



Virginia Board of Counseling
DRAFT Full Board Meeting Minutes
Friday, February 2, 2024, at 10:00 a.m.
9960 Mayland Drive, Henrico, VA 23233
Board Room 2

- PRESIDING OFFICER:** Gerard Lawson, Ph.D., LPC, LSATP
- BOARD MEMBERS PRESENT:** 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 MEMBERS ABSENT:** Luanne Griffin, 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
James Jenkins, Deputy Director, Department of Health Professions
Matthew Novak, Policy Analyst, Department of Health Professions
- PUBLIC ATTENDEES:** Denise Daly Konrad, Director of Strategic Initiatives, Virginia Health Care Foundation
- CALL TO ORDER:** Dr. Lawson called the board meeting to order at 10:00 a.m.
- ESTABLISHMENT OF A QUORUM:** With nine 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 informed Board members that the agenda will need to be amended to add recommended decisions and recognition of retiring staff.
- Motion:** Mr. Allison moved, which was properly seconded by Ms. Franklin, to approve adding recommended decisions and recognition of retiring staff to the agenda. The motion passed unanimously.

PUBLIC COMMENT: No public comments.

APPROVAL OF MINUTES: *Motion:* Dr. Bernard moved, which was properly seconded by Dr. Yancey, to accept October 27, 2023 minutes as presented. The motion passed unanimously.

AGENCY DIRECTOR REPORT: Mr. Owens provided the following information:

- General Assembly is underway, and the Agency is tracking 95 bills that directly or indirectly affect the Agency.
- DHP submitted a concept paper and offered solutions to the address current issues related to increasing the workforce of mental health professionals.
- Workforce Authority bill will help Virginia broaden the workforce to bring those together in a collaborative fashion.

CHAIR REPORT: Dr. Lawson and Ms. Hoyle attended the American Association of State Counseling Boards (AASCB) meeting in Tucson, AZ earlier this year. He encouraged Board members to attend future meetings. Dr. Lawson was surprised that the meeting was focused on Artificial Intelligence (AI) and the Counseling Compact. Over 30 states have enacted legislation, and the Compact is expecting to start receiving applications for the privilege to practice sometimes this year.

Dr. Lawson informed Board members about the upcoming Counseling Regulatory Boards Annual Summit in June in Puerto Rico.

Dr. Lawson commented that there is a need for new committee members and committee chairs.

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.

Mr. Novak reviewed the legislative report for bills currently moving through the General Assembly (attachment "A"). Mr. Novak discussed the new changes for SB 403.

STAFF REPORTS: **Executive Director Report**

Ms. Hoyle highlighted the continued increase in the volume of applicants and discipline cases. Ms. Hoyle stated that when Ms. Lenart reports on implementation of the BOTs or Business Practice Review, it only touches the surface of what she does. Implementation is a success and a continued success because of Ms. Lenart's understanding of the processes and her understanding the details of the processes, and she is doubtful it would be successful with anyone else directing it. Ms. Hoyle appreciates Ms. Lenart's hard work.

Ms. Hoyle thanked Ms. Lang for her positivity and commitment in the face of a striking increase in cases for the three boards and knowledge that it is not a trend but a new reality. As the professions grow, so do the cases. Ms. Hoyle commended Ms. Lang's efficiency, level of detail, and ability to keep everything on track.

Ms. Hoyle also congratulated Brenda Maida on her retirement and thanked Brenda

for her work with the board. She stated that it was no coincidence that the turn around with the board's review process coincided with Brenda's employment with the board.

Ms. Hoyle discussed attending the American Association of State Counseling Boards (AASCB) conference along with Dr. Lawson and congratulated Dr. Lawson on being elected President of the AASCB. She noted that it is wonderful to have leadership at the national level. Ms. Hoyle indicated that she attended the administrator's forum and that the forum and subsequent networking conversations centered around implementation of the compact, particularly how boards will interface with the data system, how will the background checks work, and what fees jurisdictions will charge. We need to keep these ideas in mind as we move forward in preparation for implementation.

The conference also focused on Artificial Intelligence (AI). Dr. Tinsley requested that the Board create a workgroup or committee related to AI.

Ms. Hoyle shared some statistics regarding the number of applications received over the past 10 years for each profession and compared to the other boards within the unit.

Discipline Report

Ms. Lang referenced the discipline report included in the agenda. She further reported that in CY2023, the behavioral science boards (Counseling, Psychology, and Social Work) received 724 discipline cases, of which 440 were for the Board of Counseling. Since 2020, the Board of Counseling's discipline cases have increased by 41%. With pending licenses for Art Therapists, Art Therapy Associates, and Music Therapists (Board of Social Work), and any new credentials that may be passed in this year's General Assembly session, the volume of cases will continue to increase. For January 2024, the discipline staff received 73 new cases, a 78% increase for the same time frame in 2023.

Staffing Update

Ms. Lang advised the board that two additional Agency Subordinates, Johnston Brendel and Danielle Hunt, were contracted to hear discipline cases at informal conferences.

