

**BOARD OF COUNSELING  
FULL BOARD MEETING  
Friday, February 5, 2021  
MINUTES**

- TIME AND PLACE:** Consistent with Amendment 28 to HB29 (the Budget Bill for 2018-2020) and the applicable provisions of § 2.2-3708.2 in the Freedom of Information Act, the Committee convened the meeting virtually to consider such regulatory and business matters as are presented on the agenda necessary for the committee to discharge its lawful purposes, duties, and responsibilities.
- PRESIDING:** Johnston Brendel, Ed.D., LPC, LMFT, Chairperson
- BOARD MEMBERS PRESENT:** Barry Alvarez, LMFT  
Kevin Doyle, Ed.D., LPC, LSATP  
Jane Engelken, LPC, LSATP  
Natalie Harris, LPC, LMFT  
Danielle Hunt, LPC, Vice-Chairperson  
Bev-Freda L. Jackson, Ph.D., MA, Citizen Member  
Maria Stransky, LPC, CSAC, CSOTP  
Terry R. Tinsley, Ph.D., LPC, LMFT, CSOTP  
Vivian Sanchez-Jones, Citizen Member  
Holly Tracy, LPC, LMFT  
Tiffinee Yancey, Ph.D., LPC
- STAFF PRESENT:** Jaime Hoyle, JD, Executive Director  
Christy Evans, Discipline Case Specialist  
Jennifer Lang, Deputy Executive Director  
Charlotte Lenart, Deputy Executive Director-Licensing  
Jared McDonough, Administrative Assistant
- DHP STAFF PRESENT:** Barbara Allison-Bryan, MD, DHP Chief Deputy  
David E. Brown, D.C., DHP Director  
Elaine Yeatts, DHP Senior Policy Analyst
- BOARD COUNSEL:** James Rutkowski, Assistant Attorney General
- WELCOME & INTRODUCTIONS:** Dr. Brendel welcomed Board members, staff and public. After completing a roll call of Board members and staff, Ms. Hoyle indicated that with 12 Board members present a quorum was established.
- APPROVAL OF MINUTES:** Upon a motion made by Mr. Alvarez, and seconded by Ms. Harris, the Board voted unanimously to approve the November 6, 2020 meeting minutes.
- ADOPTION OF AGENDA:** The Board adopted the agenda as written.

**PUBLIC IN ATTENDANCE:** Chaye Neal-Jones, DBDHS  
Dev Nair, PhD, Assistant Commissioner, DBHDS  
Susanne Preston-Josey, LPC, LSATP  
Mary Puglisi, LPC  
Alyssa Ward, PhD, Behavioral Health Clinical Director, DMAS  
Claire Williams-Robinson

**PUBLIC COMMENT:** No public comment.

**AGENCY REPORT:** Dr. Brown provided an overview of the General Assembly session.  
  
Dr. Allison-Bryan provided an overview of the COVID-19 vaccine administration in Virginia.

**CHAIRPERSON REPORT:** Dr. Brendel provided the quarterly accomplishment report and thanked Board members for their involvement in the various endeavors of the Board.

**LEGISLATION AND REGULATORY REPORTS:** **Regulatory Actions:**  
Ms. Yeatts provided an update on the changes to the chart in the agenda packet regarding current regulatory actions dated January 24, 2020.

- 18VAC 115-20 Regulations Governing the Practice of Professional Counseling – Unprofessional conduct-conversion therapy (Action 5225); Proposed – Register Date: 8/31/2020  
Public Hearing: 10/23/2020, Public Comment closed on 10/30/2020. Board to adopt final regulations: 2/5/2021.
- 18VAC 115-20 Regulations Governing the Practice of Professional Counseling – Periodic review (action 5230); Proposed - At Governor's Office.
- 18VAC 115-20 Regulations Governing the Practice of Professional Counseling – Resident license (action 5371); Proposed – Register Date: 9/14/2020, Public Comment closed: 11/13/2020; Board to adopt final regulations: 2/5/2021.
- 18VAC 115-40 Regulations Governing the Certification of Rehabilitation Providers - Periodic review (Action 5305); Proposed – Register Date: 9/14/2020, Public Comment closed 11/13/2020. Board to adopt final regulations: 2/5/2021.
- 18VAC 115-90 Regulations Governing the Licensure of Art Therapists (under development) – New chapter for licensure (Action 5656) NOIRA-At Governor's Office.

