

**VIRGINIA BOARD OF COUNSELING  
REGULATORY COMMITTEE MEETING  
DRAFT MINUTES  
Thursday, September 18, 2014**

The Regulatory Committee of the Virginia Board of Counseling ("Board") convened at 1:09 p.m. on Thursday, September 18, 2014 at the Department of Health Professions, 9960 Mayland Drive, Richmond, Virginia. Dr. Kevin Doyle called the meeting to order.

**COMMITTEE CHAIRPERSON:** Kevin Doyle, Ed.D., LPC, LSATP, Chairperson

**COMMITTEE MEMBERS  
PRESENT:** Johnston Brendel, Ed.D., LPC, LMFT  
Cinda Caiella, LMFT  
Joan Normandy-Dolberg, LPC  
Vivian Sanchez-Jones, Citizen Member  
Terry Tinsley, Ph.D., LPC, LMFT

**COMMITTEE MEMBERS  
ABSENT:** Joseph Scislowicz, LPC, LMFT

**STAFF PRESENT:** Tracey Arrington-Edmonds, Administrative Assistant  
Catherine Chappell, Executive Director  
Jennifer Lang, Licensing Manager  
Elaine Yeatts, Senior Policy Analyst

**PUBLIC COMMENT:**

The Committee welcomed members of the public. Because the comment period had closed, no further comment was accepted on the petition for rulemaking. No public comment was made on other board matters.

**DISCUSSION:**

**Petition for Rule Making:**

Petition from Gerard Lawson for LPC regulations

A petition for rule-making was submitted to amend requirements for educational programs in counseling.

The petition was discussed by the Committee and the Committee concluded the following, as a basis to recommend acceptance to the full board:

1. MPCAC (Masters in Psychology and Counseling Accreditation Council) accredits only nine (9) programs and eight (8) institutions, compared to the 661 programs and close to 300 institutions accredited by CACREP (Council for Accreditation of Counseling & Related Educational Programs).
2. CACREP accredits two-thirds of the counseling programs.
3. The petition comments that CACREP accredits only a small minority of programs are erroneous and were based on the number of programs in specific Northeast states.
4. The petition comments that claim that there are only three (3) clinical mental health programs in Virginia, do not take into account the programs that will be shifting from community mental health programs to clinical mental health programs when they apply for reaccreditation under the 2009 CACREP standards. Liberty and

Hampton Universities are currently in the accreditation process. Soon, there will be very few programs in Virginia that will not have CACREP accreditation.

5. CORE (Council on Rehabilitation Education) is now affiliated with CACREP and ACA (American Counseling Association) is now promoting only one (1) accrediting body.

Dr. Brendel made a motion to make a recommendation to the Board to accept the petition. Ms. Caiella seconded the motion and it passed with a majority vote.

### **Periodic Review of Regulations:**

The Committee reviewed regulations for professional counselors, marriage and family therapists, and substance abuse treatment practitioner and voted to propose the following changes:

#### ***Proposed changes to LPC regulations (Chapter 20):***

##### 18VAC115-20-10. Definitions.

1. Remove "Appraisal activities" and "Counseling treatment intervention" in subsection A.
2. Change "Education" to "Educational" in the definition of CACREP
3. Add definition of CORE
4. Add information to the definition of "Supervision", so that it will read "...guidance and instruction *that is specific to the clinical counseling services being performed...*"

##### 18VAC115-20-40. Prerequisites for licensure by examination.

1. Add "Pass the licensure examination specified by the board".
2. Add requirement to provide a report from the US Department of Health and Human Services Data Bank (NPDB).

##### 18VAC115-20-45. Prerequisites for licensure by endorsement.

1. Add requirement to provide a report from the US Department of Health and Human Services Data Bank (NPDB).

##### 18VAC115-20-49. Degree program requirements.

1. Remove "and counseling treatment intervention" in subsection A.
2. Add recognition of programs accredited by CACREP or CORE as meeting the degree requirements.

##### 18VAC115-20-51. Coursework requirements.

1. Amend language to specify that "Internship hours shall not begin until completion of 30 semester hours toward the graduate degree".

