



**Virginia Board of Counseling**  
**DRAFT Full Board Meeting Minutes**  
**Friday, October 27, 2023, at 10:00 a.m.**  
**9960 Mayland Drive, Henrico, VA 23233**  
**Board Room 1**

**PRESIDING OFFICER:** Gerard Lawson, Ph.D., LPC, LSATP

**BOARD MEMBERS PRESENT:** Angela Charlton, Ph.D., LPC  
Benjamin Allison, Citizen Member  
Lester Paul Bernard, Ph.D., LPC  
Maria Stransky, LPC, CSAC, CSOTP  
Matthew Scott, LMFT  
Nakeisha Gordon, LPC  
Natalie Franklin, LPC, LMFT  
Terry R. Tinsley, Ph. D., LPC, LMFT, CSOTP  
Tiffinee Yancey, Ph.D., LPC

**BOARD STAFF PRESENT:** Charlotte Lenart, Deputy Executive Director  
Dalyce Logan, Licensing Specialist  
Jaime Hoyle, JD, Executive Director  
Jennifer Lang, Deputy Executive Director

**BOARD COUNSEL PRESENT:** James Rutkowski, Assistant Attorney General, Board Counsel

**DHP STAFF PRESENT:** Arne Owens, Director, Department of Health Professions  
Matthew Novak, Policy Analyst, Department of Health Professions

**PUBLIC ATTENDEES:** No public in attendance.

**CALL TO ORDER:** Dr. Lawson called the board meeting to order at 10:00 a.m.

**ESTABLISHMENT OF A QUORUM:** With ten members present at roll call, a quorum was established.

**MISSION STATEMENT:** Dr. Lawson read the mission statement of the Department of Health Professions, which was also the mission statement of the Board. Dr. Lawson also read the emergency egress instructions.

**ADOPTION OF AGENDA:** Dr. Lawson indicated that he would like to add Dr. Tinsley reporting of the Association of Marital & Family Therapy Regulatory Boards (AMFTRB) meeting of state delegates to the agenda.

**Motion:** Ms. Stransky moved, which was properly seconded by Dr. Yancey, to approve the agenda with the addition. The motion passed unanimously.

**PUBLIC COMMENT:** The Board received written public comments from Jennifer Cline, PhD, LPC, Assistant Professor, Eastern Mennonite University requesting the Board consider allowing advocacy and social justice work to count toward direct hours. The Board

discussed the written comment and asked staff to contact Dr. Cline and tell her if she feels strongly, she should submit a petition for rule making so the Board can consider her request.

**APPROVAL OF MINUTES:**

Minutes for the July 21, 2023 were approved as presented.

**AGENCY DIRECTOR REPORT:**

Mr. Owens welcomed everyone and thanked the Board members for their time and their expertise that they bring to the Board. He shared that DHP is beginning a review of board processes throughout DHP with the goal of improving efficiencies. Impact Makers will be performing the study and will start with the Board of Medicine and the Behavioral Sciences Boards.

Mr. Owens advised that the Governor is in the process of finalizing the budget for the fiscal year 2025. He said that DHP does not get general funds but is still required to run its budget through the General Assembly.

DHP will have several legislative proposals for the 2024 Session. He also shared that the General Assembly has a new building and encouraged everyone to visit it as it is open to the public.

Mr. Owens gave an update on the healthcare workforce study conducted by the Virginia Healthcare Workforce Development Authority. The study has focused on shortages in nursing, primary care, and behavioral health workforces and how to retain and recruit more professionals to Virginia.

Mr. Owens indicated that DHP has prepared a concept paper for discussion focusing on three key areas: master's level psychologist license, Qualified Mental Health Professionals (QMHPs) restructuring, and school psychologists.

Lastly, Mr. Owens stated that Mr. Jenkins and Ms. Hoye are co-leads for workstream five of the Governor's Right Help Right Now Behavioral Health Plan which is receiving a lot of support from various faith-based groups.

**CHAIR REPORT:**

Dr. Lawson would like for the Board to discuss later in the meeting the types of courses being approved for Qualified Mental Health Professional (QMHP).

Dr. Lawson stated that he is actively involved and serving as treasurer for the American Association of State Counseling Boards (AASCB). Dr. Lawson encourage board members to attend AASCB hang outs sessions.

Ms. Hoyle and Dr. Lawson will be presenting at the Virginia Counselors Association (VCA) conference to provide a Board update.

