

DRAFT
BOARD OF COUNSELING
FEBRUARY, 2005

TIME & PLACE: The meeting was called to order at 10:05 A.M. on February 17, 2006 in Board Room 1 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.
Luke Torian, D. Min.
John Penn Turner

MEMBERS ABSENT: Yvonne Ortega
Sandra Stith, Ph.D.
Natale Ward

STAFF PRESENT: Evelyn B. Brown, Executive Director
Benjamin Foster, Deputy Executive Director
Sandra Ryles, Chief Deputy Director
Elaine Yeatts, Agency Regulatory Coordinator
Howard Casway, Senior Assistant Attorney General
Diana Pollick, Administrative Assistant

GUESTS PRESENT: None

PUBLIC COMMENT: None

APPROVAL OF MINUTES: A motion was made to accept the minutes of the November 4, 2006 meeting by Ms. Argow and seconded by Dr. McAdams. The motion passed unanimously.

CHAIR: Dr. Doyle stated that he and Dr. McAdams attended the Board of Social Work's quarterly meeting in December. The topic of mutual supervision between professions will be on their agenda for their April meeting. Dr. Doyle will update the Board at the June meeting.

Dr. Doyle shared a letter from Roger Snapp-Laplace, on behalf of the Virginia Association of Clinical Counselors (VACC). The letter stated that there is a recurrent interest in changing the licensure title from “Licensed Professional Counselor” to “Licensed Clinical Counselor” in order to more accurately identify counselors’ function for the public and create uniformity with other major mental health licensure titles. The VACC Board is willing to seek legislative support and action in the form of a bill proposing an appropriate name change. Discussion followed. It was the consensus of this Board that Licensed Clinical Counselor may be the preferable title as it eliminates a sense of “non-cohesiveness” and conforms with other professions. Elaine Yeatts noted that the Code uses “clinical psychologist and clinical social worker” and the change to “clinical counselor” would give consistency across Boards. Ms. Yeatts also stated that a legislative proposal could come from the Board, or VACC could seek legislation to change the title. If the Board chooses to go forward they would put it out for public comment in early summer and then have it ready to go to the Secretary and Governor in early fall. Dr. McAdams brought it to the Board’s attention that CACREP uses “community” and “mental health” designations and that CACREP and CORE are working to solidify these matters and that the Board may want to wait until they have concluded their efforts. Dr. Doyle suggested that the Board get some clarification on this to discuss at a future meeting. Dr. McAdams volunteered to do this. Dr. Doyle will respond in writing to VACC.

VACC’s letter also addressed the issue of CSB’s and other agencies hiring unlicensed people working as contractors and providing services that should be provided by Licensed Professional Counselors. The public sector is an exempt setting but contractors would not be considered employees and unlicensed counselors should not be providing services. The Board only has jurisdiction over licensees. However, if complaints of unlicensed activity were filed with Enforcement they would be reported to the Board. Mr. Casway noted that this would be a misdemeanor, (Section 3601 in the Code) but it is unlikely that the Attorney General’s Office would pursue this. It would be in the Board’s best interest to notify the involved parties (CSB’s, etc.) of the fact that this is a misdemeanor, noting that education would be the best avenue to follow. Dr. Doyle mentioned that if a complaint were lodged it would be beneficial for the Enforcement Division to notify the Virginia Association of CSB’s. Dr. Doyle suggested that Evelyn Brown draft a Letter to the Department of Mental Health, Mental Retardation and Substance Abuse Services via Mr. Nebiker about these allegations. Dr. Doyle requested that this action be reported on at the June meeting.

Dr. Knapp made a motion that Evelyn Brown draft this letter to MHMRSAS on behalf of the Board via Mr. Nebiker. Ms. Argow seconded the motion. The motion passed unanimously.

EXECUTIVE
DIRECTOR:

Evelyn Brown reported that the transition for bringing back the application processing from CCE to the Board was going well. The history of how application processing got contracted out was shared, as well as the need to bring it back in-house.

ELAINE YEATTS:

AGENCY REGULATORY COORDINATOR

Legislative Update: Ms. Yeatts reported legislative activity that had either general or specific application to the Board of Counseling. Bills 443, 637, 1146, 1486, 146, 214, 422 and 702 were overviewed. A detailed report is attached.

Regulatory Amendment for Returned Check Fee: Ms. Yeatts Reported that this Board needed to comply with the General Services requirement that returned check fees be increased to \$35.00 from \$25.00.

Regulatory Action for Reduced Renewal Fees: Based on licensing and revenue projections it is necessary for the Board to reduce fees for the 2006 renewal period. The renewal fees for LPC's, LM&FT's, LSATP's, CSAC's CSAC-A's, and CRP's would be reduced to half of the current annual renewal fee. Since this is a fee reduction it does not require the NOIRA process. Dr. Knapp made a motion to accept the "one time" reduction in renewal fees for the upcoming renewal period. Ms. Argow seconded the motion which passed unanimously.