##### 18VAC115-20-52. Residency.

1. Add "the residency shall be completed in not less than two years or more than four years. Residents who began a residency before (effective date of the regulation) shall complete the residency by (four years after the effective date). An individual who does not complete the residency after four years shall submit evidence to the board showing why the supervised experience should be allowed to continue".
2. Add "residency hours approved by the licensing board in another U.S. jurisdiction and which meet the requirements of this section shall be accepted".

3. Remove the allowance of supervision to be provided by substance abuse treatment practitioner, school psychologist, clinical psychologist, clinical social worker or psychiatrist.

18VAC115-20-70. General examination requirements; schedules; time limits.

1. A motion was made by Dr. Brendel to require that applicants pass the exam within two (2) years. The motion passed with a majority vote.
2. Dr. Tinsley made a motion to allow applicants to reapply, with evidence, for consideration of a two (2) year extension if the applicant is not able to meet the required time limit. The motion passed unanimously.

***Proposed changes to LMFT regulations (Chapter 50):***

18VAC115-50-10. Definitions.

1. Add definition for "Ancillary counseling services".
2. Add definition for "Clinical counseling services".
3. Add definition for "Face-to-face".
4. Amend definition for "internship".

18VAC115-50-20. Fees.

1. Remove one-time reduction for renewal of an active license and one-time reduction for renewal of an inactive license.
2. Change subsection B to state that "all fees are nonrefundable".

18VAC115-50-30. Application for licensure by examination.

1. Amend wording to "Every applicant for licensure by examination...".
2. Add requirement, as subsection 2, of satisfying requirements in 18VAC115-50-70.
3. Amend subsection 3(d) to allow for one time submission of transcripts, unless additional coursework was subsequently obtained.
4. Add subsection 4, to require that applicants have no unresolved disciplinary action against a mental health or health professional license or certificate held in Virginia or in another jurisdiction.
5. Add subsection requiring submission of a current report from the U.S. Department of Health and Human Services Data Bank (NPDB).

18VAC115-50-40. Application for licensure by endorsement.

1. Clarify the requirement that applicants by endorsement shall hold or have held a marriage and family license in another jurisdiction in the United States.
2. Amend subsection A(3)(a) to require verification of all mental health or health professional licenses or certificates.
3. Add subsection A(4) requiring verification of a passing score on a marriage and family therapy licensure examination.
4. Add subsection A(5) requiring applicants to submit an affidavit of having read and understood the regulations and laws governing the practice of marriage and family therapy in Virginia.
5. Add subsection A(6) requiring submission of a current report from the U.S. Department of Health and Human Services Data Bank (NPDB).
6. Amend subsection B(2)(b) to allow submission of evidence of clinical practice as a marriage and family therapist for twenty-four of the last 60 months immediately preceding licensure application in Virginia.

18VAC115-50-50. Degree program requirements.

1. Remove language allowing a degree in a discipline related to the practice of marriage and family therapy.
2. A motion was made by Ms. Caiella to keep the current requirement in subsection A(2) which includes an identifiable marriage and family therapy training faculty. The motion was seconded and approved.
3. Amend subsection B to state that "programs approved by CACREP as programs in marriage and family counseling/therapy or by COAMFTE (Commission on Accreditation for Marriage and Family Therapy Education) are recognized as meeting the requirements of subsection A."

18VAC115-50-55. Course work requirements.

1. Clarify that successful completion of coursework is required in subsection A.
2. Change subsection A(3) to indicate a course in *Human growth and development across the lifespan*.
3. Add subsection A(4) to require a course in *Abnormal behaviors*.
4. Add subsection A(5) to require a course in *Diagnosis and treatment of addictive disorders*.
5. Add subsection A(6) to require a course in *Multicultural counseling*.
6. Change course title from *Professional studies* to *Professional identity and ethics*.
7. Change subsection A(10) (previously A(7)) and specify that 200 hours of direct client contact during internship shall be with couples and families, and that the internship shall not begin until completion of 30 semester hours toward the graduate degree.
8. Amend subsection B to allow for applicants with other mental health licenses to show proof of graduate courses in marriage and family for acceptance.

18VAC115-50-60. Residency requirements.

