

**THE VIRGINIA BOARD OF COUNSELING
MINUTES
Friday, August 19, 2016**

The Virginia Board of Counseling ("Board") meeting convened at 1:07 p.m. on Friday, August 19, 2016, at the Department of Health Professions, 9960 Mayland Drive, Richmond, Virginia. Kevin Doyle, Chair called the meeting to order.

PRESIDING: Kevin Doyle, Ed.D., LPC, LSATP

BOARD MEMBERS PRESENT: Johnston Brendel, Ed.D., LPC, LMFT
Cinda Caiella, LMFT
Charles Gressard, Ph.D., LPC, LMFT, LSATP
Danielle Hunt, LPC
Bev-Freda Jackson, Citizen Member
Sandra Malawer, LPC, LMFT
Phyllis Pugh, LPC, LMFT, CSAC
Vivian Sanchez-Jones, Citizen Member
Holly Tracy, LPC, LMFT

BOARD MEMBERS ABSENT: Terry Tinsley, Ph.D., LPC, LMFT, NCC, CSOTP
Jane Nevins, LPC, LSATP

STAFF PRESENT: David Brown, DC, DHP Director
Lisa Hahn, DHP Chief Deputy
Jaime Hoyle, Executive Director
Jennifer Lang, Deputy Executive Director
Charlotte Lenart, Licensing Manager
Sarah Georgen, Licensing Manager (CSAC & CSAC-A only)
Christy Evans, Discipline Case Specialist
Elaine Yeatts, DHP Senior Policy Analyst

BOARD COUNSEL: Erin Barrett, Assistant Attorney General

WELCOME:

Dr. Doyle welcomed new and returning Board Members for their dedication and service, announced the Emergency Egress procedures, and read the mission statement of the Department of Health Professions, which was also the mission statement of the Board.

ADOPTION OF AGENDA:

The agenda was accepted as written.

APPROVAL OF MINUTES:

Dr. Brendel made a motion to approve the May 20, 2016 meeting minutes as written. The motion was seconded and carried.

PUBLIC COMMENT:

No public comment.

DIRECTOR'S REPORT:

Dr. Brown welcomed Dr. Jackson and Dr. Tinsley to the Board and thanked the current and past Board members for their service and time. Dr. Brown stated that as part of new legislation last year, the Board of Counseling was reduced to twelve members. Dr. Brown recognized and congratulated Ms. Lenart for her new position as licensing manager for the Board of Counseling. In addition, Dr. Brown announced that Corrie Wolf is the new Executive Director for the Boards of Funeral Directors and Embalmers, Long-Term Care Administrators, and Physical Therapy. Dr. Brown reminded Board members about the Board Member training scheduled for Monday, October 24, 2016.

EXECUTIVE DIRECTOR'S REPORT:

Ms. Hoyle congratulated Ms. Lenart on her new position with the Board. Ms. Lenart was previously with the Board of Social Work as the Licensing Specialist for the last five years.

The Behavioral Science Unit is now fully staffed. Ms. Hoyle feels confident that staff will continue to make improvements to the website, applications, forms, and communication.

Ms. Hoyle detailed that staff and Board members have been active over the past couple of months attending meetings and conferences. Ms. Hoyle, Ms. Lang and Ms. Pugh attended the National Board of Certified Counselors (NBCC) Conference held in May in Washington D.C. This conference allowed for networking, discussion regarding mobility, and also identified that the exam registration process is now online. Additionally, Dr. Doyle, Ms. Hahn, and Ms. Hoyle participated in the Department of Medicaid Assistance Services (DMAS) Substance Use Disorder "SUD" Waiver Workgroup to provide input on the role of Certified Substance Abuse Counselors (CSACs). The goal of the Workgroup is to improve and expand substance use services to the Commonwealth. There has also been ongoing discussion regarding the role of peer recovery support specialists and who can provide supervision. DMAS, DHP and the Department of Behavioral Health and Developmental Services (DBHDS) plan to introduce legislation to register peer recovery support specialists and qualified mental health professionals with the Board of Counseling. Requiring registration will ensure accountability and transparency to the public and allow employers and insurers to trust in the qualifications of those providers without having to do the vetting themselves.

