

**DRAFT MINUTES
BOARD OF COUNSELING
DRAFT MINUTES
QUARTERLY BOARD MEETING
AUGUST 8, 2008**

TIME & PLACE: The meeting was called to order at 9:05 a.m. on August 8, 2008 in Board Room 2 at the Department of Health Professions, 9960 Mayland Drive, Richmond, VA.

PRESIDING: Linda K. Seeman, Ph.D., Chair

MEMBERS PRESENT: Mary Lou Argow
Donnie Conner, Ph.D.
Kevin Doyle, Ed.D.
Philip Haber
Sandra Malawer
Vivian Sanchez-Jones
William Scott, Ph.D.
Linda Seeman, Ph.D.
John Penn Turner

MEMBERS ABSENT: Nan Harris
Charles McAdams, Ed.D.
Eric McCollum, Ph.D.
Yvonne Ortega
Natale Ward

STAFF PRESENT: Emily Wingfield, Chief Deputy Director, DHP
Elaine Yeatts, DHP Policy Analyst
Howard Casway, Senior Assistant Attorney General
Evelyn B. Brown, Executive Director
Patricia Larimer, Deputy Executive Director
Diana Pollick, Administrative Assistant

OTHERS PRESENT: Alice Berman, VCU School of Rehabilitation Counseling
Mary Ellers
Marjorie Wall, Esq.

ORDERING OF AGENDA: Dr. Seeman opened the floor to any changes in the agenda. The agenda was accepted as presented.

APPROVAL OF MINUTES: A motion was made by Donnie Conner to approve the minutes of the May 9, 2008 Board meeting. John Penn Turner seconded the motion which passed unanimously.

PUBLIC COMMENT: None

**PRESENTATION
OF POSSIBLE
SUMMARY
SUSPENSION:**

Mr. James Schleissman, Assistant Attorney General and Ms. Anne Joseph presented the Commonwealth's evidence for the Board's determination as to whether Ms. Latrice Winston's continued practice of counseling constituted a substantial danger to public health and safety.

Summary Suspension:

Mary Lou Argow moved that according to the evidence presented the counseling practice of Latrice Winston poses a substantial danger to the public, and therefore the license of Latrice Winston to practice as a licensed professional counselor be summarily suspended with a consent order offered to Ms. Winston for the indefinite suspension of her license in lieu of a formal hearing. The motion was seconded and passed unanimously.

**SANCTION
REFERENCE
POINT STUDY:**

Linda Seeman: Dr. Seeman reported that she had reviewed an interim report of the Sanction Reference Points Study. She stated that the study was undertaken to ensure consistency in the discipline process.

**EXECUTIVE
DIRECTOR'S
REPORT:**

Evelyn B. Brown: Evelyn Brown reported that New Board Member Training will be held on October 22, 2008 and is open to present Board members as well. Ms. Brown also announced that Dr. Conner and Dr. Seeman had both been reappointed by the Governor for a second term on the Board, and that one new Board member still needs to be appointed. Ms. Brown further reported that approval for travel is very difficult to receive but that mileage rates have been increased. Ms. Brown then presented a letter from Ms. Sandra Ryals, Director, DHP which addressed the details of the closure of discipline cases and recognized Board members and staff efforts to resolve discipline cases in a shorter period of time than in previous years.

**COMMITTEE
REPORTS:**

Board of Health Professions: John Penn Turner

Mr. Turner announced that he has stepped down from his position on the Board of Health Professions. The position has not yet been filled.

**REGULATORY
COMMITTEE:**

Kevin Doyle, Ed.D. and Elaine Yeatts, DHP Policy Analyst:

Ms. Yeatts reported that the proposed counseling regulations have been approved by the Governor and will become effective on September 3, 2008. Ms. Yeatts further reported that the proposed changes to the MFT regulations have been approved by the Secretary and are now in the Governor's office under executive review. Ms. Yeatts and Dr. Doyle also reported that the

Regulatory Committee is recommending a periodic review of regulations for the Certified Substance Abuse Counselor (CSAC) Certified Rehabilitation Provider (CRP). Dr. Doyle moved to initiate the periodic reviews. Dr. Conner seconded the motion which passed unanimously.

Dr. Doyle reported that the Regulatory Committee reviewed guidance documents posted on the Board's website. Guidance documents that were no longer pertinent or the information is now provided in regulations, were deleted. Three documents need of revision - 115-4.2, 115-2.2 and 115-4.8. Dr. Doyle presented the revised wording of the three guidance documents. Discussion followed. Mary Lou Argow moved that all three of the revised guidance documents be approved. Sandra Malawer seconded the motion which passed unanimously.