1. In subsection A., change "counseling" to "marriage and family therapy".
2. Change subsections A(a), (b) and (c) to A(1), (2) and (3).
3. In subsection A(2), specify "completion of the coursework and internship...".
4. Remove the current subsection A(2).
5. In subsection B(1), change the total hours required during the supervised residency in the role of a marriage and family therapist from 4,000 to 3,400 hours. Also, specify face-to-face supervision and allow for the use of technology for the purpose of supervision.
6. In subsection B(2), a change is made to clarify the requirements for the 2,000 hours of clinical counseling services.
7. Change subsection B(5) to allow for internship hours in excess of 600 hours to count up to an additional 300 hours towards the requirements of a residency.
8. Change subsection B(6) to allow the board to consider special requests in regards to geography or disabilities.
9. Remove current subsection B(7).
10. Renumber current subsection B(8) and change "solicit clients" to "directly".
11. Renumber current subsection B(10) and remove the current language. Add language that requires the residency to be completed in no less than two years and no more than four years.
12. Add B(10) to allow for acceptance of residency hours approved by the licensing board in another U.S. jurisdiction and which meet the requirements of this section.
13. Change (C)(1) to allow supervision to be completed by a licensed marriage and family therapy or a licensed professional counselor.
13. Remove the last two sentences in subsection C(3).
14. Add clarification of supervisor responsibilities in subsection D(3).

18VAC115-50-70. General examination requirements.

1. In subsection A, language is added to waive the exam for current licensed professional counselors in Virginia, in accordance with the *Code of Virginia*.
2. In subsection C, the language is changed to require that an applicant pass the exam within two years from the initial notification of approval.
3. In subsection D, language is added to specify that applicants shall not provide marriage and family services unless they are under supervision approved by the board.

18VAC115-50-90. Annual renewal of license.

1. Language is added to specify that unlicensed practice is prohibited and grounds for disciplinary action.

18VAC115-50-95. Continued competency requirements for renewal of a license.

1. In subsection A, remove "After July 1, 2004".

18VAC115-50-96. Continued competency activity criteria.

1. In subsection B, "governmental agencies" is added to CE providers. Additional wording is changed for clarification.

18VAC115-50-100. Late renewal, reinstatement.

1. Language is added and changed for clarification on the process for reinstatement. It also adds a requirement that CE's required for reinstatement must be been obtained within the four years immediately preceding application for reinstatement.

18VAC115-50-110. Standards of Practice.

1. Subsection D, "romantic relationships" are added to clarify dual relationships, as well as "students" being added to the prohibited relationships.

18VAC115-50-120. Disciplinary action.

1. Language is changed to reflect the *Code of Virginia* in the board's ability to revoke, suspend or deny renewal of a license or a registration.
2. Language is added to include submission of an application or supervisory forms to the grounds for action by fraud or misrepresentation. Also added is a guideline for disciplinary action in performance of an act likely to deceive, defraud or harm the public.

***Proposed changes to LSATP regulations (Chapter 60):***

18VAC115-60-10. Definitions.

1. Add definition for "Ancillary counseling services".
2. Change "Education" to "Educational" in the definition of CACREP.
3. Add definition for "Clinical substance abuse treatment services".
3. Add definition for "Face-to-face".
4. Amend definition for "internship".

18VAC115-60-20. Fees required by the board.

1. Remove one-time reduction for renewal of an active license and one-time reduction for renewal of an inactive license.
2. Change subsection B to state that “all fees are nonrefundable”.

18VAC115-60-40. Application for licensure by examination.

1. Amend wording to “Every applicant for licensure by examination...”.
2. Add requirement, as subsection 2, of satisfying requirements in 18VAC115-60-90.
3. Amend subsection 3(b) to allow for one time submission of transcripts, unless additional coursework was subsequently obtained.
4. Amend subsection 3(c) to require verification of current licensure of the supervisor of any portion of the residency completed in another jurisdiction.
5. Specify mental health or health professional license or certificate, in subsection 3(d).
6. Add subsection 4, to require that applicants have no unresolved disciplinary action against a mental health or health professional license or certificate held in Virginia or in another jurisdiction.
7. Add subsection requiring submission of a current report from the U.S. Department of Health and Human Services Data Bank (NPDB).

18VAC115-60.50. Application for licensure by endorsement.

