

**DRAFT MINUTES  
BOARD OF COUNSELING  
QUARTERLY BOARD MEETING  
March 1, 2013**

**TIME AND PLACE:** The meeting was called to order at 10:30 a.m. on Friday, March 1, 2013, in Board Room 2 at the Department of Health Professions, 9960 Mayland Drive, Henrico, Virginia.

**PRESIDING:** Charles McAdams, Ed.D., Vice Chair

**BOARD MEMBERS  
PRESENT:** Zena Bowen  
Michael Fletcher  
Sandra Malawer  
Charlotte Markva  
Patricia Mullen  
William Scott, Ph.D.  
Linda Seeman, Ph.D.  
Catherine Shwaery  
Terry Tinsley, Ph.D.

**BOARD MEMBERS  
ABSENT:** John Brendel, Ed.D  
Donnie Conner, Ph.D.  
John Penn Turner, Chair

**STAFF PRESENT:** Tracey Arrington-Edmonds, Administrative Assistant  
Sharon Bowles, Administrative Assistant  
Howard Casway, Senior Assistant Attorney General  
Catherine Chappell, Executive Director  
Jennifer Lang, Lead Administrative Assistant/Interim Case Manager  
Dianne Reynolds-Cane, MD, Agency Director  
Elaine Yeatts, Senior Policy Analyst

**WELCOME AND ORDERING  
OF AGENDA:** In Mr. Turner's absence, Dr. McAdams welcomed the board members and members of the public in attendance that day. He recognized student groups from Longwood University, Norfolk State University, Virginia State University, and Hampton University who were observing the meeting.

Dr. McAdams asked if there were any changes to be made to the agenda. Ms. Chappell requested that the agenda be changed to delete the Discipline Deputy Report and Board Staff Update, both of which reports would be incorporated into the Executive Director's Report. She also requested that New Business be moved to the end of the meeting because of the need to go into closed session to discuss a letter from a delegate relating to a specific applicant. The agenda was accepted as

amended.

**APPROVAL OF MINUTES:** A motion was made by Dr. Seeman to approve the minutes of the November 16, 2012 meeting as presented. The motion was seconded by Ms. Mullen and the motion passed unanimously.

**PUBLIC COMMENT:** *Eleanor Fukushima.* Ms. Fukushima, representing the Virginia Association of Rehabilitation Providers, expressed her continued interest in working with the Board in creating a standardized competency test for exam applicants who apply for the Rehabilitation Provider Certification (CRP). She proposed that the Board consider implementing the Associate Disability Management Specialist examination for those seeking to become CRP in Virginia who have not obtained national certification. She indicated that there was no need for the Board to enter into a contract with the Certification of Disability Management Specialists (CDMS) Commission because it offered the examination directly to individuals. Ms. Chappell indicated that the Board would be discussing the matter later in the meeting under Old Business.

**DHP DIRECTOR'S REPORT:** Dr. Reynolds-Cane reported that the three bills that had been submitted by DHP and included in the Governor's package were presented to the 2013 General Assembly and had passed both houses. Dr. Reynolds-Cane also stated that the National Governors Association (NGA) workgroup meeting would be held at DHP on March 25, 2013 to discuss reducing prescription drug abuse. This initiative was created to focus on prescription monitoring, education, law enforcement, and drug disposal.

**LEGISLATIVE UPDATE:** General Legislative Update. Ms. Yeatts provided the Board with a summary of the legislation passed during the 2013 General Assembly session and which were awaiting the Governor's approval. She highlighted specific legislation that may impact the Board of Counseling.

With respect to HB 1666, Ms. Yeatts commented that regulations would need to be promulgated in order to implement a registry of approved supervisors available to persons seeking resident status, effective July 1, 2013. She added that the legislation also provided clarification of the distinction between Counseling as a profession and counseling as a process.

