

**DRAFT  
BOARD OF COUNSELING  
QUARTERLY BOARD MEETING  
Friday, February 17, 2012**

**TIME & PLACE:** The meeting was called to order at 10:06 a.m. on Friday, February 17, 2012, in Board Room 2 at the Department of Health Professions, 9960 Mayland Drive, Henrico, Virginia.

**PRESIDING:** John Penn Turner, Chair

**MEMBERS PRESENT:** Johnston Brendel, Ed.D., LPC, LMFT  
Donnie Conner, Ph.D., LPC, LMFT  
Michael Fletcher  
Sandra Malawer, LPC, LMFT  
Charlotte Markva, LPC, LMFT, CSAC  
Charles McAdams, III, Ed.D., LPC, LMFT  
Patricia Mullen, LPC  
William Scott, Ph.D., LPC, LMFT  
Linda Seeman, Ph.D., LPC, LMFT  
Terry Tinsley, Ph.D., LPC, LMFT  
John Penn Turner, LPC, LSATP

**MEMBERS ABSENT:** Zena Bowen, LPC, LMFT, MAC, ATR-BC  
Catherine Shwaery

**STAFF PRESENT:** Howard Casway, Senior Assistant Attorney General  
Catherine Chappell, Acting Executive Director  
Jennifer Lang, Administrative Assistant  
Patricia Larimer, Deputy Executive Director-Discipline  
Elaine Yeatts, DHP Senior Policy Analyst

**BOARD MEMBER RECOGNITION:** Mr. Turner introduced the newest member appointed to the Board of Counseling, Terry Tinsley.

**ORDERING OF AGENDA:** The agenda was accepted as amended, to include the presentation of a Consent Order.

**APPROVAL OF MINUTES:** A motion was made by Michael Fletcher to approve the minutes of the November 18, 2011 board meeting. The motion was seconded by Johnston Brendel and passed unanimously.

**PUBLIC COMMENTS:** None.

**ACTING EXECUTIVE DIRECTOR'S REPORT:** Staffing Update. Ms. Chappell provided the Board with an update on staffing concerns. She reported that Evelyn Brown retired as

Executive Director of the Board, effective December 31, 2011, and that staff was working efficiently and effectively to ensure a seamless transition following Ms. Brown's departure and the appointment of a permanent Executive Director.

Outreach Efforts. Ms. Chappell advised that staff continues to reach out to the Board's stakeholders – applicants, licensees, supervisors, employers, and professional organizations – with the goal of educating them on supervision and licensing requirements. As a result, applications are arriving in more complete order with more detail as to the proposed supervised experience. Staff is working closely with the contracted credentials reviewers to ensure that results from reviews are clearly communicated to applicants on documentation needed to complete their files.

Licensing Activity. She reported that during the last quarter, ending December 31, 2011, the Board was responsible for 6,672 licensees. Board staff received 320 new applications and registration requests and issued 87 new licenses during the quarter. On average, staff receives over 400 calls and emails each week and 30 to 40 applications per week. Over 3,000 supervision files are currently being maintained.

Application Processing and Backlog. Ms. Chappell reported that staff continues to work through the high volume of applications resulting from changes in requirements by DMAS and DBHDS with respect to the appropriate level of mental health provider eligible for reimbursement for clinical services. She stated that staff works diligently and consistently to review each file and that all coursework and clinical job duties are considered by the contracted credentials reviewers and reviewed in order of receipt. Additional contract administrative staff has been employed to help with the backlog of files.

Financial Status Update. Ms. Chappell distributed a report of the Board's finances for the past month in an effort to provide transparency and for Board member information. She noted that as of December 31, 2011, the Board's cash balance was sufficient. With annual licensure renewal, the Board is able to sustain itself.

**DISCIPLINE DEPUTY  
EXECUTIVE  
DIRECTOR'S REPORT:**

Ms. Larimer reported that eleven (11) cases were being investigated by the Enforcement Division, with thirteen (13) cases at Board level to be reviewed for probable cause. Two (2) cases were at the Administrative Proceedings Division level for preparation of informal conference notices.

Ms. Larimer reported that Continuing Education audit letters were mailed to 1% of licensees on December 29, 2011. Ms. Larimer stated that 39 licensees were audited, of which 29 are LPC, eight (8) are LMFT, and two (2) are LSATP. Of those audited, 38 licensees have responded and will be reviewed for compliance.

**BOARD COUNSEL  
REPORT:**

Howard Casway reported that there are currently three (3) appeals pending in Circuit Court:

- Verniecia Bell appealed her denial of supervision registration to the Prince William Circuit Court.
- Sylvester Britt appealed the decision to revoke his certification as a CRP and has a case pending in Portsmouth Circuit Court.
- James Jacobs appealed his denial for reinstatement of his MFT license and the case was heard in Chesterfield Circuit Court on December 22, 2011. The Court dismissed the appeal.

**AASCB MEETING  
UPDATE:**

Dr. McAdams reported on his participation at the AASCB meeting in January 2012, which he attended at his own expense. He noted that less than one-half of the states were represented at the meeting due to budgetary restraints. He reported that Virginia is facing similar national challenges and trends as reported by other state boards including response time for inquiries, time required to process licensure, educational requirements, experience requirements during residency, and nature/scope of internships.