Dr. Brown added that when he first became Agency Director, he constantly got complaints about the Board of Counseling and the length of time it took to issue licenses. He said that the Executive Director and staff collaborated to improve processes and now they have eliminated the backlog and improved the process time. The peer and QMHP legislation is just another example of these collaborative efforts. Ms. Hoyle and Ms. Lang worked with DMAS and DBHDS to find a solution to the peer structure and in doing so helped solve a problem with the QMHPs that has existed since before Dr. Brown started his position. Now there will not be competing definitions, there will be accountability and transparency and a streamlined process.

Ms. Yeatts stated that as it stands now, the legislation is just in draft form. The agencies have agreed but it still has to go through the review process. If everything goes as planned, the new legislation would be introduced during the 2017 General Assembly.

DEPUTY EXECUTIVE DIRECTOR'S REPORT:

Ms. Lang stated that she recently presented to the Counselor Education class at Virginia Commonwealth University (VCU) as part of the continuing outreach efforts by the Board.

Ms. Lang presented the Board's disciplinary statistics. There are 103 open cases:

- 9 with the Administrative Process Division (APD)
- 10 in the Informal Conference Committee (IFC)/Formal Hearing process
- 19 in Enforcement under investigation
- 65 ready for probable cause review.

Some of the IFC's are credentials matters and should be heard by the Agency Subordinate in October or November. The recommended decisions by the Agency Subordinate will come to the board for a vote before an Order is entered.

The Board is addressing the backlog of cases, but it will take time to get completely caught up. Specifically, to address the backlog, staff will send cases to each board member once per month and ask that board members review the cases within 30 days, unless otherwise noted. Once the backlog is fully addressed, cases will be sent for review when received.

LICENSING MANAGER'S REPORT:

Ms. Lenart thanked the Board and staff for its support. Ms. Lenart indicated that as of the end of Quarter 4 for the 2016 Fiscal Year (April 1, 2016 – June 30, 2016), the Board of Counseling regulated 7,808 licensees. As of the last Board meeting, the Board licensed 153 individuals. The Board of Counseling staff is very dedicated and working diligently to process applications and respond to emails and phone calls. Since the last Board meeting in May staff has reviewed 1,244 applications and additional documentation related to the application process. This number includes a count for each time an application is incomplete and staff is required to follow-up with an applicant, as well as complete applications that move forward through the credentialing review process.

New regulations will be effective August 24, 2016. Staff is working diligently to update the forms, applications, and license process handbook. To notify applicants and licensees of the changes, the Board of Counseling home page was updated and an email blast will be sent on August 19, 2016 regarding the changes in the requirements.

BOARD COUNSEL REPORT:

No report.

BOARD OF HEALTH PROFESSIONS REPORT:

Dr. Doyle indicated that he attended the Board of Health Professions meeting on August 18, 2016. They reviewed the proposed budget of \$33 million. They discussed the revenue issues with 1 year versus 2 licensure renewals, and revenue flow for two year licensure is a real roller coaster. They discussed the issue of psychological assessments, who can do them, and what this term means. The Board of

Psychology did not have a representative at the meeting, so there was no further movement. Dr. Doyle noted that collaboration had begun with the Board of Psychology around this issue but he has not heard anything more. Ms. Hoyle stated that the Board of Psychology would submit a draft guidance document on psychological assessments and the Board of Counseling would review the document. The goal would be to have agreement between the boards and a joint guidance document issued. Currently, though, the Board of Psychology's meeting was canceled because it was slated to occur when they were in between Board members. The Board member, Dr. Hathaway, who was writing the document, was not reappointed. Ms. Hoyle is going to work with the current chair and vice-chair on developing the guidance document before the next meeting.

REGULATORY COMMITTEE REPORT:

Dr. Gressard has been very busy and has had two subcommittee meetings and one regulatory meeting for the neglected CSAC regulations. He said that CSACs are getting much needed positive attention, and the committee is making progress. Dr. Gressard presented the recommendations from the subcommittee to the regulatory committee. He said the recommendations make much needed improvements.

