

**THE VIRGINIA BOARD OF COUNSELING
REGULATORY, SUPERVISION, & LEGISLATIVE COMMITTEE
MINUTES
MAY 30, 2002**

The Regulatory, Supervision & Legislative Committee of the Board of Counseling met on Thursday, May 30, 2002 at the Department of Health Professions, 6606 West Broad Street, Richmond, Virginia. Dr. Janice F. McMillan, Ph.D., Chair, called the meeting to order at 1:30 p.m.

COMMITTEE MEMBERS PRESENT: Rosemarie S. Hughes, Ph.D.
Eric T. Scalise
Jack Knapp, D.D.
Abigail C. Barnes
Barbara Chrisley, Ph.D.

STAFF PRESENT: Evelyn B. Brown, Executive Director
Benjamin Foster, Deputy Executive Director
Joyce Williams, Administrative Assistant

OTHERS PRESENT: David Naylor, VAADAC

ORDERING OF AGENDA: Dr. McMillan opened the floor to any changes in the agenda. The agenda was amended to add sections on “endorsement regulations” and “supervision.”

PUBLIC COMMENT:

None

MINUTES FROM FEBRUARY 7, 2002

Dr. McMillan pointed out typographical errors for correction. On a motion by Dr. Hughes the minutes were unanimously approved pending the necessary corrections by staff.

STATUS OF PENDING REGULATION

[Mr. Foster](#) provided information on the Board's **Time-Limited Waiver** package that is currently at the "Proposed Regulation" stage of regulatory review. Neither this committee nor the Board needed to take any action on this matter during this two-day meeting. However, Dr. McMillan indicated that she would be chairing a public hearing tomorrow (May 31, 2002) at 1:30 to receive comments concerning the proposed language.

Additionally, [Mr. Foster](#) provided information on the Board's **Certified Substance Abuse Counselor and Certified Substance Abuse Counselor Assistants** package that the Committee needed to approve and forward to the full Board for a vote to issue "Proposed Regulations." [Ms. Barnes](#) brought to the attention of the Committee several changes that needed to be made to sections containing information that had been provided by the Ad Hoc Committee for Education and Supervision Requirements for Certified Substance Abuse Counselor Assistants and Certified Substance Abuse Counselors and that had been incorporated into the language. The changes were brought to the attention of [Ms. Barnes](#) and [Mr. Foster](#) by [Ms. Elaine Yeatts](#), Regulatory Coordinator for DHP. [Ms. Yeatts](#) had pointed out that several of the recommendations by the Ad Hoc Committee were contradictory to the guidelines set out in the statutes. After these necessary changes were drafted a motion to forward the package to the full Board for the issuance of "Proposed Regulations" was made by [Dr. Knapp](#), seconded by [Dr. Chrisley](#), and unanimously approved by the Committee.

And finally, [Mr. Foster](#) provided the Committee with a draft Pre-NOIRA for **Continuing Competency**. Mr. Foster pointed out that the Board needed to begin the regulatory process to promulgate regulations pursuant to Chapter 430 of the 2002 Acts of the General Assembly that added § 54.1-3505.1 to the Code of Virginia. This section mandated that the Board establish requirements for evidence of continued competency as a condition of renewal of license.

CONSISTENCY LANGUAGE

[Mr. Foster](#) pointed out that the Committee and the full Board had voted in February to issue a Pre-NOIRA to resurrect "consistency language" regulations that had been drafted and submitted during May of 2000. He also stated that he had not prepared nor submitted the Pre-NOIRA because he questioned whether the Board wanted to go forward with "consistency language" considering the number of changes being made to current Board regulations. There was no question that this was a worthwhile endeavor and that the Board should certainly go forward to ensure that the full intent of the effort was accomplished. After some discussion it was decided that the issuing of a Pre-NOIRA to start consistency review would be put on hold and decision would be made at the August 2002 meeting.

SUPERVISION

Dr. McMillan briefly discussed the issue of supervision that had been presented in a previous regulatory effort during May of 2000. She pointed out that the supervision piece had been dropped when the Board voted to resurrect consistency language regulations.

NEW BUSINESS

The Committee revisited an issue associated with endorsement. As currently written § 18 VAC 115-20-45.5 of the Boards regulation allows persons who have failed the Virginia licensure examination to take an examination in another state and then obtain a Virginia license through endorsement. The Credentials Committee has on several occasions expressed concern that this situation needs to be addressed and remedied regulatorily. The Committee agreed to bring this matter before the full Board and discuss it.

ADJOURNMENT:

There being no additional business Mr. Scalise made a motion to adjourn.

Dr. McMillan adjourned the committee meeting at 2:43 p.m.

Dr. Janice F. McMillan, Chair

Benjamin Foster, Deputy Executive Director