

DRAFT
BOARD OF COUNSELING
QUARTERLY BOARD MEETING
Friday, May 18, 2012

- TIME & PLACE:** The meeting was called to order at 9:05 a.m. on Friday, May 18, 2012, in Board Room 2 at the Department of Health Professions, 9960 Mayland Drive, Henrico, Virginia.
- PRESIDING:** John Penn Turner, Chair
- MEMBERS PRESENT:** Johnston Brendel, Ed.D., LPC, LMFT
Donnie Conner, Ph.D., LPC, LMFT
Michael Fletcher
Sandra Malawer, LPC, LMFT
Charlotte Markva, LPC, LMFT, CSAC
Charles McAdams, III, Ed.D., LPC, LMFT
Catherine Shwaery
Linda Seeman, Ph.D., LPC, LMFT
Terry Tinsley, Ph.D., LPC, LMFT
John Penn Turner, LPC, LSATP
- MEMBERS ABSENT:** Zena Bowen, LPC, LMFT, MAC, ATR-BC
Patricia Mullen, LPC
William Scott, Ph.D., LPC, LMFT
- STAFF PRESENT:** Sharon Bowles, Administrative Assistant
Howard Casway, Senior Assistant Attorney General
Catherine Chappell, Executive Director
Jennifer Lang, Administrative Assistant
Patricia Larimer, Deputy Executive Director-Discipline
Dianne Reynolds-Cane, Agency Director
Elaine Yeatts, DHP Senior Policy Analyst
- ORDERING OF AGENDA:** The agenda was accepted as presented.
- APPROVAL OF MINUTES:** A motion was made by Dr. Conner to approve the minutes of the February 17, 2012 board meeting. The motion was seconded by Johnston Brendel and passed unanimously.
- PUBLIC COMMENTS:** None.
- DIRECTOR'S REPORT:** Dr. Reynolds-Cane addressed the Board with brief comments

regarding video teleconferencing, the Prescription Monitoring Program, and the 2012 session of the General Assembly. She commented that the Agency continues to meet its key performance measurement goals.

**WORKFORCE SURVEY
UPDATE:**

Dr. Elizabeth Carter presented the Healthcare Workforce Data Center report, developed based upon responses to the 2011 online renewal survey. She indicated that another survey was being deployed with the 2012 renewal cycle in order to gather further information on workforce needs.

**EXECUTIVE
DIRECTOR'S REPORT:**

Staffing Update. Ms. Chappell provided the Board with an update on staffing, and noted that high volumes of applications as well as inquiries from the public remain high. She advised that staff has implemented creative efficiency measures, including checklists, form letters, electronic communication of approvals and exam score transmittal, and strives for transparency in advising applicants about application turnaround time.

Outreach Efforts. Ms. Chappell advised that staff continues to reach out to the Board's stakeholders – applicants, licensees, supervisors, employers, and professional organizations – with the goal of educating them on supervision and licensing requirements. As a result, applications are arriving in more complete order with more detail as to the proposed supervised experience.

Since the last board meeting, presentations have been made to the Association of Community Based Services Providers and the Virginia Association of Community Services Boards, both of which allowed for open discussion with participants. Additionally, insight into the licensing process was provided in an article entitled "Why is my application taking so long" that will be appearing in the upcoming Virginia Counselor Association's professional journal.

Licensing Activity. She reported that during the last quarter, ending March 31, 2012, the Board was responsible for 6,770 licensees. Board staff received 375 new applications and registration requests and issued 67 new licenses during the quarter. On average, staff receives over 400 calls and emails each week and 30 to 40 applications per week.

Financial Status Update. Ms. Chappell distributed a report of the Board's finances for the past month in an effort to provide transparency and for Board member information. She noted that

as of March 31, 2012, the Board's cash balance was sufficient. With annual licensure renewal, the Board is able to sustain itself.

Renewals. Ms. Chappell advised that renewal notices had been mailed out and staff was encouraged to see that many licensees were renewing online. Very few licensees are mailing in payments, which has lessened the burden on staff during the busy renewal time.

Board Member Appointments. Ms. Chappell announced that staff is awaiting information on appointments and reappointments of board members. She noted that Dr. Conner and Dr. Seeman are completing their second terms as board members and that new board members would be appointed to fill their positions. Recognition of departing board members and welcome of new board members would occur at the August board meeting.

**DEPUTY EXECUTIVE
DIRECTOR'S REPORT:**

With respect to disciplinary matters, Ms. Larimer reported that since the last Board meeting, 18 new disciplinary cases had been received. Staff also closed 16 cases and has held two (2) informal conferences. Currently, six (6) cases were being investigated by the Enforcement Division, with 21 cases at Board level to be reviewed for probable cause. One case was at the Administrative Proceedings Division level for preparation of an informal conference notice. One case was scheduled for an informal conference, one case scheduled for a formal hearing and one case would be heard at the formal hearing following the meeting.

With respect to credentialing matters, Ms. Larimer commented that three (3) credentials informal conferences had been held since the last Board meeting. Additionally, she had received ten (10) requests for informal conferences as a result of recent Credentials Committee decisions, and the conferences were being scheduled over the next couple of months.

**BOARD COUNSEL
REPORT:**

Howard Casway updated the Board on recent litigation:

- Verniecia Bell appealed her denial of supervision registration to the Prince William Circuit Court.
- Sylvester Britt appealed the decision to revoke his certification as a CRP and the decision was upheld by the Portsmouth Circuit Court.