REPORTS:

AASCB CONFERENCE: LINDA SEEMAN & JOHN PENN TURNER

Dr. Seeman announced that former Board Chair, Dr. Jan McMillan, was presented the "President's Award" for her work on Portability and that the National Credentials Registry is now online. Licensees can register their licensure information for a fee of \$200. Topics that were discussed at the conference were portability, negotiations between CACREP and CORE, criminal background checks for new applicants, putting sanctions on AASCB website and distance counseling. Mr. Turner also reported updates on portability and inquired as to whether the Board could place an insert in the next newsletter about the National Credentials Registry. Mr. Turner also reported that AASCB is exploring the possibility of using a jurisprudence examination and that a Jurisprudence Panel had been formed. The Panel is available to address individual Boards' questions.

CONTINUING EDUCATION UPDATE: BEN FOSTER

Mr. Foster passed out a sample audit package to Board members. Mr. Foster reported that the audit of 74 licensees has yielded thirteen licensees who were out of compliance with the continued competency requirements. Four (4) licensees will receive Consent Orders, seven (7) will receive Confidential Consent Agreements and two(2) will be noticed for an Informal Fact Finding Conference. Mr. Foster requested direction from the Board regarding the proposed fees that were accepted at its November 4, 2005 meeting. Discussion followed. Dr. Knapp made a motion to impose a fee of \$300 for those lacking 11 – 15 hours and \$500 for those lacking 16 – 20 hours of continued competency education. Ms. Argow seconded the motion. The motion passed with seven (7) affirmative votes and two (2) negative votes.

DEPARTMENT OF HEALTH PROFESSIONS: NO REPORT

CREDENTIALS COMMITTEE: LOU ARGOW & DONNIE CONNER

7 applicants were approved for licensure;
16 appeals were reviewed; 7 were approved; 9 were denied;
3 attestation responses were reviewed and approved.

** Liberty University submitted a request to have the Board approve the restructuring of one of their courses into three modules. Their concern was having this acknowledged as a 3 semester hour course. The Committee will request a syllabus and after reviewing course content a determination will be made.

DISCIPLINE COMMITTEE: LINDA SEEMAN

21 complaints are in investigation (not at Board level at this time);
4 cases at Board level;
3 Informal Fact Finding Conferences to be scheduled;
1 Case returned to investigation for more information;
0 Reinstatement Hearings held;
0 Consent Orders to be presented to the Board;
1 Credentials IFFC to be held.

PUBLIC RELATIONS COMMITTEE: PHILIP HABER

The next newsletter should be out in April of 2006. Articles will consist of a column on AASCB, Continued Competency, Disciplinary Action, an insert specific to the National Credentials Register, and a column from the Chair. This issue will begin the "online access only" of the newsletter, however, postcards will go out to all licensees and organizations notifying them of the change from hard copy to an online newsletter.

REGULATORY COMMITTEE: KEVIN DOYLE

The language for the NOIRA addressing supervision, endorsement and portability is now sufficiently developed. The Board needs to endorse the NOIRA for LPC's, M&FT's and LSATP's respectively. *The proposals below are components of the NOIRA:

- * The requirement(s) of what would constitute an approved supervisor was discussed by the Regulatory Committee. Dr. McAdams volunteered to research current trends in other states and organizations and report to the Board at its June meeting.
- * The removal of contradictory language regarding face-to-face supervision was reported. It is proposed that the phrase "face-to-face" shall be removed in all instances except when it refers to direct client contact. Residents will still be required to complete 200 hours of supervision using both individual and group methods, but supervision from an LPC could be either group or individual.
- * It is proposed to allow residents to receive a minimum of 1 hour of supervision per 40 hours worked, or a maximum of 2 hours of supervision per 40 hours worked.
- * All supervisors must be registered with the Board regardless of exempt/non-exempt setting.

Dr. Knapp made a motion to go forward with the NOIRA to approve the language surrounding supervision, endorsement and portability. The motion was seconded by Dr. McAdams and passed unanimously.

OLD BUSINESS: NONE

NEW BUSINESS: STANDARDS OF PRACTICE FOR ONLINE COUNSELING: ALAN FORREST

Ethical issues about "online counseling" seem to be a great concern. Dr. Forrest stated that Radford University is offering a course in online counseling this spring or summer and that he plans to take it. He presented a book he has researched; On-line Therapy: A Therapist's Guide to Expanding Your Practice. Kathleen Derrig Palumbo & Foojan Zeine, 2005), that addresses online counseling. The authors may be assisting Radford in their online counseling course development. Dr. Seeman and Mr. Turner reported that these online counseling issues were of primary concern at the AASCB conference as well.

Dr. Doyle led a discussion regarding what direction the Board wants to go regarding online counseling. It was determined that issues need to be clearly identified and more information is needed regarding who is using online counseling and how they are using it . It is believed that the American Counseling Association and the National Board for Certified Counselors have some accessible documentation .

Dr. Doyle and Evelyn Brown will request Natale Ward to add this topic to the next Board of Health Professions (BHP) meeting agenda. In the event Ms. Ward cannot attend the next DHP Board meeting an alternate will be assigned. The BHP will be requested to do a study on online uses for health profession services. Howard Casway stated that the Board of Pharmacy has a Statute that deals with internet prescribing that could be a good starting point. Dr. Knapp made a motion to have the Board request the BHP to conduct a study on online uses for health profession services. Dr. Forrest seconded the motion which passed unanimously.

NEXT MEETING DATE: June 8 & 9, 2006

ADJOURN: Dr. Forrest made a motion to adjourn which was seconded by Mr. Turner. The motion passed unanimously. The meeting adjourned at 1:30 PM.