Dr. Doyle presented the proposed guidance documents developed as an outcome of the Ad-Hoc Behavioral Sciences Committee meeting held on May 2, 2008 regarding "technology assisted counseling" and "technology assisted supervision". Dr. Doyle requested Howard Casway's advice. Several scenarios were discussed such as counselors providing therapy or supervision outside of the jurisdiction in which the counselor is licensed. Mr. Casway addressed his legal concerns about the various situations discussed. After much discussion Philip Haber moved to adopt the guidance document with the option of addressing the issue of "out of jurisdiction counseling and supervision" at a later date. Mary Lou Argow seconded the motion which passed unanimously.

**CREDENTIALS
COMMITTEE:**

Consideration of Credentials Committee's Recommendations:

Mary Ellers, LPC Applicant

Ms. Ellers appeared with her attorney, Marjorie Wall, Esq.

Dr. Conner moved that the Board of Counseling convene in closed session pursuant to Section 2.2-3711(A)(7) of the Code of Virginia in order to consult with legal counsel in the matter of Mary Ellers. Additionally, Dr. Conner moved that Evelyn Brown, Patricia Larimer, Howard Casway and Diana Pollick attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. John Penn Turner seconded the motion which passed unanimously.

Dr. Conner moved that the Board of Counseling certify that it heard, discussed or considered only public business matters

lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened. The motion was seconded and carried unanimously.

Dr. Doyle moved to reject the recommended decision of the Credentials Informal Conference Committee and move the case of Mary Ellers to a formal hearing. The motion was seconded by Sandra Malawer and passed unanimously.

Consideration of Credentials Committee's Recommendations:
Thomasina Valentine, LPC Applicant

Ms. Valentine did not appear.

Dr. Conner moved that the Board of Counseling convene in closed session pursuant to Section 2.2-3711(A)(27) of the Code of Virginia in order to consult with legal counsel in the matter of Thomasina Valentine. Additionally, Dr. Conner moved that Evelyn Brown, Patricia Larimer, Howard Casway and Diana Pollick attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. John Penn Turner seconded the motion which passed unanimously.

Dr. Conner moved that the Board of Counseling certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened. The motion was seconded and carried unanimously.

Dr. Doyle moved to reject the recommended decision of the Credentials Informal Conference Committee and move the case of Thomasina Valentine to a formal hearing. The motion was seconded by John Penn Turner and passed unanimously.

Mary Lou Argow: Ms. Argow reported that the Committee reviewed the files of four applicants.

Ms. Argow reported, on behalf of Dr. McAdams who was unable to attend the meeting, that Dr. McAdams had reviewed the documentation (mission statements, faculty rosters, syllabi and transcripts) submitted by applicants identified at the May 8, 2008 Credentials Committee meeting with transcripts that did not

clearly establish that the programs prepared students to be counselors. Dr. McAdams discovered, by reviewing mission statements, that many college, university and “academic program” mission statements met the requirements set forth in 18VAC115-20-49, but many of the “courses of study” within the program did not meet the requirements. It was determined that for future reviews a mission statement from the “course of study” will be requested, rather than mission statements from the college, university or program. The review resulted in nine of the fifteen applicants having “counseling degrees”. The remaining six candidates’ applications were denied approval as the course of study documents submitted for Board review had no expressed intent to prepare individuals to be counselors in the mission statement, program description and academic curriculum.

Ms. Argow also presented a draft guidance document Dr. McAdams developed to provide clarification and guidance to applicants seeking licensure in Virginia. Discussion followed. It was determined that this document should apply only to LPC applicants and guidance documents would be developed at a later date for marriage and family therapy and substance abuse treatment practitioner applicants. Dr. Conner moved to accept the guidance document as presented by the Credentials Committee. Kevin Doyle seconded the motion which passed unanimously.

**DISCIPLINE
COMMITTEE:**

Donnie Conner, Ph.D. & Patricia Larimer, Deputy Director
Dr. Conner reported that since the May 2008 Board meeting, no informal conferences have been held, four complaints are in investigation, no probable cause cases are at Board level, four informal conferences are scheduled and no formal hearings are scheduled.

Ms. Larimer presented a summary of cases closed by board staff in the last quarter.

OLD BUSINESS:

None

NEW BUSINESS:

Adoption of Exempt Regulation PPG: Elaine Yeatts
Ms. Yeatts presented the current Chapter 10 of the public participation guidelines and the proposed Chapter 11 of same for Board review and approval. Mary Lou Argow moved to repeal current Chapter 10 and adopt the new Chapter 11. John Penn Turner seconded the motion which passed unanimously.

ADJORN:

John Penn Tuner moved to adjourn the meeting at 12:20 p.m. Dr. Conner seconded the motion which passed unanimously.

Linda K. Seeman, Ph.D., Chair

Evelyn B. Brown, Executive Director