

**BOARD OF COUNSELING
FULL BOARD MEETING
Friday, February 7, 2020**

TIME AND PLACE: Dr. Johnston Brendel, called the meeting to order at 10:00 a.m. on Friday, February 7, 2020, in Board Room 4 at the Department of Health Professions ("DHP"), 9960 Mayland Drive, Henrico, Virginia.

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

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

STAFF PRESENT: Sandie Cotman, Licensing Specialist
Christy Evans, Discipline Case Specialist
Jaime Hoyle, JD, Executive Director
Jennifer Lang, Deputy Executive Director
Charlotte Lenart, Deputy Executive Director-Licensing
Brenda Maida, Licensing Specialist

OTHERS 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 and acknowledged the lack of electricity in the building. Dr. Brendel thanked the Board members and staff for their willingness to conduct the meeting under difficult conditions.

SUMMARY SUSPENSION CONSIDERATION: See "Attachment A"

APPROVAL OF MINUTES: Upon a motion made by Vivian Sanchez-Jones, and seconded by Maria Stransky, the Board voted unanimously to approve the November 22, 2019 meeting minutes.

ADOPTION OF AGENDA: The Board adopted the agenda after agreeing to move the legislation and regulatory report to the end of the meeting.

PUBLIC COMMENT: There were no public comments.

AGENCY REPORT:

Dr. Brown provided an update on the General Assembly. Dr. Brown discussed staffing issues and needs for the agency and for the Board.

CHAIRPERSON REPORT:

Dr. Brendel discussed the backlog of probable cause case reviews and the need for immediate action from Board members. Dr. Brendel asked Ms. Lang to provide a weekly report to Board members on the status of pending cases. Dr. Brendel also thanked board staff for their hard work and dedication.

BOARD COUNSEL REPORT:

Nothing to report

**LEGISLATION AND
REGULATORY REPORTS:**

Ms. Yeatts discussed the report on the 2020 General Assembly legislative actions as presented in the agenda packet.

Ms. Yeatts provided a chart of current regulatory actions as of January 28, 2020.

- 18VAC 115-20 Regulations Governing the Practice of Professional Counseling – Resident License (action 5371); Emergency/NOIRA – Register
Date: 12/23/2019
Board to adopt proposed regulations 2/7/2020
- 18VAC 115-20 Regulations Governing the Practice of Professional Counseling – Unprofessional conduct – conversion therapy (action 5225); Proposed – At Secretary's Office for 67 days.
- 18VAC 115-20 Regulations Governing the Practice of Professional Counseling – Periodic review (action 5230); At Attorney General's Office
- 18VAC 115-20 Regulations Governing the Practice of Professional Counseling – Handling fee - returned check (action 5436); Fast-Track - At Secretary's Office for 14 days.
- 18VAC 115-20 Regulations Governing the Practice of Professional Counseling – Credential review for foreign graduates (Action 5089);
Final – Register Date: 2/3/2020
Effective: 3/4/2020
- 18VAC 115-30 Regulations Governing the Certification of Substance Abuse Counselors updating and clarifying regulations (Action 4691);
Final – Register Date: 1/20/2020
Effective: 2/19/2020

- 18VAC 115-40 Regulations Governing the Certification of Rehabilitation Providers - Periodic review (Action 5305);
NOIRA – Register Date: 11/11/2019
Proposed regulations to be adopted 2/7/2020
- 18VAC 115-80 Regulations Governing the Registration of Qualified Mental Health Professionals - Registration of QMHP-Trainees (Action 5444);
Fast-Track – At Attorney General's Office
- 18VAC 115-80 Regulations Governing the Registration of Qualified Mental Health Professionals-Reduction in fee for trainees (Action 5437);
Final – Register Date: 1/20/2020
Effective: 2/19/2020

Regulatory Actions:

Consideration of public comment and adoption of proposed regulations related to the issuance of temporary license for resident in counseling, marriage and family therapy and substance abuse treatment. The Board voted unanimously to accept the Regulatory Committee recommendations related to the issuance of temporary resident licenses.

Adoption of proposed Regulations Governing the Regulations Governing the Certification of Rehabilitation Providers. The Board reviewed and discussed the proposed changes to the regulations. Mr. Alvarez moved, and Ms. Harris seconded, to adopt the proposed regulations as presented. The motion passed unanimously.

Petition for Rulemaking to amend regulations to accept 1500 direct/indirect service hours, 50 hours of supervision, and one year of experience from a master's level internship. After discussion, Ms. Tracy moved, and Ms. Hunt seconded, to deny the petitioner's request as recommended by the Regulatory Committee. The motion passed unanimously.

Discussion and Recommendations from the Regulatory Committee:

Consideration of delaying the requirements for continuing education for Certified Substance Abuse Counselors (CSAC) and Certified Substance Abuse Counseling Assistants (CSAC-A) to 2021. After discussion, Ms. Tracy moved, and Mr. Alvarez seconded, to delay the requirements for continuing education for CSAC and

CSAC-As for the 2020 renewal to allow certificate holders a full year to obtain their hours as recommended by the Regulatory Committee. The motion passed unanimously.

