

MINUTES
BOARD OF COUNSELING
QUARTERLY BOARD MEETING
June 5, 2009

TIME & PLACE: The meeting was called to order at 9:20 a.m. on June 5, 2009, in Board Room 2 at the Department of Health Professions, 9960 Mayland Drive, Richmond, VA.

PRESIDING: Linda K. Seeman, Ph.D., Chair

MEMBERS PRESENT: Mary Lou Argow
Donnie Conner, Ph.D.
Kevin Doyle, Ed.D.
Charles McAdams, Ed.D.
Eric McCollum, Ph.D.
Vivian Sanchez-Jones
Linda Seeman, Ph.D.
John Penn Turner

MEMBERS ABSENT: Philip Haber
Sandra Malawer
Yvonne Ortega
William Scott, Ph.D.
Catherine Shwaery
Natale Ward

STAFF PRESENT: Evelyn B. Brown, Executive Director
Howard Casway, Senior Assistant Attorney General
Elaine Yeatts, Sr. Policy Analyst, DHP
Diana Pollick, Operations Manager

ORDERING OF AGENDA: Dr. Seeman opened the floor to any changes in the agenda. The agenda was accepted as presented.

APPROVAL OF MINUTES: A motion was made by Mr. Turner to approve the minutes of the February 6, 2009 Board meeting with noted corrections.

PUBLIC COMMENT: None

DIRECTOR'S REPORT On behalf of the Director Sandra Ryals, Evelyn Brown, Executive Director, provided an update regarding the attempted security breach involving the Prescription Monitoring Program. Ms. Brown also reported that all Boards in the Department of Health Professions have met the 250 day goal of closing discipline cases.

**EXECUTIVE
DIRECTOR'S
REPORT:**

Evelyn B. Brown: Ms. Brown reported that the Certified Rehabilitation Provider (CRP) Jurisprudence Examination developed with Dr. Seeman was finalized and has been sent to eleven CRP applicants. The exam is an open book exam containing twenty-five questions based on the Standards of Practice and laws that Govern the Practice of Certified Rehabilitation Providers.

Ms. Brown reported that the Board would need to adopt the completed Sanction Reference Points Manual as a Guidance Document. Dr. Seeman asked for a motion. Ms. Argow made a motion to adopt the Sanction Reference Points Manual as written. Mr. Turner seconded the motion which passed unanimously.

**COMMITTEE
REPORTS:**

**BOARD OF
HEALTH
PROFESSIONS:**

Board of Health Professions: Mary Lou Argow: Ms. Argow reported that there are four new emerging professions as reported by the Regulatory Review Committee of the BHP. They are "Orthotists & Prosthetists", "Medical Interpreters", "Polysomnographers" and "Surgical Assistants & Surgical Technologists". Ms. Argow further reported that the Board of Physical Therapy is developing a Scope of Practice Guidance Document related to licensees who hold dual licenses or certifications.

**REGULATORY
COMMITTEE:**

Kevin Doyle, Ed.D. and Elaine Yeatts: Ms. Yeatts reported that the fast track amendments to clarify language in the LPC, MFT, and SATP Regulations for endorsement stating that "evidence of post licensure clinical experience for 5 of the past 6 years immediately preceding licensure application in Virginia" and the "reporting requirements for some profession licensees" have been approved by the Governor and will become effective on July 22, 2009. Ms. Yeatts also reported that the Department of Planning & Budget would not approve the Certified Substance Abuse Counselor regulatory change of requiring supervisors to have five (5) years post licensure experience as opposed to the current two years post licensure experience requirement so that language was removed and the remaining regulatory changes have been approved by the Secretary's Office for "fast track". Ms. Yeatts further reported that the Marriage & Family Therapy regulatory changes are in the Governor's Office awaiting his signature.

Ms. Yeatts reported that the General Assembly enacted Senate Bill 1252 related to public access to lists of names and addresses of licensees for a fee from VIPNET and stated that the Board needs to adopt “exempt regulations” allowing licensees to provide an address of record and an additional alternate address which will be used for public record to comply with statute. Mr. Turner made a motion to adopt the exempt regulations as presented by Ms. Yeatts. Ms. Argow seconded the motion which passed unanimously.

Dr. Doyle presented the recommendations of the Guidance Documents Review.

The recommendation for 115-2.2 was to keep the language regarding the provision of services of a Certified Substance Abuse Counselor but to discard the Vol. 1, June 1990 newsletter article under “In the Spotlight” and reformat the retained language. Eric McCollum, Ph.D., made a motion to accept the recommendation which was seconded by Dr. Conner. The motion passed unanimously.