Ms. Lang thanked Christy Evans, Discipline Case Manager, for her hard work and dedication to the boards. Over the past year, Ms. Evans volunteered to take on new responsibilities that are over and beyond the duties listed in her Employee Work Profile. In addition to doing probable cause reviews, Ms. Evans now leads informal conferences for all three boards, allowing Ms. Lang more time to focus on formal hearings, board meetings, regulatory issues and other board and case matters. Ms. Lang is working to revamp Ms. Evans' role and will request a part-time staff person to assist Ms. Lang and Ms. Evans with the administrative tasks until a more permanent solution is available.

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.

Ms. Lenart recognized Ms. Maida for her hard work and dedication and wished her well on her retirement.

**RECOMMENDATIONS
DESISIONS:**

Attachment “B”

NEXT MEETING DATES:

Dr. Lawson announced that the next Board meeting will occur on April 19, 2024.

ADJOURNMENT:

Dr. Lawson adjourned the February 2, 2024, Board meeting at 11:33 a.m.

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

Jaime Hoyle, JD, Executive Director

ATTACHMENT A

HB 120 DPOR and DHP; certain suspensions not considered disciplinary action.

Chief patron: Sullivan

Summary as introduced:

Department of Professional and Occupational Regulation; Department of Health Professions; certain suspensions not considered disciplinary action. Prohibits any board of the Department of Professional and Occupational Regulation or the Department of Health Professions issuing a suspension upon any regulant of such board pursuant to such regulant's having submitted a check, money draft, or similar instrument for payment of a fee required by statute or regulation that is not honored by the bank or financial institution named from considering or describing such suspension as a disciplinary action.

01/23/24 House: Reported from General Laws (21-Y 0-N)

01/23/24 House: Referred to Committee on Health and Human Services

01/30/24 House: Reported from Health and Human Services (22-Y 0-N)

02/01/24 House: Read first time

HB 329 Marriage & family therapists; Bd. of Counseling to amend regulations related to licensure.

Chief patron: Sickles

Summary as introduced:

Board of Counseling; licensure by endorsement for marriage and family therapists. Directs the Board of Counseling to amend its regulations related to the process for licensure by endorsement for marriage and family therapists. The bill removes requirements that applicants for licensure by endorsement provide evidence that they meet certain educational and experience requirements.

01/26/24 House: Read second time and engrossed

01/29/24 House: Read third time and passed House BLOCK VOTE (98-Y 0-N)

01/29/24 House: VOTE: Block Vote Passage (98-Y 0-N)

01/30/24 Senate: Constitutional reading dispensed

01/30/24 Senate: Referred to Committee on Education and Health

HB 426 Counseling, Board of; licensure of professional counselors without examination.

Chief patron: Cole

Summary as introduced:

Board of Counseling; licensure of professional counselors without examination. Allows the Board of Counseling to

issue a license to practice as a professional counselor without examination to an applicant seeking initial licensure or renewal of such license and who satisfies all other education, experience, and fitness to practice requirements set forth in regulation and who is qualified to practice professional counseling.

01/17/24 House: Assigned sub: Health Professions

02/01/24 House: House subcommittee amendments and substitutes offered

02/01/24 House: Subcommittee recommends reporting with substitute (5-Y 3-N)

02/01/24 House: Subcommittee recommends referring to Committee on Appropriations

HB 1289 Virginia Health Workforce Development Authority; health workforce development program.

Chief patron: Willett

Summary as introduced:

Virginia Health Workforce Development Authority; health workforce development program. Directs the Virginia Health Workforce Development Authority to establish a program to strengthen the health and health sciences workforce.

01/10/24 House: Prefiled and ordered printed; offered 01/10/24

01/10/24 House: Referred to Committee on Health and Human Services

01/23/24 House: Assigned sub: Health Professions

HB 1479 Health professions; universal licensure, requirements.

Chief patron: Price

Summary as introduced:

Health professions; universal licensure; requirements. Requires health regulatory boards within the Department of Health Professions to recognize licenses or certifications issued by other United States jurisdictions, as defined in the bill, as fulfillment for licensure or certification in the Commonwealth if certain conditions are met. The bill also requires such health regulatory boards to recognize work experience as fulfillment for licensure or certification in the Commonwealth if certain conditions are met. The bill does not apply to licensure for physicians or dentists.

01/19/24 House: Presented and ordered printed

01/19/24 House: Referred to Committee on Health and Human Services

01/23/24 House: Assigned sub: Health Professions

HB 1499 Virginia Health Workforce Development Authority; increases ex officio members, etc., report.

Chief patron: Willett

Summary as introduced:

Virginia Health Workforce Development Authority. Modifies the enabling legislation for the Virginia Health Workforce

Development Authority by adding four additional ex officio members to the Authority's Board of Directors, adding managing primary care graduate medical education programs and managing the Health Workforce Innovation Fund to the duties of the Authority, specifying additional recipients of the Board's biennial report, and authorizing the Authority to partner with other agencies and institutions to obtain and manage health workforce data.