HB 2177 would make minor changes to the composition of the Board of Counseling. Concern was expressed about the potential to limit membership to certain individuals holding credentials as "clinical fellows of the American Association for Marriage and Family Therapy."

SB 1325 would require the Board to establish fees in conjunction with a budget amendment to support staffing needs for the next biennium. This bill contained an emergency clause.

Regulatory Reform Initiative. Ms. Yeatts referenced the Governor's initiative for regulatory reform and indicated that she would be presenting contemplated sections of the Board's regulations under the Regulatory Committee Report. She commented that the goal of the initiative was to eliminate any requirement that was deemed unnecessary while ensuring that the Board licensed qualified individuals in order to protect the health and safety of the citizens of the Commonwealth of Virginia.

**EXECUTIVE DIRECTOR'S  
REPORT:**

Acknowledgements

Catherine Chappell thanked the board members for their dedication in ensuring that a quorum for the meeting was established. Ten members out of 14 members were in attendance that day.

Board Member Appointments

She reiterated that 4 board seats have expired and expressed concern about quorum issues at committee activities as well. She thanked Dr. Seeman and Ms. Shwaery for their support of the board's activities and acknowledged that their terms had expired on June 30, 2012, but were participating in the meeting that day. Six more seats would expire on June 30, 2013.

Financial Update

Ms. Chappell provided financial information for the Board of Counseling as of January 31, 2013. The revenue and expenditures report documented that sufficient cash flow existed as of that date, which was attributed to annual licensure renewal which allowed the Board to sustain itself. The funding stream accommodated the board's current staffing structure, which was 1 full-time administrative employee and part-time temporary workers.

Ms. Chappell also referenced a memorandum from Dr. Reynolds-Cane to the Board members regarding the revenue, expenditures and cash balance analysis that was conducted by DHP over the 2010-2012 biennium. It was recommended by DHP that the Board of Counseling take no action at the present time, but did acknowledge that the Board had experienced a marked increase in workload which was expected to affect cash balances in the future.

Staff updates

Ms. Chappell announced that Patricia Larimer, Deputy Executive Director for Discipline continued on approved extended leave, and that her

disciplinary and credentials appeals case management duties were being managed by Jennifer Lang. Ms. Lang continued as the Board's administrative contact but had assumed additional duties in Ms. Larimer's absence. Ms. Lang would be working closely with Discipline and Credentials committee members to discern their availability to serve on several informal conference panels over the next few months.

Recruitment continued for the Licensing Deputy position, and two temporary workers were providing administrative support to the licensing process.

Since the last meeting, 62 licenses were issued, 109 new applications were received, and 265 requests for supervision were submitted. Additionally, during that same time period, staff reviewed and approved 372 files, which included 264 supervision approvals and 108 exam approvals. Staff developed a matrix for approximately 30 graduate programs' curricula, which had proved invaluable as staff and reviewers evaluate applicants' coursework. Development of the matrix ensured consistent and efficient reviews.

#### Outreach Efforts

Ms. Chappell commented that she continued to seek opportunities to reach out to stakeholders of the three behavioral sciences boards. She met with faculty at the VCU Rehabilitation Counseling program in January, who were interested in learning more about education and supervision requirements. Video teleconference presentations were scheduled for Hampton University and Virginia State University students in April, using a framework of "licensing 101."

She reported that board staff took every opportunity to educate applicants and supervisors about the process to become a resident.

Additionally, she announced that a link to the Wounded Warrior program was available on the Board's website, as DHP continued to support this initiative by connecting licensees to training for mental health providers.

#### **AASCB MEETING REPORT:**

Dr. McAdams reported that he represented the Board at the annual meeting of the American Association of State Counseling Boards (AASCB) in January 2013. Due to funding limitations with respect to travel, Dr. McAdams attended the meeting at his own expense. He relayed that it provided an opportunity for him to meet with other boards to discuss items of mutual concern. The themes of the meeting echoed many of the concerns facing the Virginia Board, especially relating to portability between jurisdictions and counseling as a united profession. He commented that the AASCB was impacted by the challenge of limited funding by jurisdictions because only 16 member boards were present at

the meeting out of a possible 35 member boards. He commented that Virginia continues to be viewed as a leader among the member boards, and would carry 2 votes. He encouraged board members and board staff to seek out opportunities for funding support in order to attend future national meetings.