**COMMITTEE REPORTS:****Regulatory Committee:**

Ms. Tracy reported that the Regulatory Committee and staff discussed the need and requirements for reinstatement of resident licenses. The Committee asked staff to research industry standards and determine how other professions handle reinstatement of licenses after taking time off. Staff will provide their findings and suggestions at the next Committee meeting.

Ms. Tracy reported that the Committee discussed the waivers for residents to count telephonic/audio hours toward licensure during the pandemic. The Committee agreed that they would like to advocate for additional hours beyond the 200 hours of telephonic/audio services previously requested. Ms. Hoyle indicated that she notified the Attorney General's Office about the Board's wishes to be more liberal in its allowance to use telephonic/audio hours toward licensure. Ms. Hoyle indicated that the Board could make suggestions but that the Attorney General's Office and the Secretary's Office will ultimately make the decision on the waivers.

At the last Board meeting, the Board voted not to initiate rule making on the petition requesting amendments to regulations for certified substance abuse counselors (CSAC) to clarify that they were not independent practitioners and could not separately bill for services. The Board had referred the issue back to the regulatory committee to develop guidance to clarify the law and regulations in the form of a guidance document or FAQ. At the Committee Meeting, Ms. Hoyle stated guidance document 115-11 and the Code of Virginia clearly state that CSACs cannot practice autonomously.

DMAS and DBHDS provided a presentation to the Committee on Multi-Systemic Therapy & Functional Family Therapy. The Committee discussed the programs and concluded that they appear to be appropriate for the role of a QMHP-C.

Dr. Ward indicated that DBHDS and DMAS goal in the providing the presentation was to continue to collaborate and keep the Board informed of the new enhanced behavioral health services in Virginia, which will be implemented in December 2021. Dr. Brendel thanked Ms. Ward for the information and collaboration.

**Board of Health Professions Report:**

Dr. Doyle provided a brief summary of the recent Board of Health Professions meeting. Dr. Doyle indicated his position on the Board of Health Professions would need to be filled after his term ends on June 30, 2021.

**UNFINISHED BUSINESS:****Counselor Interstate Compact – Dr. Doyle**

Dr. Doyle indicated that over the years the issue of reciprocity,

portability and endorsement have been very challenging for the counseling profession.

Dr. Doyle provided a brief summary and encouraged others to review the compact requirements, which are outlined on the <https://counselingcompact.org/> website.

Dr. Brown suggested that the Board review other health profession compacts and makes sure that the Board is comfortable with the proposed compact language.

After some discussion, Dr. Brendel indicated that he would like the Board to continue this dialogue and agreed with Dr. Tinsley's suggestion to add this to the next Regulatory Committee agenda. Dr. Brendel asked Board members to reach out to their peers groups and colleagues in order for the Board to have a detailed discussion on this issue at its May Board meeting.

#### **Update on American Association of State Counseling Board (AASCB) Conference – Dr. Doyle**

Dr. Doyle highly recommended Board members to attend the AASCB annual conference. Information on the AASCB meeting was included in the packet. Ms. Hoyle asked the Board members to let her know if they are interested in attending.

#### **NEW BUSINESS:**

#### **Recommendations from the Regulatory Committee – Ms. Yeatts**

##### **Adoption of Final Regulations on Conversion Therapy**

The Board reviewed the information in the agenda packet related to the proposed language on conversion therapy. The Regulatory Committee recommended the Board adopt the final regulations as amended. The Board voted to accept the recommendation from the Committee with ten votes in favor. Dr. Tinsley opposed and Ms. Hunt abstained from voting.

##### **Adoption of Amendment of Resident Licensing**

The Regulatory Committee recommended adopting final regulations as identical to the emergency regulations, and as written. The Board voted unanimously to accept the recommendation from the Committee.

##### **Adoption of Amendments for Rehabilitation Providers**

The Regulatory Committee recommended adopting final regulations as identical to the proposed regulations, and as written. The Board voted unanimously to accept the recommendation from the Committee.

