

**VIRGINIA BOARD OF COUNSELING
REGULATORY COMMITTEE MEETING**
Friday, May 14, 2021

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: Holly Tracy, LPC, LMFT, Chairperson

COMMITTEE MEMBERS PRESENT: Johnston Brendel, Ed.D, LPC, LMFT
Kevin Doyle, Ed.D, LPC, LSATP
Vivian Sanchez-Jones, Citizen Member
Terry Tinsley, PhD, LPC, LMFT, CSOTP

STAFF PRESENT: Sandie Cotman, Licensing Specialist
Jaime Hoyle, JD, Executive Director
Jennifer Lang, Deputy Executive Director
Charlotte Lenart, Deputy Executive Director-Licensing
Sharniece Vaughan, Licensing Specialist
Elaine Yeatts, DHP Senior Policy Analyst

ADOPTION OF AGENDA: Agenda was adopted as presented.

APPROVAL OF MINUTES: With no requested changes the minutes from the January 22, 2021 Regulatory Meeting passed unanimously.

PUBLIC COMMENT: There were no public comments.

PRESENTATION: Dr. LoriAnn Stretch providing a PowerPoint presentation on her recommendations for telehealth regulatory and guidance document amendments.

After a question and answer session, the Committee shared their appreciation to Dr. Stretch.

Dr. Doyle suggested that the Board provide suggestions for best practices in a newsletter and a virtual summit.

The Committee discussed the movement toward Artificial Intelligence (AI) and the need for the Board to be prepared for this type of technology. Ms. Yeatts suggested that this issue be taken to the Department of Health Profession Board. Dr. Doyle, as the representative for the Board of Health Professions, and Ms. Hoyle will submit a letter with the Committee's request.

Dr. Brendel stated that this is the appropriate time to initiate immediate guidance through a newsletter, and during the interim the Board can update the guidance document on telehealth and for the long range propose changes to the regulations. Ms. Hoyle reminded the Committee that the guidance document purpose is it explain the Regulations.

Staff will take the suggestions outlined in Dr. Stretch's report and create a draft guidance document by updating the language and tying the recommendations back to regulations. Once completed, staff will present to draft to the Attorney General Office for their feedback and present the draft at the next Regulatory Committee meeting.

Ms. Yeatts suggested that perhaps the Board should invite the other Behavioral Science Boards to review the draft to in order for all three Board to come up consistent guidance on providing telehealth services.

COUNSELING COMPACT:

Dr. Brendel would like the Board to consider being one of the first ten states to initial rulemaking so that Virginia can be a member of the compact commission. Dr. Doyle stated that one state has passed counseling compact legislation and four states are currently pursuing changes to their legislation. The Committee discussed the objections and pushback in reference to the required education wording. The frustration in the field and the momentum for ease of portability appears to be overweighing the objections in the degree/coursework requirements.

Ms. Yeatts suggested that the Board wait to review the rules that will be established by the commissions before making a decision to initial rulemaking to join the compact. Dr. Doyle agreed that Ms. Yeatts suggestion is valid.

LEGISLATIVE AND REGULATORY ACTIONS:

Ms. Yeatts discussed the Board's current regulatory actions.

18VAC 115-20 Regulations Governing the Practice of Professional Counseling – Unprofessional conduct-conversion therapy (Action 5225); Final – At Governor's Office for 24 days

18VAC 115-20 Regulations Governing the Practice of Professional Counseling – Periodic review (action 5230); Proposed - At Governor's Office for 158 days

18VAC 115-20 Regulations Governing the Practice of Professional Counseling – Resident license (action 5371); Final – Effective 6/23/2021

18VAC 115-40 Regulations Governing the Certification of Rehabilitation Providers - Periodic review (Action 5305); Final – At Governor's Office for 24 days

18VAC 115-90 Regulations Governing the Licensure of Art Therapists (under development) – NOIRA – Register Date: 3/1/2021, Comment ended: 3/31/2021

Ms. Yeatts discussed the Art Therapy Advisory Board's role and the recent Art Therapy Advisory Board meeting. Ms. Yeatts stated that there was no consensus on proposed regulatory language. The Advisory Board will meet again and will present the proposed Regulations at the next Committee meeting.

NEW BUSINESS:

Definition of Human Service Degree

The Committee discussed the QMHP reviews and the need for a human services definition that outlines the elements of a human service. Having a human services definition would better inform the applicant and help support the consistency of the reviews.

After much discussion, the Committee stated that it is apparent by the types of disciplinary files that they review that there is a need for additional training and education. The Board's mission is to protect the public and the Committee felt that the review of the coursework needed to be more restrictive to ensure that applicants have the minimum education and training in order to provide services to the most vulnerable population.

Staff will research different organizations that may define human services to provide a draft to the Committee at the next meeting. Ms. Hoyle suggested that we might want to initiate additional training requirements prior to providing services to try to prevent future disciplinary issues.

Ms. Lenart indicated that the Board continues to see applicants that are registering for QMHP-C and QMHP-A without registering for the QMHP-Trainee registration when employed at a DBHDS licensed facility. Staff continues to try to educate applicants and supervisor on the registration requirement. Staff will discuss this issue with DBHDS and DMAS to see if all three Agencies can work together to educate applicants and Agencies on the requirements.

Ms. Lang suggest that maybe in the future the Board consider requiring ethics training prior to being approved for registration.

The Committee discussed the acceptance of Sociology degrees until May 31, 2021. The Board agreed that the applicant must submit an application prior to May 31, 2021 in order for the degree to be accepted as a human service degree toward QMHP-C registration.

Code Change for Agency Subordinate Authority to Conduct Credential Reviews

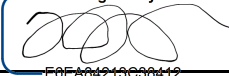
Ms. Hoyle and Ms. Lang discussed the possible need for a change in the Code to allow Agency Subordinate to conduct credential

reviews to help streamline the process. Ms. Lang gave information on the role of the Agency Subordinate and Informal Conference Committee.

Ms. Lang will take this issue to both the Board of Psychology and Board of Social Work for their thoughts. Ms. Yeatts indicated that potential change would affect all Boards within the Agency.

NEXT SCHEDULED MEETING: The next Committee meeting is scheduled for August 6, 2021 at 10:00 a.m.

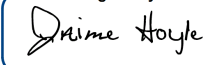
ADJOURNMENT: The meeting adjourned at 12:25 p.m.

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Holly Tracy, LPC, LMFT
Chairperson

4/15/2022

Date

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Jaime Hoyle, JD
Executive Director

4/16/2022

Date