**REGULATORY COMMITTEE:** Ms. Yeatts presented to the Board proposed regulatory changes to be considered in conjunction with the Governor's Regulatory Reform Project initiative. A thorough review of the regulations governing LPC, LMFT, and LSATP had been made by staff to determine whether regulations could be amended in an effort to reduce regulation, while ensuring that the Board licensed qualified individuals in order to protect the health and safety of the citizens of the Commonwealth of Virginia. Ms. Yeatts indicated that the Board approved regulatory reform amendments would be fast tracked.

With respect to LPC, Ms. Yeatts offered a review of the contemplated sections of the Board's regulations:

18VAC115-20-10: Definitions. The Board reviewed proposed changes to the definitions section, which revised the section as follows:

1. Add a definition of "Ancillary counseling services" in order to provide an understanding of what activities constitute such services.
2. Add a definition of "Clinical counseling services" in order to define the activities which constitute clinical counseling services.
3. Add a definition of "Face-to-face" to describe real-time, visual contact among the individuals involved.
4. Delete the definitions of CACREP, COAMFTE, and CORE to be consistent with changes contemplated in 18VAC115-20-49 and 18VAC115-20-52.
5. Revised the definition of Internship to clarify that it is a formal academic course from a regionally accredited educational program in which supervised practical experience is obtained in a clinical setting.
6. Clarified the definition of Residency to mean a post-graduate supervised clinical experience registered with the board.

18VAC115-20-20: Fees. Proposed changes to remove references to a one-time fee reduction in 2010 were considered.

18VAC115-20-40: Prerequisites for licensure by examination. The Board considered the following changes to application by examination requirements:

1. Eliminated the need to submit another official transcript if no additional coursework was obtained since first submitted.

2. Clarified the primary source licensure verification of supervisors and applicants needed to evaluate necessary credentials.
3. Reference to 18VAC115-20-50 was eliminated as that section is no longer part of the regulations.
4. Clarified that the verification of supervision form is to relate to fulfillment of resident requirements rather than experience requirements.
5. Clarified application fees to be paid.
6. Identified the need to disclose unresolved or history of disciplinary action for Board consideration.

18VAC140-20-45: Prerequisites for licensure by endorsement. The Board considered the following changes to application by endorsement requirements:

1. Clarified that an applicant must hold or have held a professional counselor license in another jurisdiction in order to be eligible to apply by endorsement.
2. Reduced the time of post-licensure clinical practice to 24 out of the last 60 months immediately preceding licensure in Virginia, as evidence of post-licensure clinical practice.
3. A definition of clinical practice was added to support the prerequisite for licensure.
4. Clarified applications fees to be paid.
5. Clarified that verification of mental health or health professional licensure or certification in any other jurisdiction was needed.
6. Clarified the type of examination required for counseling licensure.
7. Provided reference to definition of counseling in statute.

Dr. Seeman moved that the proposed regulatory reform changes as presented be revised to change 18VAC140-20-45.A.5 to read “verification of a passing score on an examination required for counseling licensure in the jurisdiction in which licensure was obtained.” The motion was seconded Ms. Markva and passed.

18VAC140-20-49: Degree program requirements. While the Board had previously considered proposed changes to the education requirements as part of its regulatory review, which would remove section A regarding CACREP or CORE programs, the change was not incorporated into the document provided to the Board at the meeting. Dr. Seeman moved that 18VAC115-20-49.A. be deleted as previously indicated. The motion was seconded by Ms. Mullen and passed.