Proposed Guidance Document on Emotional Support Animals. After discussion, Ms. Tracy moved, and Ms. Harris seconded, to accept the Guidance Documents as presented with minor changes. The motion passed unanimously.

2020 Supervisor Summit Training. After discussion, the Board agreed to hold a Supervisor Summit Training on May 14, 2020 in Board Room 2 of the Department of Health Professions location in Richmond. The Board also discussed the possibility of presenting at the Virginia Counselor Association conference in November 2020.

STAFF REPORTS:

Executive Director's Report – Jaime Hoyle

Ms. Hoyle reported on number of applications received and licensees, certification and registrations issued this year compared to previous years as presented in the agenda. Dr. Brendel asked about the organizational structure of the staff. Ms Hoyle and Dr. Brown discussed the current staffing situation and the need for additional staffing. Dr. Doyle commented that the current staff does an excellent job, but he fears they will get promotions to other jobs because of their skills, and the Board will suffer and so will applicants.

Discipline Report – Jennifer Lang, Deputy Executive Director

Reported that the Board closed 87 cases since last Board meeting. There are seven (7) Informal Conference Committee dates scheduled. Ms. Lang state that she is receiving more boundary issue cases. Ms. Lang discussed her role on the Regulatory Excellence Committee of the American Association of State Counseling Boards (AASCB) and its discussion on endorsement requirements.

Licensing Report – Charlotte Lenart, Deputy Executive Director- Licensing

Ms. Lenart discussed the applications received, licensed, certification and registrations issued the last three months, satisfaction survey results, reported on the Credentials Committee process and review, and staff's work on providing information to applicants, licensees, and stakeholders on the recent changes to the regulations. Ms. Lenart thanked her staff for taking on additional responsibilities and their continued dedication to excellence.

COMMITTEE REPORTS

Board of Health Professions Report - Kevin Doyle

Dr. Doyle provided the minutes for the Board of Health Profession's

last Board meeting.

Dr. Doyle also discussed his position as the President Elect for the American Association of State Counseling Boards (AASCB). The annual meeting will be held in August of 2020 in Denver, Colorado and encouraged Board members to attend.

Legislative/Regulatory Committee – Holly Tracy

Ms. Tracy discussed the Regulatory Committee's discussions and decisions earlier in the meeting when discussing specific regulatory actions.

Ad Hoc Committee on Tele-Assisted Counseling and Supervision – Terry Tinsley

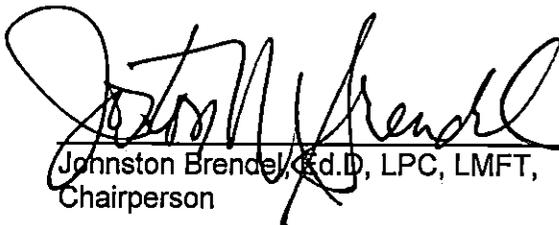
Dr. Tinsley discussed the need for the Committee to provide feedback to Ms. Lenart so that she can gather all information to present to the Regulatory Committee meeting in May.

NEXT MEETING:

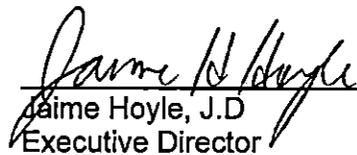
Next scheduled Quarterly Board Meeting is May 15, 2020 at 10:00 a.m.

ADJOURN:

The meeting adjourned at 12:28 p.m.



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



Jaime Hoyle, J.D.
Executive Director

Attachment A

Summary Suspension Consideration:

Re: Christopher Clotez, RIC, RMFT, Substance Abuse Trainee
License #: 0704011734 (Resident in Counseling)
License #: 0730000274 (Resident in Marriage and Family Therapy)
Registration#: 0709024048 (Substance Abuse Trainee)
Case #: 195927

Commonwealth's Representation: Sean Murphy, Assistant Attorney General
Claire Foley, Adjudication Specialist, APD

Purpose of the Meeting: Mr. Murphy presented a summary of evidence in case #195927 for the Board's consideration of a summary suspension of the licenses and registration of Mr. Clotez.

Closed Meeting: Ms. Hunt moved that the Board convene in a closed meeting pursuant to § 2.2-3711(A)(27) of the *Code of Virginia* for the purpose of deliberation to reach a decision in the matter of Christopher Clotez. Additionally, she moved that James Rutkowski, Jaime Hoyle, Jennifer Lang, Charlotte Lenart, Christy Evans, Brenda Maida, and Sandie Cotman attend the closed session because their presence was deemed necessary and would aid the Board in its deliberations. The motion was seconded by Mr. Alvarez and passed unanimously.

Reconvene: Having certified that the matters discussed in the preceding closed meeting met the requirements of § 2.2-3712 of the *Code of Virginia*, the Board reconvened in open meeting and announced the decision.

Decision: Dr. Doyle moved to summarily suspend the licenses and registration of Christopher Clotez and to offer a Consent Order for revocation in lieu of a formal hearing. The motion was seconded by Ms. Tracy and passed with a unanimous vote.