

DRAFT MINUTES
BOARD OF COUNSELING
NOVEMBER 4, 2005

TIME & PLACE: The meeting was called to order at 9:36 A.M. on November 4, 2005 in Board Room 3 at the Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia.

PRESIDING: Kevin S. Doyle, Ed.D., Chair

MEMBERS PRESENT: Mary Lou Argow
Donnie G. Conner, Ph.D.
Kevin S. Doyle, Ed.D.
Alan W. Forrest, Ed.D.
Philip Haber
Jack Knapp, D.D.
Charles R. McAdams, Ed.D.
Karen Rosen, Ed.D.
Linda Seeman, Ph.D.
Sandra Stith, Ph.D.
John Penn Turner
Natale Ward

MEMBERS ABSENT: Yvonne Ortega
Luke Torian, D.D.

STAFF PRESENT: Evelyn B. Brown, Executive Director
Howard Casway, Senior Assistant Attorney General
Diana Pollick, Administrative Assistant

GUESTS PRESENT: Lori A. Cowan, CRCC, CRC
Daryl Keeler, VA Association of Clinical Counselors

PUBLIC COMMENT: Lori Cowan, representing the Commission for Rehabilitation Counselor Certification (CRCC), and the Commission of Rehabilitation Education (CRE), brought to the Board's attention that regulation 18 VAC 115-20-106-B-6 was in error. She stated that the approved provider should be the CRCC as they are the organization that provides the trainings, not CRE. Kevin Doyle thanked Ms. Cowan and stated that this topic would be brought up under new business.

APPROVAL OF MINUTES: A motion was made to accept the minutes of the August 26, 2005 meeting by Karen Rosen and seconded by Mary Lou Argow. The motion passed unanimously.

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CHAIR: Dr. Doyle announced that the Board of Counseling celebrates its 30th birthday in 2006. Dr. Doyle will be contacting the Virginia Counselor's Association to discuss assistance in recognizing this event. Dr. Doyle also reviewed the current standing committee roster noting that the Chair for the Public Relations Committee will now be Philip Haber.

EXECUTIVE DIRECTOR: Evelyn Brown gave an overview of Executive Order #97 which streamlines the licensing process for displaced licensees from states affected by Hurricane Katrina who have relocated to Virginia. Once an application has been received and appropriate licensure requirements have been verified the applicant can be licensed in twenty four hours. The application fee is waived and the license is valid for one full year.

An update of the NBCC/CCE transition plan was given. NBCC/CCE will stop accepting applications in January of 2006 at which time applications will be accepted directly by the Board. All files will be submitted to the Board by NBCC/CCE by May 5, 2006.

The Continuing Education Audit Update was tabled to New Business.

REPORTS:

- Board of Health Professions: Natale Ward
Ms. Ward reported that a study is underway to determine whether homeopathic medicine needs to be regulated. Another study being undertaken is based on the implications of electronic practice. Each Board will be asked to prepare a report and submit in August of 2006. Ms. Ward also reported that regulations for Assisted Living Administrators are being developed. The Board of Health Professions elected Alan E. Mayer as Chair and Michael W. Ridenhour as Vice Chair.

- Regulatory Committee: Kevin Doyle

The Regulatory Committee met on Wednesday, November 3, 2005. Kevin Doyle reported that a discussion took place regarding the 30th birthday of licensed professional counseling in Virginia. A discussion was held regarding categories of mental health providers who are approved to provide supervision to professional counseling residents. It was suggested that the Board of Social Work be approached on the issue of allowing social work trainees to receive a portion of their

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supervision with a licensed professional counselor. A motion was made by Linda Seeman to have representation at the December 16, 2005 Social Work Board meeting to discuss this. The motion was seconded by Natale Ward and passed unanimously. Kevin Doyle will attend that meeting.

Dr. Doyle also reported that a discussion took place regarding the portability issue. At this point the NOIRA that was prepared has aged out. It will be some time before regulatory activity begins again due to Governor Warner not accepting any more regulatory action and the delay that will occur with a new governor taking office in January 2006.

Another topic the Committee discussed was regulation 18 VAC 115-20-52-B-2 which states that "The residency shall include a minimum of 200 hours of face-to-face sessions between supervisor and resident occurring at a minimum of one hour per 20 hours of work experience during the periods of the residency." This topic will be discussed further at the next regulatory meeting on December 2, 2005.

The Committee also discussed regulation 18 VAC-115-20-52-C which states that "At least one half of the individual face-to-face supervision shall be rendered by a licensed professional counselor." The discussion focused on the word "individual" and the need to clarify that supervision be one-on-one as opposed to group. This will be discussed further at the December 2, 2005 meeting.

The last subject reported by Dr. Doyle was that the Credentials Committee has expressed the need for several regulatory amendments to increase clarity and reduce the number of appeals. 18 VAC-115-20-45-*Prerequisites for licensure by endorsement* and 18 VAC-115-20-51-*Coursework requirements* were cited as a few examples. Also, the guidance document that was posted as a result of a motion made at the February 18, 2005 Board meeting is in need of further clarity and needs to be reworded on the Board's web page.

o Continuing Education Update: Alan Forrest & Karen Rosen

Alan Forrest reported that there needs to be a regulatory correction to reflect the Commission of Rehabilitation Certification as the correct approved provider for continued competency.

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- Credentials Review Committee: Mary Lou Argow
Ms. Argow reported that an Informal Credentials Fact Finding Conference was held at 9:30 A.M. and that licensure by endorsement was denied. She further reported that 11 appeals were reviewed with 5 being granted and 6 being denied. Eight attestations were reviewed with 6 applicants being approved to proceed with the licensure/certification process, one applicant requested to provide more information and one applicant will be requested to attend a Credentials Informal Conference at the February 2006.
- Discipline Committee: Linda Seeman
Dr. Seeman reported that there are:
19 cases in investigation
4 cases at Board level
3 Informal Conferences to be scheduled
1 case returned to investigation for additional information
0 reinstatement/probation hearings held
0 consent order to present to the Board
- Public Relations Committee: Philip Haber
Philip Haber reported the Public Relations Committee has been restructured and will now begin planning an upcoming newsletter.

INFORMAL CONFERENCE TRAINING: Howard Casway, Sr. Assistant Attorney General

Mr. Casway presented an power point presentation about conducting informal fact finding conferences to the Board.

OLD BUSINESS: NONE

NEW BUSINESS:

- The Public Comment request for a correction in regulations 18 VAC 115-20-106-B-1-d-6 18 VAC115-50-96-B-1-d-6, and 18 VAC 115-60-116-B-1-d-6 was presented to the Board. Mary Lou Argow made a motion to correct the regulation to read "The Commission for Rehabilitation Counselor Certification". The motion was seconded by Karen Rosen and passed unanimously.

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- o A draft of the "Possible Disciplinary or Alternative Actions for Non-Compliance with Continuing Education Requirements" developed by Mr. Ben Foster, Deputy Executive Director of the Board of Counseling, was presented to the Board by Evelyn Brown in Mr. Foster's absence. The discussion that followed focused on the specific wording of monetary penalties. Jack Knapp made a motion to have the monetary fee statement read as "monetary penalty not less than \$100 nor more than \$5,000." Mary Lou Argow seconded the motion. The motion passed with one opposing vote.
- o Evelyn Brown disseminated materials on parliamentary procedure.

NEXT MEETING DATE: February 16 & 17, 2006

ADJOURN: The meeting was adjourned at 12:30 P.M.