#### **Response to Petitions for Rulemaking**

The Regulatory Committee recommended that the Board deny a petitioner's request for rule-making relating to requirements for licensure by endorsement as a professional counselor. The Board voted unanimously to accept the recommendation to deny the petition because an applicant from another state can qualify by meeting the education and experience requirements for licensure. In lieu of meeting those requirements, the Board allows an applicant to verify two years of post-licensure clinical practice as a minimum to demonstrate competency. The Board has recently reviewed its regulations for endorsement and determined that the requirement for some period of clinical practice for those applicants who do not qualify by education and experience is necessary to protect the public health and safety.

#### **Consideration of Guidance Documents 115-4.3**

The Regulatory Committee recommended reaffirming the continuance of guidance document 115-4.3. The Board voted unanimously to accept the recommendation from the Committee.

#### **Regulations Action – Practice of Certified Substance Abuse Counselors (CSAC)**

Dr. Doyle moved, which was properly seconded, to initiate Fast-Track regulations to add language to the CSAC Regulations that prohibits CSACs from directly billing for services rendered. The motion passed unanimously.

#### **TELEMENTAL HEALTH NEEDS:**

Ms. Hoyle reported that the Board is in the process of hiring Dr. Stretch as an expert consultant in telemental health. Dr. Stretch will make recommends to the Board's guidance document and regulations. Dr. Stretch provided an overview of telebehavioral health definitions, issues and risks. Dr. Stretch provided a brief over view of the current movement of telehealth and regulatory trends from other states.

Board members discussed its thoughts, concerns, issues, and questions related to telehealth. Dr. Brendel stated that he would like to see the Board create regulations or guidance that is broad and malleable enough and does not confine the Board to the ever-changing technology.

Dr. Stretch will provide her recommendations at the May Board meeting.

#### **STAFF REPORTS:**

##### **Executive Director's Report – Jaime Hoyle**

Ms. Hoyle's report was posted in the agenda packet.

##### **Discipline Report – Jennifer Lang, Deputy Executive Director**

Ms. Lang's report was posted in the agenda packet.

**Licensing Report – Charlotte Lenart, Deputy Executive Director-  
Licensing**

Ms. Lenart's report was posted in the agenda packet.

**BOARD COUNSEL REPORT:** Mr. Rutkowski had nothing to report.

**RECOMMENDED DECISIONS:** See Attachment A.

**NEXT MEETING:** Next scheduled Quarterly Board Meeting is May 14, 2021 at 10:00 a.m.

**ADJOURN:** The meeting adjourned at 12:22 p.m.

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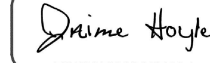


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Johnston Brendel, Ed.D, LPC, LMFT,  
Chairperson

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Jaime Hoyle, J.D  
Executive Director

**Attachment A**

**CONSIDERATION OF AGENCY SUBORDINATE RECOMMENDATIONS:****CLOSED MEETING:**

Ms. Stransky moved that the Board of Counseling convene in closed session pursuant to §2.2-3711(A)(27) of the *Code of Virginia* to consider agency subordinate recommendations. She further moved that James Rutkowski, Jaime Hoyle, Jennifer Lang, Charlotte Lenart, Christy Evans, and Jared McDonough attend the closed meeting because their presence in the meeting was deemed necessary and would aid the Board in its consideration of the matters.

Ms. Hunt 2<sup>nd</sup> the Motion and the motion passed unanimously by a roll call.

**RECONVENE:**

Ms. Stransky certified that pursuant to §2.2-3712 of the *Code of Virginia*, the Board of Counseling heard, discussed or considered only those public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as identified in the original motion.

**RECOMMENDATIONS:****Kimberly Stanfield, QMHP-A, QMHP-C**

**Registration #s:**       **0732001542**  
                                  **0733000029**

**Case # 199046**

Ms. Stanfield did not appear at the board meeting. The board considered the agency subordinate's recommendation to place certain terms and conditions on Ms. Stanfield's practice as a QMHP-A and QMHP-C.

**Courtney Estler, QMHP-A**

**Registration #:**               **0732005029**  
**Case # 202198**

Ms. Estler did not appear at the board meeting. The board considered the agency subordinate's recommendation to suspend Ms. Flood's registrations to practice as a QMHP-A and as a QMHP-C.

**DECISION:**

Ms. Hunt moved that the Board of Counseling accept the recommended decisions of the agency subordinate. The motion was seconded by Mr. Alvarez and passed unanimously by a roll call.