Dr. Gressard discussed the motion made by Dr. Brendal on the behalf of the Regulatory Committee, that the Board publish a Notice of Intended Regulatory Action ("NOIRA") notice to amend the Regulations Governing the Certification of Substance Abuse Counselors and Substance Abuse Counseling Assistants. Dr. Doyle called for a vote and the motion carried.

Dr. Gressard stated that the Committee discussed the need to clarify the national certifications accepted for endorsement of a Certification of Substance Abuse Counselors certification. Dr. Brendel made a motion that the Committee accept the National Certified Addiction Counselor, Level II (NCAC II) and Master Addiction Counselor with Co-Occurring Disorders Component ("MAC") accreditations from NAADAC, The Association and the Addiction Professionals and the Advanced Alcohol & Drug Counselor ("AADC") accreditation from International Certification & Reciprocity Consortium ("IC&RC") to be published in a guidance document. Dr. Doyle called for a vote and the motion carried

Dr. Doyle asked that the Board and staff look at the by-laws to see if there are changes needed.

UNFINISHED BUSINESS:

Dr. Doyle discussed the upcoming Supervisor Summit. Originally, the Board agreed to hold two summits: an education and a supervisor summit. Because of the strong interest in supervision, the Board decided to hold the education summit in the Spring and hold two summits in September focused on Supervision. At the Summit, the Board members need to present what the regulations state about residency and supervisor qualifications. They also want to address issues staff has identified and recurring questions regarding what it means to supervise. Residents outnumber LPCs. There is an end in time supervision.

Dr. Doyle asked how many Board members could attend on the 9th. Dr. Hunt, Ms. Tracy, Dr. Doyle, maybe Dr. Brendal and Ms. Nevins currently plan to attend.

The summit is a public meeting and notice needs to be posted.

NEW BUSINESS:

Ms. Yeatts provided information on the Public Participation Guidelines (“PPG”) to conform the regulations to the Code of Virginia which allows counsel or other representatives the opportunity to provide online public comment.

Dr. Gressard made a motion to adopt the amendments to PPG Regulations of the Board of Counseling 18VAC140-11-50(A) to conform changes in Regulation to the Code of Virginia by fast-track action be approved as written. The motion was seconded and carried.

Ms Yeatts provided information on the regulatory actions as of August 11, 2016 for the Board of Counseling.

- The CACREP regulations are still in the Governor’s office.
- The regulations that will increase fees have been accepted for publication. The public hearing will be held on September 22, 2016.
- The periodic review regulations become effective 8/24/2016.

Ms. Yeatts discussed House Bill 319 which requires a Board to promulgate regulations allowing for continuing education credit through the volunteer delivery of health care services to low-income individuals receiving health services through a local health department or a free clinic organized in whole or primarily for the delivery of those health services.

Ms. Yeatts recommended that up to two hours of the required 20 hours for annual renewal be satisfied through delivery of counseling services, without compensation, to low-income individuals received health services through a local health department or a free clinic organized in whole or primarily for the delivery of those services. One hour of continuing education may be credited for three hours of providing such volunteer services, as documented by the health department or free clinic. Dr. Doyle called for a vote to adopt the amendment to the regulations as presented. Motioned passed.

Ms. Yeatts discussed the concept of the legislative proposal discussed early to register peer support specialist and qualified mental health professionals. At this stage there are still details to be decided.

Dr. Doyle discussed some of the more significant changes to the Regulations that took effective August 24, 2016.

Ms. Hoyle discussed a letter received from The Association of Marriage and Family Therapy Regulatory Boards (AMFTRB) asking the Board to decide if they would approve special accommodations for English Language Learners. The request was tabled for board staff to review further.

Dr. Doyle announced that the next full Board is scheduled for on November 4, 2016 and reviewed the schedule for 2017.

ADJOURNMENT:

There being no further business to come before the Board, the meeting was adjourned at 3:03 p.m.

Kevin Doyle, Chair

Jaime Hoyle, Executive Director

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