The bill establishes the Virginia Health Workforce Innovation Fund to be administered by the Board of the Virginia Health Workforce Development Authority. The Board shall use the Fund to provide grants to facilitate regional collaboration on health care innovation and workforce development and, in particular, the formation of regional, employer-led partnerships that prioritize workforce growth and training. The bill provides for the formation across the Commonwealth of regional councils, defined in the bill, consisting of representatives from the government, health care, and education sectors. Under the bill, regional councils may submit applications for collaborative projects in their regions that enhance private-sector growth, competitiveness, and workforce development. A portion of the grant funds will be awarded on a population basis and a portion on a competitive basis.

The bill creates a work group to study the pharmacy technician profession, creates a work group to address health workforce shortages, establishes a program for health workforce development, directs the Board of Nursing to add or remove certain educational requirements for members of the nursing faculty in specified nursing education programs, and establishes a licensing procedure by the Board of Psychology for a psychological practitioner, as defined by the bill.

The bill directs the Board of Nursing to adopt emergency regulations to implement relevant provisions of the bill, directs the work group to study the pharmacy technician profession to submit its report to the Governor and the relevant committees of the General Assembly by November 1, 2024, and directs the work group to address health workforce shortages to submit its report to the Governor and the relevant committees of the General Assembly by October 1, 2025. The bill removes references to qualified mental health professionals with a delayed effective date of July 1, 2026.

01/19/24 House: Presented and ordered printed

01/19/24 House: Referred to Committee on Health and Human Services

01/23/24 House: Assigned sub: Health Professions

HB 1500 Behavioral health technicians and trainees; registration requirements for Board of Counseling.

Chief patron: Willett

Summary as introduced:

Board of Counseling; registration of behavioral health technicians and behavioral health technician trainees. Establishes requirements for the Board of Counseling to register individuals as behavioral health technicians or behavioral health technician trainees. The bill authorizes the Board to promulgate regulations for such registration, including necessary qualifications, education, and experience. The bill removes references to qualified mental health professionals with a delayed effective date of July 1, 2026.

01/19/24 House: Presented and ordered printed

01/19/24 House: Referred to Committee on Health and Human Services

01/23/24 House: Assigned sub: Health Professions

02/01/24 House: Subcommittee recommends striking from docket (8-Y 0-N)

SB 155 Virginia Health Workforce Development Authority.

Chief patron: Head

Summary as introduced:

Virginia Health Workforce Development Authority. Modifies the enabling legislation for the Virginia Health Workforce Development Authority by adding four additional ex officio members to the Authority, directing changes to regulations regarding qualifications for nursing faculty and qualified mental health professionals, establishing a work group to address health workforce shortages, and creating a program for health workforce development. The bill directs the Board of Nursing and the Board of Counseling to adopt emergency regulations to implement relevant provisions of the bill and for the work group to submit its report to the Governor and the relevant committees of the General Assembly by October 1, 2025.

01/31/24 Senate: Senate committee, floor amendments and substitutes offered

01/31/24 Senate: Senate committee, floor amendments and substitutes offered

01/31/24 Senate: Reported from Finance and Appropriations with substitute (14-Y 0-N)

01/31/24 Senate: Committee substitute printed

02/01/24 Senate: Constitutional reading dispensed (40-Y 0-N)

SB 403 Behavioral health aides; scope of practice, supervision, and qualifications.

Chief patron: Durant

Summary:

Behavioral health aides; scope of practice, supervision, and qualifications. Adds behavioral health aides and behavioral health aide trainees to the professions governed by the Board of Counseling. The bill directs the Board of Counseling to adopt regulations governing the behavioral health aide and behavioral health aide trainee profession.

01/16/24 Senate: Assigned Education and Health Sub: Health Professions

01/26/24 Senate: Senate subcommittee amendments and substitutes offered

02/01/24 Senate: Senate committee, floor amendments and substitutes offered

02/01/24 Senate: Senate committee, floor amendments and substitutes offered

02/01/24 Senate: Reported from Education and Health with substitute (15-Y 0-N)

ATTACHMENT B

CONSIDERATION OF RECOMMENDED DECISIONS**BOARD MEMBERS IN ATTENDANCE:**

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

L Paul Bernard, LPC

Nakeisha Gordon, LPC

Terry Tinsley, Ph.D., LPC, LMFT, CSOTP

Benjamin Allison, Citizen Member

Natalie Franklin, LPC, LMFT

Matthew Scott, LMFT

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 an agency subordinate recommendation. He further moved that James Rutkowski, Jaime Hoyle, Jennifer Lang, and Charlotte Lenart 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.

RECOMMENDATION:**John Mead, QMHP-C Applicant****Case No.: 222501**

Mr. Mead did not appear before the board and did not submit a written response. The board considered the agency subordinate's recommendation to deny John Mead's application for registration as a qualified mental health professional-child (QMHP-C).

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. Tinsley made a motion to accept the recommendation of the agency subordinate in the application of John Mead. The motion was seconded and passed unanimously.