**2012 LEGISLATIVE  
REPORT**

Ms. Yeatts highlighted bills before the General Assembly that had potential impact on the Board of Counseling. She referenced bills to expedite issuance of professional licenses for spouses of military (HB 937) and to utilize substantially equivalent military training in determining eligibility for licensure (HB 938). She also commented that she was monitoring HB 1289, which amends the definition of impairment

**COMMITTEE  
REPORTS:**

Credentials Committee. Dr. Brendel reported that the Credentials Committee met on Friday, February 3, 2012 and on Thursday, February 16, 2012 and reviewed 20 applications with respect to degree requirements, coursework, supervision and a conviction. The Committee approved two (2) applications, denied 12 of the requests, and deferred six (6) applications pending additional information.

Dr. Brendel also reported that the Committee discussed the length of time necessary to process files and that problematic files require additional processing time. In addition, he stated that the process

is lengthy and can be complicated but that the Board will not approve any requests for backdating the start date of supervision. The Board relies on supervisors to give complete and accurate information on their residents.

He added that the Committee had discussed that while multiple professions engage in counseling activity, each profession has distinct core philosophies and standards that predicate the manner in which the counseling activity is to be conducted. The Committee agreed that there is a difference between the activity of counseling and the profession of Counseling.

Regulatory Committee. Dr. McAdams reported that the Regulatory Committee will schedule a date to meet in the near future and will begin the review of the *Regulations Governing the Practice of Marriage and Family Therapists* at the next committee meeting.

Board of Health Professions. Ms. Markva reported that she had attended the last meeting of the BHP, in which a study of the sanction reference point process was presented. She noted that an electronic format for sanction reference point scoring will be used by the Board of Nursing. She also described the Agency's technology initiatives which are anticipated to reduce travel time and increase financial savings, as well as improve communication between boards, licensees, and the public.

**E-COUNSELING  
PRESENTATION:**

Kathleen Derrig-Palumbo, Ph.D. provided an overview to the Board on e-counseling, including problems, privacy concerns, and benefits.

**NEW BUSINESS:**

Letter from Virginia Association of Clinical Counselors. Ms. Chappell presented a letter from the VACC which described changes in Tricare standards for independent practice and which requested information on the various licensing examinations offered over the past years. The Board agreed that licensees are able to request verification of their specific exam information directly from the Board. The Board will continue to charge a fee of \$25.00 for all license verifications or information pertaining to the licensees' files.

Ad-Hoc Outreach Meeting. Ms. Markva was asked to lead an ad-hoc committee to consider the use of the Agency's Polycom system in order to offer education to and discussion of Board requirements for students, applicants, supervisors and educators.

She will report on options available to the Board at the May board meeting.

**OLD BUSINESS:**

Educational Summit. The Board agreed to schedule another educational summit with graduate educators in order to discuss topics of mutual interest, including distance counseling, licensure portability, graduate programs, and counselor identity concerns.

**CLOSED SESSION:**

Recommended Decisions from Credentials Informal Conferences and Consent Order. Mr. Fletcher moved that the Board of Counseling convene in closed meeting pursuant to §2.2-3711(A)(7) of the Code of Virginia in order to consult with legal counsel on the recommendations from the Credentials IFC Committee and to consider a Consent Order. He further moved that Howard Casway, Catherine Chappell, Patricia Larimer, and Jennifer Lang attend the closed meeting because their presence in the closed meeting was deemed necessary and they would aid the board in its consideration of the matter. The motion was seconded and carried.

**RECONVENE:**

Dr. Conner 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. The Committee agreed unanimously.

Stephanie RiCharde: The IFC Credentials Committee concluded that Stephanie RiCharde, LPC applicant, failed to satisfy the requirements of 18VAC115-20-49(B) and recommended that her application to register her supervision as a preliminary requirement in the process of obtaining licensure by examination be denied. Dr. Conner made a motion to accept the recommendation as presented. Ms. Malawer seconded the motion. The motion passed unanimously.

Leslie Ann Toney: The IFC Credentials Committee concluded that Leslie Ann Toney, LPC applicant, failed to satisfy the requirements of 18VAC115-20-49(B) and recommended that her application to register her supervision as a preliminary requirement in the process of obtaining licensure by examination be denied. Dr. Conner made a motion to accept the recommendation as presented. Ms. Markva seconded the motion.

The motion passed unanimously.

Tamara Williams: The IFC Credentials Committee concluded that Tamara Williams, LPC applicant, failed to satisfy the requirements of 18VAC115-20-49(B) and recommended that her application to register her supervision as a preliminary requirement in the process of obtaining licensure by examination be denied. Ms. Markva made a motion to accept the recommendation as presented. Dr. Conner seconded the motion. The motion passed unanimously.

Carolyn Wolfe: The IFC Credentials Committee concluded that Carolyn Wolfe, LPC applicant, failed to satisfy the requirements of 18VAC115-20-52(B)(10) and recommended that her application to register her supervision as a preliminary requirement in the process of obtaining licensure by examination be denied. Dr. Conner made a motion to accept the recommendation as presented. Ms. Mullen seconded the motion. The motion passed unanimously.

James Taylor, LPC: The Board considered a Consent Order accepting the permanent voluntary surrender of Mr. Taylor's right to practice as a professional counselor. Dr. Brendel made a motion to accept the Consent Order as presented. Dr. Seeman seconded the motion. The motion passed unanimously.

**ADJOURN:**

The meeting adjourned at 1:08 p.m.

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John Penn Turner, Chair

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Catherine Chappell, Acting Executive Director