

DRAFT
BOARD OF COUNSELING
QUARTERLY BOARD MEETING
FRIDAY, MAY 1, 2015

TIME AND PLACE: The meeting was called to order at 10:05 a.m. on Friday, May 1, 2015, in Board Room 2 at the Department of Health Professions, 9960 Mayland Drive, Henrico, Virginia.

PRESIDING: Kevin Doyle, Ed.D., LPC, LSATP

BOARD MEMBERS PRESENT: Cinda Caiella, LMFT
Charles Gressard, Ph.D., LPC, LMFT, LSATP
Sandra Malawer, LPC, LMFT
Benjamin Keyes, Ph.D., Ed.D., LPC
Leah Mills, Citizen Member
Jane Nevins, LPC, LSATP
Joan Normandy-Dolberg, LPC
Phyllis Pugh, LPC, CSAC
Vivian Sanchez-Jones, Citizen Member
Joseph Scislowicz, LPC, LMFT
Terry Tinsley, Ph.D., LPC, LMFT
Holly Tracy, LPC, LMFT

BOARD MEMBERS ABSENT: Scott Johnson, Ph.D., LMFT

STAFF PRESENT: Tracey Arrington-Edmonds, Administrative Assistant
David Brown, DC, DHP Director
Jamie Hoyle, Esq., DHP Chief Deputy Director, Acting Executive Director
Donna Johnson, Administrative Assistant
Jennifer Lang, Deputy Executive Director
James Rutkowski, Assistant Attorney General
Elaine Yeatts, Senior Policy Analyst

WELCOME: Dr. Doyle introduced the new Acting Executive Director and welcomed members of the public in attendance.

ORDERING OF AGENDA: The agenda was accepted as presented.

APPROVAL OF MINUTES: A motion was made by Mr. Scislowicz to approve the minutes of the February 13, 2015 meeting as amended. The motion was seconded by Ms. Pugh and passed unanimously.

PUBLIC COMMENT: Becky Bowers-Lanier of VCA and Eleanor Fukushima of Genex introduced themselves to the board.

DHP DIRECTOR'S REPORT: Individual meetings with Board Members

Dr. Brown expressed his interest in meeting with the board members individually. He mentioned that he had met with Dr. Doyle earlier that morning and thanked him for taking the time to give him feedback. He reminded the board members of the importance of putting the board before their professional association affiliations and not mixing the two roles.

General Assembly

Dr. Brown commented that a bill presented by Senator Petersen, to require criminal background checks for applicants of the Board of Counseling, had been withdrawn. However, a similar bill was introduced for the Board of Nursing and has moved forward. He anticipated that this process might eventually affect the Board of Counseling, and if passed, the applicants will pay the cost of the criminal background check.

He commented that the Agency does not take a position on a bill unless the Governor's office has taken a position.

External Audit

Dr. Brown provided an update on the HPMP audit being conducted by the Citizen Advocacy Center (CAC). The CAC conducted interviews with a wide range of internal and external stakeholders and reviewed case files for physicians and nurses who have been referred to the program by the Boards of Medicine and Nursing. CAC will provide a report to DHP and present to the ELT in June.

Annual Association Conferences/Training

Dr. Brown recommended that board members attend conferences and trainings so that they may keep Virginia up-to-date with new trends. Funds may be available for a board member and staff to attend some of the meetings. He would also like the board members and staff to provide information about training and/or conferences that they attend relating to the counseling profession.

Upcoming Training

Board member training in September 2015 at DHP additional information will be provided at a later date.

**BOARD OF HEALTH
PROFESSIONS REPORT**

Dr. Doyle addressed criminal background checks, which are currently self-reported. Ms. Hoyle provided that the "Rap-back" Program would get additional information but currently the Virginia State Police database/software is not up-to-date with current technology.

Mr. Scislowicz informed the board of the U.S. Supreme Court in the case

of the North Carolina State Board of Dental Examiners vs The Federal Trade Commission relating to issues that the board may encounter with life coaching marketing. Mr. Rutkowski advised that it would depend on the definition and what types of services a life coach is allowed to provide. It was suggested by Dr. Keyes that the board should consider bringing it under a credentialing process for the board.

**EXECUTIVE DIRECTOR'S
REPORT:**

Acting Executive Director, Ms. Hoyle thanked the staff for continuing the workload with minimum supervision and expressed interest in streamlining the licensing process. She noted that Ms. Lang has been an outstanding go-to person while she is learning her additional duties.

Staff Update

Ms. Hoyle announced that the position of Executive Director for the three boards should be posted soon.

**DEPUTY EXECUTIVE
DIRECTOR'S REPORT:**

Licensing

Ms. Lang thanked the board members for their support. She reminded the board of her continuation in serving as the Licensing Manager for the Board of Counseling until that position is filled.

The Board of Counseling has 5,176 active licensees (LPC, LMFT and LSATP) and 2,130 certified providers (CSAC, CSAC-A and CRP) Since January 1, 2015, staff has received 797 applications/supervision registrations. She noted that 90-95% of the applications arrive to the board incomplete, which makes the application process more lengthy for all applicants. The Board is hoping to implement online applications in the future, which will help in this process.