18VAC115-20-51: Coursework requirements. The Board considered the following changes to coursework requirements:

1. Revise section A to reflect that coursework must be successfully completed in the core areas provided.

2. Professional identity shall be counseling identity.
3. Supervised internship is to be at least 600 hours to include 240 hours of face-to-face client contact.

18VAC115-20-52: Residency. The Board considered amendments in order to clarify experience requirements and face-to-face client contact. They contemplated the following changes:

1. Clarified that the transcript must reflect completion of coursework and internship requirements.
2. Deleted reference to 18VAC115-20-50, which was no longer a part of the regulations.
3. Deleted language relating to requirements after September 3, 2008, to register supervision, since all supervision must now be registered, regardless of the setting.
4. Reduced the number of supervised residency hours because an internship must be completed.
5. Defined the work to be performed during the supervised residency.
6. Clarified the scope of face-to-face supervision
7. Clarified the possible use of technology in the supervision between a supervisor and a resident.
8. Made clear that no more than half of the 200 hours of supervision can be satisfied with group supervision.
9. Confirmed that the residency includes at least 2000 hours in providing clinical counseling services, with the remaining hours to be spent in performing ancillary counseling services.
10. Clarified that internship hours in excess of 600 hours may count up to an additional 300 hours towards the requirements of a residency.
11. Removed references to offsetting supervision with graduate-level internship, except for those hours over the required 600.
12. Removed language relating to “supervised experience may begin after the completion of 30 graduate semester hours...” because the supervised experience is post-graduate experience.
13. Clarified that residents may not engage in practice under supervision in any areas where they have not had appropriate education and training.
14. Clarified that supervisors will provide supervision in accordance with the definition of “supervision.”

Ms. Mullen moved that the proposed amendments be revised as follows:

1. 18VAC115-20-52.B.2. last sentence. “For the purpose of meeting the 200-hour supervision requirement, face-to-face may include the use of secured technology that maintains client confidentiality and provides real-time visual contact between the supervisor and the resident.”

2. 18VAC115-20-52.B.8 to remain unchanged: "Residents shall not engage in practice under supervision in any areas for which they have not had appropriate education."

The motion was seconded by Ms. Shwaery and passed.

18VAC115-20-70: General examination requirements; schedules; time limits. The section was amended to clarify that a candidate for examination or an applicant shall not provide clinical counseling services unless he is under supervision approved by the board.

18VAC115-20-106: Continuing competency activity criteria. The section was amended to

1. Include the phrase "or local governmental agencies" in 18VAC115-20-106.B.1.c.
2. Correct the name of the International Association of Marriage and Family Counselors as shown in 18VAC115-20-106.B.1.d.(1).

18VAC115-20-110: Late renewal; reinstatement. The section was amended to clarify that verification of any mental health licensure held in another jurisdiction be provided, as applicable, for reinstatement and that evidence regarding continued ability to perform the functions within the scope of practice of licensure for both reinstatement and reactivation may be required by the Board.

18VAC115-20-130: Standards of practice. Section D, relating to dual relationships, was amended to clarify that close personal relationships with a supervisee or student were to be avoided.

Ms. Mullen moved that the section be further amended to provide that language relating to romantic relationships or sexual intimacies be reflected in section D.2 and D.3. The motion was seconded by Dr. Seeman and passed.

18VAC115-20-140: Grounds for revocation, suspension, probation, reprimand, censure, or denial of renewal of license. The section was amended to include

1. Procurement of a license to include "submission of an application or supervisor forms" by fraud or misrepresentation as grounds for revocation, suspension, probation, reprimand, censure, or denial of renewal of license.
2. Performance of an act likely to deceive, defraud or harm the public.

Ms. Mullen moved to adopt the proposed regulations for LPC as proposed by staff, and as subsequently amended by the Board. The motion was seconded by Dr. Seeman and carried, with a vote of 10-0.

With respect to LMFT and LSATP regulations, Dr. McAdams moved that regulatory reform review be tabled until the next meeting. The motion was seconded and carried.

