

**VIRGINIA BOARD OF COUNSELING
REGULATORY COMMITTEE MEETING**

DRAFT

Friday, July 31, 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:** Holly Tracy, LPC, LMFT, Chairperson
- COMMITTEE MEMBERS PRESENT:** Johnston Brendel, Ed.D, LPC, LMFT
Kevin Doyle, Ed.D, LPC, LSATP
Vivian Sanchez-Jones, Citizen Member
Terry Tinsley, PhD, LPC, LMFT, CSOTP
- STAFF PRESENT:** Jaime Hoyle, JD, Executive Director
Jennifer Lang, Deputy Executive Director
Charlotte Lenart, Deputy Executive Director-Licensing
Sharniece Vaughan, Licensing Specialist
- OTHERS PRESENT:** Elaine Yeatts, DHP Senior Policy Analyst
- APPROVAL OF MINUTES:** Dr. Brendel moved to approve the minutes of the January 24, 2020 meeting. Dr. Doyle, seconded the motion, and it passed unanimously.
- PUBLIC COMMENT:** There were no public comments.

DISCUSSIONS:

- I. **Unfinished Business:**
 - **Regulatory Actions:** Ms. Yeatts discussed the current regulatory actions included in the agenda packet.
- II. **New Business:**
 - **Petition for Rulemaking to amend section 18VAC115-60-50(5) of the Regulations Governing the Practice of Licensed Substance Abuse Treatment Practitioners to waive the examination requirements for Licensed Clinical Social Workers (LCSW)** Dr. Brendel moved, which Ms. Tracy seconded, to deny the petitioner's request. The motion passed unanimously.
 - **Consideration of any waiver of experience requirements for spouse of active duty military or veteran.** The Committee discussed the requirements for endorsement and the

possibility of waiving the experience requirement in 18VAC115-20-45(B)(2)(b). This section requires evidence of post-licensure clinical practice in counseling for at least 24 of the last 60 months immediately preceding licensure application for spouses of active military or spouses of veterans who left active-duty within the last year and who accompany the applicant's spouse to the Commonwealth, or an adjoining state, or the District of Columbia. Dr. Brendel moved, which Dr. Tinsley seconded, to recommend to the full Board to grant military spouses additional pathways to licensure by endorsement. The Board already approved these additional pathways as a part of the periodic review that is currently in the proposed stage of the regulatory process. The motion passed unanimously. Additional avenues would include:

- Verification from the credentials registry of the American Association of State Counseling Boards, of the Certified Clinical Mental Health Counselor (CCMHC) credential from the National Board of Certified Counselors (NBCC) or any other board-recognized entity.; or
- Evidence of an active license at the highest level of counselor licensure for independent practice for at least 10 years prior to the date of application; or
- Evidence of an active license at the highest level of counselor licensure for independent practice for at least three years prior to the date of application and one of the following:
 - (1) The National Certified Counselor (NCC) credential, in good standing, as issued by the National Board of Certified Counselors (NBCC); or
 - (2) A graduate-level degree from a program accredited in clinical mental health counseling by CACREP.

RECESS: The meeting recessed at 10:41a.m. due to technical issues.

RECONVENTION: The meeting reconvened at 10:47a.m. Roll call was completed and all Board members were present with the exception of Vivian Sanchez-Jones. With four members of the Regulatory Committee present, a quorum was established.

- **Review of Guidance Document 115-1.4: Guidance of Technology-Assisted Counseling and Technology-Assisted Supervision.** After a lengthy discussion, Dr. Brendel moved, which Dr. Doyle seconded, to recommend to the full Board to table any action and retain the current Guidance Document 115-1.4 until Committee receives further consultation. The motion passed unanimously. The Committee felt that the Board did not have expertise in this area and thought it would be prudent to make sure that the Board received recommendations from an expert in the field before making recommendations for change to the Guidance Document and Regulations.
- **Review of Guidance Document 115-1.8: Examinations approved by the Board for Certification as a Rehabilitation Counselor and Guidance Document 115-7: Supervision Experience Requirements for the Delivery of Clinical Services for Professional Counselor Licensure.** Dr. Doyle moved, which Ms. Tracy seconded, to recommend to the full board to re-affirm Guidance Document 115-1.8 as written, and defer any action on Guidance Document 115-7 to allow staff time to make recommended changes and present those changes at the August Quarterly Board meeting.
- **Discussion on the need for additional waivers or changes to the Regulations in anticipation of future Emergency Orders.** The Committee discussed the waiver of internship hours that was effective March 27, 2020 through June 10, 2020. The Committee supported

amending the waiver to include the language that the Board approved as part of the periodic review, which are currently in the proposed stage of the regulatory process. This waiver would allow students who completed less than 600 hours of internship make up the deficient hours up to 100 of the 600 hours and up to 40 of the 240 hours of face-to-face client during the residency.

The Committee also discussed the possibility of a waiver of the endorsement requirements, which require an applicant to submit a certified copy of the application materials from the jurisdiction in which the applicant was initially licensed.

No action needed from the Regulatory Committee. Ms. Hoyle will present these recommended waivers to the Director's Office after consultation with Dr. Brendel, Board Chair.

- **NAADAC Passing Score:** Ms. Lenart informed the Board that NAADAC decreased the passing score from 70% to 67% after beta testing.

The Committee also discussed NBCC's policy, which requires individuals that who fail the NCMCHE examination to wait for 90 days before they can re-register for the examination. Staff will write a letter to NBCC to regarding the Boards concerns on this policy.

- **Update on Workgroup/Committee with Board of Medicine on Study of Mental Health Services for Minors:** The Behavioral Sciences Boards, along with the Board of Medicine, will conduct a study on the mental health services for minors. Ms. Hoyle asked volunteers to participate in the study. Ms. Tracy informed Ms. Hoyle that she is willing to participate. Ms. Yeatts mentioned the deadline for completion of the report is November 1, 2020.

NEXT SCHEDULED MEETING: The next Committee meeting is scheduled for October 9, 2020 at 10:00 a.m.

ADJOURNMENT: The meeting adjourned at 12:00 p.m.

Holly Tracy, LPC, LMFT
Chairperson

Date

Jaime Hoyle, JD
Executive Director

Date