Dr. Lawson asked for a board volunteer to chair the Regulatory Committee. Dr. Charlton agreed to take the chair position for the Regulatory Committee.

Dr. Tinsley reported on the AMFTRB state delegate meeting he attended in September. The main issues discussed at the meeting included pathways to licensure across jurisdictions, risk of violence and homicide for couples, implications for regulators, and regulating emerging technology- AI and social media regulations.

Dr. Tinsley stated that that the Board should be looking into how to regulate and address AI and coaching in Virginia.

**PRESENTATIONS:**

Barbara Hodgdon, Ph.D., Deputy Director, Healthcare Workforce Data Center and Data Analytics Division presented the Professional Counselor, Qualified Mental Health Professionals-Adults (QMHP-A) and Qualified Mental Health Professionals-Child (QMHP-C) Workforce 2023 survey findings.

*Break: The Board took a short break from 11:08am to 11:14am.*

**LEGISLATION & REGULATORY REPORT:**

Mr. Novak reviewed the Board of Counseling chart of regulatory actions. A copy of all the current regulatory actions was included in the agenda packet.

**Consideration of Petition of Rulemaking:**

Mr. Novak reviewed Alesha Perkins' petition for rulemaking and public comments received to amend 18VAC115-80-80(C) to automatically approve an individual or business as a continuing education provider for QMHPs if the individual or business can provide proof that they are qualified to provide continuing education to QMHPs.

*Motion:* Ms. Gordon made a motion, which was properly seconded by Dr. Charlton, to take no action on the petitioner's request. The motion passed unanimously.

The Board stated that the current process for evaluating and approving continuing education providers is sufficient and the Board is unwilling to change them at this time. The Board invites the petitioner to seek approval to provide continuing education through the processes listed in the regulations and available on the Board website.

**Initiation of Periodic Review of Public Participation Guidelines Contained in 18VAC115-11**

Mr. Novak reviewed the Public Participation Guidelines with the Board and indicated the agency is required to conduct a periodic review of regulatory chapters every four years. Even though there have been no changes to the chapter, the Board is still required to conduct a periodic review.

*Motion:* Mr. Scott made a motion, which was properly seconded by Ms. Stransky, to initiate periodic review of the Public Participation Guidelines set forth in 18VAC115-11 and retain as is. The motion passed unanimously.

**Initiation of Periodic Review of Regulations Governing the Certification of Rehabilitation Providers Contained in 18VAC115-40**

*Motion:* Ms. Stransky made a motion, which Ms. Franklin properly seconded, to initiate periodic review of the Regulations Governing the Certification of Rehabilitation Providers set forth in 18VAC115-40 and retain as is. The motion passed unanimously.

**STAFF REPORTS:****Executive Director Report**

Ms. Hoyle thanked staff for their hard work and welcomed the new Board members.

Ms. Hoyle informed the Board that she had attended the Interstate Counseling

Commission meeting as observer. Although the Virginia General Assembly passed legislation last session to join the Compact, membership is not effective until January 1, 2024. At this point the Commission is still determining the rules and has submitted a Request for Proposals for the database. No counselors anywhere can participate in the compact until the Commission has accomplished those goals. The Commission has determined that they will not set a minimum number of supervision hours for compact eligibility, only that the jurisdiction required supervision hours for licensure.

Ms. Hoyle also indicated that the compact does not provide any waiting period to allow jurisdictions to require criminal background checks. As such, the Board will need to ensure we are moving forward with including a criminal background check in the regulations.

The Board, then, discussed the need for criminal background checks for the Compact and the need to run background checks at renewal. Mr. Novak indicated that the Board could add the requirements for criminal background checks at the final stage of review for the regulations currently at the proposed stage.

Ms. Hoyle indicated that she recently presented at George Mason University, the Annual Conference of the Virginia Association of Clinical Based Providers and, as part of her work with Right Help Right Now, attended the Governor's Faith Forum focused on improving access to mental health services.

#### **Discipline Report**

Ms. Lang referenced the discipline report included in the agenda. Additionally, she reported that as of October 13, the behavioral science boards (Counseling, Psychology, and Social Work) had received a total of 553 discipline cases for 2023. This represents a 12% increase from cases received for the same time frame in 2022.