**BOARD OF HEALTH  
PROFESSIONS:**

In Ms. Markva's absence, Ms. Yeatts reported that the Board of Health Professions continued to examine opportunities for collaborative efforts among medical professions and review emerging professions.

**CREDENTIALS  
COMMITTEE:**

Ms. Chappell reported that the Credentials Committee met before the board meeting to review six (6) credentials files. The issues related to standards of practice, coursework and supervision start dates. The Committee continued to see applicants seeking to begin supervision who have deficient education, either relating to internship hours or coursework. Regulations require that residents not practice under supervision in any areas for which they have not had appropriate education.

Staff anticipated deploying online applications later in the year. Using online applications would allow applicants to review the status of their applications online and not have to contact the board office for an update. Also, applications must be complete and fully documented in order to be submitted using the online process.

**OLD BUSINESS:**

New Committee Assignments

Ms. Chappell distributed a list of standing committee membership, which had been compiled from the last meeting.

Executive Committee – John Penn Turner (chair), Charles McAdams (vice chair), Charlotte Markva (BHP representative), and Donnie Conner (past chair).

Regulatory Committee – Charles McAdams (chair), Michael Fletcher, Charlotte Markva

Credentials Committee – Johnston Brendel (chair), Zena Bowen, Charlotte Markva, Charles McAdams, John Penn Turner, Catherine Shwaery

Discipline Committee – Patricia Mullen (chair), Johnston Brendel, Zena Bowen, Sandra Malawer, William Scott, Terry Tinsely, John Penn Turner

Continued Competency Committee – William Scott (chair), Patricia Mullen

Board of Health Professions – Charlotte Markva

### Board Leadership Succession Planning

Ms. Chappell requested that each board member contemplate serving as a leader in the coming year. She commented that Dr. McAdams was currently serving as vice chair, with the historical trend that the vice chair would become chair. However, his seat would expire on July 1, 2013.

The Bylaws required that nominations and elections be made at a meeting. She proposed that the Board take nominations and elect new leadership at the May 17, 2013 meeting, to be effective on July 1, 2013. She commented that the Board would need to consider the logistics of asking a member to assume a leadership role when he or she was in an expired seat. Replacement could occur and another board member would need to be available to take his or her place.

### CRP Testing

Ms. Chappell referred to the information provided by Ms. Fukushima during public comment and commented that currently there was no examination for applicants who do not hold national credentials, other than a jurisprudence examination. She suggested that the Board refer the new information from Ms. Fukushima back to board staff to evaluate and report at the next meeting.

### Educational Summit

Dr. McAdams referenced the coursework requirement descriptions developed as a result of the last Educational Summit. He commented that he understood that the draft document was already being used as a guide by many of the educational programs.

Dr. Scott moved that the descriptions be incorporated into a guidance document to be presented at the next meeting for consideration and adoption. He requested that an introductory paragraph be inserted to explain that the document was a guide for educational programs to assist them in interpreting the core coursework requirements. The motion was seconded and carried.

### **NEW BUSINESS:**

#### Letter from Delegate

### **CLOSED MEETING:**

Ms. Bowen moved that the Board of Counseling convene in closed session pursuant to §2.2-3711(A)(7) of the Code of Virginia in order to consult with legal counsel to discuss an application. She further moved that Howard Casway, Catherine Chappell, Jennifer Lang, Tracey Arrington-Edmonds, and Sharon Bowles attend the closed meeting because their presence in the meeting was deemed necessary and they would aid the Board in its consideration of the matter. The motion was seconded and carried.

### **RECONVENE:**

Ms. Bowen 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 as identified in the original motion. The Committee agreed unanimously.

**DECISION:** No action was taken.

**ADJOURN:** There being no further action to come before the Board, the meeting adjourned at 1:15 p.m.

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Catherine Chappell, Executive Director

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Charles McAdams, Ed.D, Vice Chair