COMMITTEE REPORTS:

Regulatory Committee. Ms. Yeatts presented proposed statutory language to clarify the definitions of “counseling” and the “profession of counseling” and introduced a “Resident” level license which would allow individuals under supervision to be under Board regulation and signify that they are working towards licensure. Dr. Conner moved that the Board endorse the draft legislative concepts as presented and support exploration, at the August board meeting, of a lower level certification with stakeholders to determine need and usefulness. The motion was seconded and carried.

Additionally, Dr. McAdams moved that the Board reconsider and amend proposed amendments to the Regulations Governing the Practice of Professional Counselor, and to conclude review of the Regulations Governing the Practice of Marriage and Family Therapists at the August Regulatory Committee meeting.

Board of Health Professions. No report was presented.

AdHoc Outreach Committee. Ms. Markva proposed that the Board consider participating in an outreach program to stakeholders as part of the November board meeting. She suggested that the Board present information via Polycom to students currently enrolled in master’s level programs, to aid in their understanding of the licensing process. She asked that the Board consider the proposal further at the August board meeting.

NEW BUSINESS:

None.

OLD BUSINESS:

Educational Summit. Ms. Chappell advised that the Educational Summit was scheduled for Friday, October 5, 2012, and that “save the date” emails had been sent to the counseling program directors in Virginia. The Board suggested that feedback from the educators on coursework be included on the agenda as well as portability concerns. Additionally, because the educators had expressed interest at the last summit in including a segment called “Since Last Time,” time would be allotted for this topic as well.

CREDENTIALS COMMITTEE REPORT:

Dr. Brendel reported that Credentials Committee members participated in two informal credentials conferences on May 17, 2012, and a formal credentials hearing was scheduled immediately following the board meeting. The Credentials Committee also met on Thursday, May 17, 2012 and reviewed 14 applications. The Committee approved one (1) application, denied seven (7) of the

requests, and deferred six (6) applications pending additional information.

He advised that the Committee planned to meet again on June 8, 2012, to continue file review.

CLOSED SESSION:

Consultation with Legal Counsel. Dr. Brendel moved that the Board of Counseling convene in closed meeting pursuant to §2.2-3711(A)(7) of the Code of Virginia in order to consult with legal counsel, to discuss pending credentials cases, and to consider recommendations from the Credentials IFC Committee. He moved that Dianne Reynolds-Cane, Catherine Chappell, Howard Casway, Jennifer Lang, Sharon Bowles, and Patricia Larimer attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its consideration of the matters.

RECONVENE:

Dr. Brendel moved that pursuant to §2.2-3712 of the Code of Virginia, that the Board heard, discussed or considered only those public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act and only such public business matters identified in the original motion.

Dr. Brendel reported that the Credentials Committee continues to struggle with applicants who do not meet educational requirements of the regulations. Since mid-2010, the Board has been evaluating degrees and coursework consistent with Guidance Document 115-1.3 and 115-6 and Regulation 18VAC115-20-49 (B).

Additionally, Dr. Brendel noted that prior to mid-2010, staff approved registrations of supervision requests at Board direction, based upon graduate transcripts. He moved that because the formal hearing scheduled immediately following the Board meeting related to an applicant who received preliminary approval to begin supervision, that the hearing be continued and that the Credentials Committee meet again on June 8, so that the application process through mid-2010 could be further reevaluated. The motion was seconded and carried.

Tonya Johnson Avery: The IFC Credentials Committee concluded that Tonya Johnson Avery, CSAC applicant, failed to satisfy the requirements of 18VAC115-30-50(B)(2), 18VAC115-30-60(B)(1), and 18VAC115-30-60(B)(2) and recommended that her application to register her supervision for certification to practice as a Certified Substance Abuse Counselor be denied. Dr. Conner made

a motion to accept the recommendation as presented. Dr. McAdams seconded the motion. The motion passed unanimously.

Clevon J. Belfield: The IFC Credentials Committee concluded that Clevon J. Belfield, CSAC applicant, failed to satisfy the requirements of 18VAC115-30-50(B)(2), 18VAC115-30-60(B)(1) and 18VAC115-30-60(B)(2) and recommended that his application to for certification to practice as a Certified Substance Abuse Counselor be denied. Dr. McAdams made a motion to accept the recommendation as presented. Dr. Conner seconded the motion. The motion passed unanimously.

Mary P. Callaghan: The IFC Credentials Committee concluded that Mary P. Callaghan, CSAC applicant, failed to satisfy the requirements of 18VAC115-30-50(B)(2), 18VAC115-30-60(B)(1), and 18VAC115-30-60(B)(2) and recommended that her application for certification to practice as a Certified Substance Abuse Counselor be denied. Dr. Conner made a motion to accept the recommendation as presented. Dr. Seeman seconded the motion. The motion passed unanimously.

Mariko Saito: The IFC Credentials Committee concluded that Mariko Saito, LPC applicant, failed to satisfy the requirements of 18VAC115-20-49(B) and recommended that her application for licensure by examination as a professional counselor be denied. Ms. Malawar made a motion to accept the recommendation as presented. Dr. Conner seconded the motion. The motion passed unanimously.

ADJOURN:

The meeting adjourned at 12:00 p.m.

John Penn Turner, Chair

Catherine Chappell, Executive Director