The recommendation for 115-4.6 , Board minutes dated August 27, 1999, regarding “*the authorization for the Executive Director to conduct a preliminary review of discipline cases and make a recommendation*” was to keep the quoted language, discard the minutes and develop a Guidance Document clarifying the retained language. Ms. Argow made a motion to accept the recommendation as presented which was seconded by Mr. Turner. The motion passed unanimously.

The recommendation for 115-4.8, which provides definitions for “*substance abuse counseling*” and “*state-approved public or private substance abuse program or facility*” was to keep #1 as it currently reads, add the language “*as required*” at the end of #2, and to have the Regulatory Committee review and revise #3. Mr. Turner made a motion to accept the recommendation as presented which was seconded by Dr. Conner. The motion passed unanimously.

The recommendation for 115-4.9, minutes from the May 5, 2000 Board meeting regarding “*practica or internships completed by distance learning*” be dropped as a Guidance Document. Dr. McAdams made a motion to accept the recommendation as presented which was seconded by Ms. Argow. The motion passed unanimously.

CREDENTIALS: Mary Lou Argow: Ms. Argow reported that the Committee reviewed: 10 Counseling Related Degrees: 3 were approved; 7 were not approved. 2 Coursework Appeals: 1 was approved; 1 was not approved. 2 Supervision Appeals : 2 were not approved.

Ms. Argow further reported on the following discussion topics: Counseling Related Degree: Discussion took place regarding Regulation 18VAC115-20-49(B): “Degree Program Requirements”. The Committee determined that there is no need for regulatory change and that the focus on this regulation will remain in effect but that further clarification of educational requirements might be needed. Dr. McAdams will contact state and national counseling associations for their input regarding educational criteria and report back to the Committee at the August 6, 2009 meeting. Howard Casway, Counsel to the Board, voiced concerns about “degree program” focus for those applying for licensure by examination (and for some endorsement applicants) and the implementation of the “Evidence of Clinical Practice” (ECP) options for those applying for licensure by endorsement, and he stated that there should be equity between the two. Mr. Turner made a motion that the Board refer 18VAC115-20-45: “Prerequisites for Licensure by Endorsement”, particularly the use of “consistent” as opposed to “comparable” educational requirements to the Regulatory Committee. Dr. McAdams seconded the motion which passed unanimously.

Shortage of Internship Hours: Discussion was held concerning the issue of applicants submitting “Verification of Internship” documenting less than the required 600 hours of internship experience as required by 18VAC115-20-51(A)(13), and requesting to be allowed to accrue additional residency experience hours to offset internship hour shortages. After much deliberation the Committee determined that since this regulation has been in effect since April 12, 2000 there is no need for the Board to make any regulatory change, but rather the need is for colleges and universities providing counselor education for licensure to offer academic programs that fully meet the requirements. By consensus the Committee agreed that their recommendation to the Board is to draft a Guidance Document stating that “*effective up to and including the year 2010 applicants who completed program(s) may request that additional post degree supervised experience hours to substitute for internship hour shortages for valid internships less than the 600 required hours.*” The Guidance Document will also state that “*effective 12/31/2010 only a 600 hour internship will be accepted by the Board.*” The Board determined that in lieu of another Guidance Document or a regulatory change general applicant instructions about the

Licensure requirements will be revised to clarify this issue. Dr. Conner made a motion that the application instructions for applying for licensure be revised to a notify applicants that they must submit, with their initial application, a completed “Coursework Outline Form”, “Official Transcript” and a “Verification of Internship” form, and include the statement , “Effective 12/31/2010, the current Regulations will be enforced without exception. Permission to substitute residency hours for internship shortage will not be permitted.” The motion was seconded by Mr. Turner and passed unanimously.

Use of Evidence of Clinical Practice (ECP) Form: Clarification was requested regarding the use of evidence of licensed clinical active practice under one license (i.e. LPC) to apply for another license (i.e. MFT). The Committee confirmed that the applicant must verify experience as a licensee holding the same type of license in another jurisdiction that they are applying for in Virginia. Verified experience under any other license type will not be considered. Ms. Argow made a motion to develop a Guidance Document clarifying that the post licensure experience must be under the same license category that the applicant is applying for. Ms. Sanchez-Jones seconded the motion which passed unanimously. A recommendation was also made that the Regulatory Committee review the endorsement regulations and develop a definition for “endorsement” and “clinical practice”.