The supervisor database is still in the process of being established as well and the online applications.

Staffing

Ms. Lang noted that the Board staff continues to receive hundreds of calls and emails per week, and continues to use contracted staff to process applications, calls and emails. The board has received approval for additional full-time positions that will be posted once they are approved through the human resources department.

Ms. Lang reported that although she continues to serve as the Licensing Manager for the Board, her time is split between licensing duties and her duties in leading disciplinary matters for the three behavioral science boards.

Licensing Trends

Board staff continues to receive many applications that arrive incomplete. Approximately 10% of the applications and registrations are received with all documentation included. The application is very specific about the information needed in the submission packet.

Renewals

Renewal notices for all 3 license credentials' and the certification for the Substance Abuse Counselor and Assistance will be mailed out soon and Ms. Lang is currently work with Data to establish an email or text notice process for future renewals.

Supervision Summit

The Board plans to host a summit in late fall of 2015 or early 2016 for supervisors. More information will be presented at a later date.

Discipline:

Ms. Lang reported that the Board has 11 licensees in compliance monitoring following a board order, 26 cases are being investigated by Enforcement, and 83 cases are in probable cause review or in the process of scheduling for an informal conference or formal hearing.

Discipline Trends

The Board is seeing an increase in unlicensed practice. Ms. Lang is working with the Acting Executive Director, Board Counsel, the Agency's Enforcement Division and the Administrative Proceedings Division to develop policies to address this trend. This will also be discussed at the next Regulatory Committee meeting.

LEGISLATIVE UPDATE:

Appointment of Committee Chair

Charles Gressard, Ph.D., LPC, LMFT, LSATP was appointed as Chairperson of the Regulatory Committee.

General Assembly

Ms. Yeatts provided highlights on current bills that the General Assembly passed or referred.

She reported that the periodic reviews of proposed regulatory changes to Regulations Governing the Practice of Marriage and Family Therapy and Regulations Governing the Practice of Licensed Substance Abuse Treatment Providers is in the Attorney General's office. In addition, the NOIRA (Notice of Intended Regulatory Action), related to the proposed requirement for CACREP accreditation in the Regulations Governing the Practice of Professional Counseling is in the Governor's Office.

Consideration of Changes to Regulations

Chapter 30 CSAC and CSAC-A: It was recommended by the Board members the need for the Regulatory Committee to schedule a meeting to review the proposed changes.

Chapter 40 CRP: It was recommended by the Board members the need for the Regulatory Committee to schedule a meeting to review the proposed changes.

Review of Guidance Documents

115-1.1 Continuing Education Non-Compliance: The proposed changes were approved.

115-1.4 Guidance on Technology-Assisted Counseling/Supervision: Recommended that it be considered by the Regulatory Committee to possible be added to the regulations.

115-1.6 Internship Requirements for LPC, LMFT, and LSATP: Recommended that it be removed from the website since the information is stated in the regulations.

115-2 Impact of Criminal Convictions, etc. on Licensure of Certification: Recommended that it be considered by the Regulatory Committee.

115-2.2 Guidance on Planned Intervention Process: Recommended that it be considered by the Regulatory Committee.

Discussion of the need for graduate level/resident license

It was decided that it could become an issue with CSB's when dealing with titles or with self-employment residents practicing as an independent practitioner. This matter will be sent to the Regulatory Committee for further discussion.

Discussion of Portability/Endorsement

This matter is referred to the Regulatory Committee for further discussion.

NEW BUSINESS

Ms. Normandy-Dolberg suggested that the Behavior Analyst credentialing as a credential for the Board of Counseling. Currently the credentialing falls under the Board of Medicine therefore it most likely would not be placed under the Board of Counseling.

CLOSED MEETING:

Dr. Tinsley moved that the Board of Counseling convene in closed session pursuant to §2.2-3711(A)(27) of the Code of Virginia in order to consider a modification request. He further moved that Jaime Hoyle, , James Rutkowski, Jennifer Lang, Tracey Arrington-Edmonds, and Donna

Johnson attend the closed meeting because their presence in the meeting was deemed necessary and they would aid the Board in its consideration of the matters. The motion was seconded and carried.

RECONVENE: Dr. Tinsley moved that pursuant to §2.2-3712 of the Code of Virginia that the board heard, discussed or considered only those public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act and only such public business matters as identified in the original motion.

DECISIONS: Thomas Arbaugh, Jr., Ph.D., LPC – Upon a motion by Dr. Gressard and duly seconded by Ms. Nevins, the Board unanimously voted to deny Dr. Arbaugh's request for modification of a prior board order.

ADJOURN: The meeting adjourned at 1:40 p.m.

Kevin Doyle, Ed.D., LPC, LSATP
Chairperson

Jamie Hoyle, Esq., DHP Chief Deputy Director,
Acting Executive Director