1. Amend subsection A(3) to require verification of all mental health or health professional licenses or certificates.
2. Add subsection to allow submission of evidence of clinical practice as a licensed substance abuse treatment provider for twenty-four of the last 60 months immediately preceding licensure application in Virginia.
3. Remove current subsection A(4)(c).
4. Specify in subsection A(5) requirement of a passing score on a substance abuse licensure examination.
5. Add subsection A(7) requiring submission of a current report from the U.S. Department of Health and Human Services Data Bank (NPDB).

18VAC115-60.60. Degree program requirements.

1. A motion was made by Dr. Doyle to remove the previously suggested subsection A(2). The motion was seconded and passed.
2. Amend subsection B to state that programs approved by CACREP as programs in addictions counseling are recognized as meeting the requirements of subsection A.

18VAC115-60.70. Course work requirements.

1. Clarify successful completion of coursework in subsection A.
2. Change subsection D and specify that 200 hours of direct client contact during internship shall be in treating substance abuse-specific treatment problems and that the internship shall not begin until completion of 30 semester hours toward the graduate degree.

18VAC115-60.80. Residency requirements.

1. In subsection A(2), specify “completion of the coursework and internship...”.
2. Remove the current subsection B.

3. In current subsection C (changed to B), amend the total hours required during the supervised residency in substance abuse treatment with various populations, from 4,000 to 3,400 hours. Also, specify face-to-face supervision and allow for the use of technology for the purpose of supervision.
4. Change subsection to allow for internship hours in excess of 600 hours to count up to an additional 300 hours towards the requirements of a residency.
5. Renumber current subsection C(5) and remove the current language. Add language that requires the residency to be completed in no less than two years and no more than four years.
6. Remove current subsection C(6).
7. Add subsection B(9) to allow for acceptance of residency hours approved by the licensing board in another U.S. jurisdiction and which meet the requirements of this section.
8. In subsection D(1), changes allow for supervision to be completed by a licensed professional counselor or a licensed substance abuse treatment practitioner.
9. Remove the last two sentences in subsection F.

18VAC115-60.90. General examination requirements.

1. Add subsection to waive the exam for current licensed professional counselors in Virginia, in accordance with the *Code of Virginia*.
2. In current subsection C (changed to subsection D), the language is changed to require that an applicant pass the exam within two years from the initial notification of approval.
3. Remove current subsection D.
4. Add subsection F, to specify that applicants shall not provide clinical services unless they are under supervision approved by the board.

18VAC115-60.110. Renewal of license.

1. Language is added to specify that unlicensed practice is prohibited and grounds for disciplinary action.

18VAC115-60.115. Continued competency requirements for renewal of a license.

1. In subsection A, remove "After July 1, 2004".

18VAC115-60-116. Continued competency activity criteria.

1. In subsection B, "governmental agencies" is added to CE providers. Additional wording is changed for clarification.

18VAC115-60-120. Late renewal, reinstatement.

1. Language is added and changed for clarification on the process for reinstatement. It also adds a requirement that CE's required for reinstatement must be been obtained within the four years immediately preceding application for reinstatement.

18VAC115-60-130. Standards of Practice.

1. Subsection D, "romantic relationships" are added to clarify dual relationships, as well as "students" being added to the prohibited relationships.

18VAC115-60-140. Grounds for revocation, suspension, probation, reprimand, censure, or denial of license or registration.

1. Language is changed to reflect the *Code of Virginia* in the board's ability to revoke, suspend or deny renewal of a license or a registration.

2. Language is added to include submission of an application or supervisory forms to the grounds for action by fraud or misrepresentation. Also added is a guideline for disciplinary action in performance of an act likely to deceive, defraud or harm the public.

A motion was made by Ms. Normandy-Dolberg, and duly seconded by Ms. Caiella, to accept the changes to regulations governing professional counselors, marriage and family therapists, and substance abuse treatment practitioners. The Committee voted unanimously to present the proposed changes to regulations to the Board.

**NEXT MEETING:**

The next Committee meeting is scheduled for November 13, 2014. However, the Committee discussed the possibility of holding an Educational Summit at the next scheduled board meeting, and decided to discuss this proposal with the full board.

In an effort to review regulations for Chapters 30 and 40, a subgroup was formed with Dr. Doyle and Ms. Normandy-Dolberg.

**ADJOURNMENT:**

The meeting was adjourned at 4:07 p.m.

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Kevin Doyle, Chairperson

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Catherine Chappell, Executive Director