Maximum/Minimum Number of Internship Direct Client Contact Hours that can be Applied Towards the Residency: Regulation 18VAC115-20-51(A)13) states that a supervised internship of 600 hours to include 240 hours of face-to-face direct client contact is required, but does not specify a maximum number of face-to-face hours. Discussion resulted in the Committee coming to consensus that 240 is a minimum number of face-to-face client contact and any amount of additional direct client contact hours in an internship can count towards the 2000 direct client contact hours required for the Residency.

Waiver of MFT Exam for Endorsement Applicants: The July 9, 1997 regulations, specifically 18VAC115-50-80, allowed for an exam waiver for VA LPC applicants applying for Marriage & Family Therapy licensure. This waiver was eliminated in the January 19, 2000 regulations. Therefore, based on 18VAC115-50-70, all applicants for initial MFT licensure in Virginia shall pass a nationally recognized Marriage & Family Therapy examination, including applicants holding a current LPC license in Virginia or any other jurisdiction.

DISCIPLINE: **Donnie Conner, Ph.D.:** Dr. Conner reported that 2 IFC's have been held, 2 Pre-Hearing Consent Orders entered, 8 complaints are currently in investigation, 1 case is at Board level for probable cause review, 1 IFC is to be scheduled, and 1 case in APD for an Informal Conference notice.

OLD BUSINESS: **Action of Petition for Rulemaking: Elaine Yeatts:** Ms. Yeatts reported that Dr. Roy Woodruff of the American Association of Pastoral Counselors (AAPC) submitted a petition requesting that the licensure regulations be amended to include AAPC as "a professional organization approved to provide education and training for licensees to be qualified supervisors of residents" in 18VAC115-20-106, 18VAC115-50-96 and 18VAC115-60-16. Ms. Argow made a motion to fast track the addition of the AAPC to the list of approved providers in the licensure regulations. Dr. Conner seconded the motion which passed unanimously.

NEW BUSINESS: **Credentials IFC Committee Recommendations: Evelyn Brown**
On March 27, 2009 four Credentials IFC's were held at the request of four applicants to demonstrate that they had met the degree program requirements set forth in 18VAC115-20-49(B).

First Recommendation: The IFC Credentials Committee concluded that Aaron Blanchette failed to satisfy the requirements of 18VAC115-20-49(B) and recommended that his application be denied. Dr. McCollum made a motion to accept the recommendation as presented. Dr. Doyle seconded the motion which passed unanimously.

Second Recommendation: The IFC Credentials Committee concluded that Von Renee Brown failed to satisfy the requirements of 18VAC 115-20-49(B) and recommended that her application be denied. Mr. Turner made a motion to accept the recommendation as presented. Dr. McCollum seconded the motion which passed unanimously.

Third Recommendation: The IFC Credentials Committee concluded that Howard Shumate failed to satisfy the requirements of 18VAC115-20-49(B) and recommended that his application be denied. Ms. Argow made a motion to accept the recommendation as presented. Dr. Doyle seconded the motion which passed unanimously.

Fourth Recommendation: The IFC Credentials Committee concluded that Takesha Walker failed to satisfy the requirements of 18VAC115-20-49(B) and that her application be denied. Mr. Turner made a motion to accept the recommendation as presented. Ms. Argow seconded the motion which passed unanimously.

Farewell to Dr. Kevin Doyle and Philip Haber: Linda Seeman, Ph.D.

Dr. Seeman extended her thanks to Dr. Doyle and Mr. Haber for their dedicated service to the Board of Counseling. They were each presented a plaque in appreciation of their service. Mr. Haber was unable to be present but had extended his appreciation to members and staff for the work undertaken to fulfill the mission of the Board. Dr. Doyle noted that he has consistently supported the “identity” of the profession of Professional Counselors and commented on various memorable occurrences and issues during his two terms as a member of the Board.

Election of New Vice Chair: Linda Seeman, Ph.D.: Dr. Seeman announced that at the close of this meeting she will have completed her term as Chair of the Board of Counseling and that Dr. Conner, current Vice Chair, becomes the new Chair of the Board of Counseling. Dr. Seeman then asked for nominations for Vice Chair. Dr. Doyle nominated John Penn Turner. Mary Lou Argow seconded the nomination. No other nominations were submitted. Mr. Turner was elected Vice Chair unanimously.

NEXT MEETING DATES: Thursday, August 6, 2009 and Friday, August 7, 2009.

ADJORN: The meeting adjourned at 11:05 a.m.

Linda K. Seeman, Ph.D., Chair

Evelyn B. Brown, Executive Director