#### **Staffing**

Ms. Lang reported that in addition to herself, the discipline unit has one other full-time staff member, Christy Evans. Ms. Lang and Ms. Evans manage the disciplinary process for the three behavioral science boards and, in addition to the discipline cases, Ms. Evans also manages compliance monitoring and the annual continuing education audits. However, Ms. Lang reported that Cheryl Branch was recently hired as a part-time audit specialist, which will allow Ms. Evans more time to focus on discipline. Each board employs one part-time licensed probable cause reviewer, as well as contracted Agency Subordinates.

#### **Outreach**

Ms. Lang reported that she recently gave a presentation on the board's discipline process to students in the master's counseling program at the College of William & Mary.

Ms. Lang announced that two formal hearings are scheduled for February 2, 2024, following the quarterly board meeting. She asked board members to let her know if they cannot attend so that she can ensure that a quorum will be present for the hearings.

#### **Licensing Report**

Ms. Lenart referenced the licensing report on page 161 which indicates that the Board regulates over 39, 000 licensee, certificate holders and registrants.

Ms. Lenart indicated that Board staff is processing complete applications within a couple of days and currently cross training staff to increase efficiencies. Ms. Lenart thanked her staff for their hard work and dedication.

Ms. Lenart indicated that she recently provided outreach to the Counseling Education Program staff at the University of Virginia.

The Board will be starting a business process review and will be taking an in-dept look at the licensing process, applications, forms, reports, and system.

**NEW BUSINESS:**

**Degree Program Requirements**

Dr. Lawson discussed the difficulties reviewing degree programs that are not clinical mental health counseling degrees. Additionally, Dr. Lawson discussed the issues reviewing human service coursework for QMHPs.

**SUBORDINATE  
RECOMMENDATIONS:**

Refer to Attachment A.

**NEXT MEETING DATES:**

Dr. Lawson announced that the next Board meeting will occur on February 2, 2024.

**ADJOURNMENT:**

Dr. Lawson adjourned the October 27, 2023, Board meeting at 11:42 p.m.

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Gerard Lawson, Ph.D., LPC, LSATP, Chairperson

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Jaime Hoyle, JD, Executive Director

## ATTACHMENT A

### CONSIDERATION OF RECOMMENDED DECISIONS

#### BOARD MEMBERS IN ATTENDANCE:

Gerard Lawson, Ph.D., LPC, LSATP, Chairperson  
 Benjamin Allison, Citizen Member  
 Paul Bernard, Ph.D., LPC  
 Angela Charlton, Ph.D., LPC  
 Natalie Franklin, LPC, LMFT

Maria Stransky, LPC, CSAC, Vice-Chairperson  
 Nakeisha Gordon, LPC  
 Matthew Scott, LMFT  
 Terry Tinsey, Ph.D., LPC, LMFT, CSOTP  
 Tiffinee Yancey, Ph.D., LPC

#### CLOSED MEETING:

Dr. Tinsley 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. He further moved that James Rutkowski, Jaime Hoyle, Jennifer Lang, Charlotte Lenart, Dalyce Logan, and Meagan Ohlsson attend the closed meeting because their presence in the meeting was deemed necessary and would aid the Board in its consideration of the matters. The motion was seconded and passed unanimously.

#### RECOMMENDATIONS:

##### Loretta Stevens, QMHP-Trainee

**Registration No.:** 0734001585  
**Case No.:** 209651

Loretta Stevens did not appear before the board. The board considered the agency subordinate's recommendation to indefinitely suspend Loretta Steven's registration to practice as a QMHP-Trainee, for a period of not less than six months.

##### Wayne Bell, Jr., QMHP-A, QMHP-C

**Registration Nos.:** 0732002719  
 0733000903  
**Case No.:** 227660

Wayne Bell, Jr. did not appear before the board. The board considered the agency subordinate's recommendation to indefinitely suspend Wayne Bell, Jr.'s right to renew the registrations to practice as a QMHP-A and QMHP-C.

##### Kamby Hatcher, QMHP-A

**Registration No.:** 0732004574  
**Case Nos.:** 216758 and 218277

Kamby Hatcher did not appear before the board but submitted a written response. The board considered the agency subordinate's recommendation to place Kamby Hatcher's QMHP-A registration on indefinite probation, with certain terms and conditions, for a period of not less than 12 months.

#### RECONVENE:

Dr. Tinsley 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.

**DECISION:**

Dr. Charlton moved to accept the recommendations of the agency subordinate in the cases of Loretta Stevens, Wayne Bell, Jr., and Kamby Hatcher. The motion was seconded and passed unanimously.

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