 115-2.2: Guidance on participation by substance abuse counselors in interventions, revised November 13, 2015.**  
Dr. Tinsley moved, which was seconded by Dr. Doyle, to recommend Guidance Document 115-2.2 be incorporated in to Guidance Document 115.11 to the full Board. The motion passed unanimously.
- **Discuss and Review Guidance Document 115-2: Impact of Criminal Convictions, Impairment and Past History on Licensure or Certification, revised February 9, 2018.**  
The Committee discussed with no actions.
- **Emotional support animal discussion.**  
After discussion, Dr. Doyle agreed to develop a preliminary draft for a guidance document related to emotional support animals to be reviewed and considered at the next meeting.
- **Consideration of continuing education hours for counselors deployed as a Disaster Mental Health provider with the Red Cross.**  
Dr. Doyle moved, which was seconded by Dr. Tinsley, to recommend to the full Board to adopt guidance on acceptance of disaster mental health worker for continuing competency requirements. The motion passed unanimously.

**NEXT SCHEDULED MEETING:** The next Committee meeting is scheduled for January 24, 2020 at 10:00 a.m.

**ADJOURNMENT:** The meeting adjourned at 1:53 p.m.

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

01-24-2020  
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Date

  
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Jaime Hoyle, JD  
Executive Director

1/27/2020  
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Date