

DRAFT
BOARD OF COUNSELING
QUARTERLY BOARD MEETING
Friday, September 11, 2015

TIME AND PLACE: The meeting was called to order at 10:02 a.m. on Friday, September 11, 2015, in Board Room 2 at the Department of Health Professions, 9960 Mayland Drive, Henrico, Virginia.

PRESIDING: Kevin Doyle, Ed.D., LPC, LSATP

BOARD MEMBERS PRESENT: Cinda Caiella, LMFT
Charles Gressard, Ph.D., LPC, LMFT, LSATP
Sandra Malawer, LPC, LMFT
Scott Johnson, Ph.D., LMFT
Benjamin Keyes, Ph.D., Ed.D., LPC
Leah Mills, Citizen Member
Jane Nevins, LPC, LSATP
Phyllis Pugh, LPC, LMFT, CSAC
Vivian Sanchez-Jones, Citizen Member
Joseph Scislowicz, LPC, LMFT
Holly Tracy, LPC, LMFT

BOARD MEMBERS ABSENT: Joan Normandy-Dolberg, LPC
Terry Tinsley, Ph.D., LPC, LMFT

STAFF PRESENT: Tracey Arrington-Edmonds, Administrative Assistant
David Brown, DC, DHP Director
Jaime Hoyle, Esq., DHP Chief Deputy Director, Acting Executive Director
Marcie L. Hyman, Licensing Manager
Jennifer Lang, Deputy Executive Director
James Rutkowski, Assistant Attorney General
Elaine Yeatts, Senior Policy Analyst

WELCOME: Dr. Doyle welcomed Board members and the general public in attendance. Members of the public included representatives from George Mason University, Hampton University, Virginia Commonwealth University, Virginia Tech, Virginia Association of Clinical Counselors, VCA and the Virginia Chapter of International Association Rehabilitation Professionals (IARP, VA).

ORDERING OF AGENDA: The agenda was accepted with a minor change to the order of the new business.

APPROVAL OF MINUTES: A motion was made by Ms. Malawer, and seconded by Ms. Pugh, to approve the minutes of the May 1, 2015 meeting as amended. The

motion passed unanimously.

PUBLIC COMMENT:

Dr. Doyle advised the public that the Board would not accept comments related to the pending regulatory action, as that comment period has closed. No public comments were made.

DHP DIRECTOR'S REPORT:

Board Member Training

An agency Board Development Training day is scheduled for September 28, 2015 and is open for attendance by current and new board members.

Proposed Statutory Change

Dr. Brown advised that the agency has submitted a request to decrease the size of the Board, which will be part of the agency's General Assembly package. The recommended language will require that the Board shall consist of 12 members (10 professionals licensed in Virginia and 2 citizen members). The 10 professionals shall represent various specialties recognized in the counseling profession: six shall be professional counselors, three shall be licensed marriage and family therapists and one shall be a licensed substance abuse treatment practitioner –at least two members representing professional counselors shall have been in active practice for at least four years. The terms of the member for the Board shall be four years. The change is due in part to the low number of licensed substance abuse treatment practitioners, licensed marriage and family therapist credential holders and the size of the Board in comparison to the amount of licensees that it governs. He commented that other boards of the agency have similar bills that were sent to the governor's office as well. The board members should be a match comparable to the number of credential holders. If accepted, the Bill will go the 2016 General Assembly, and if passed, the new requirements will be effective as of July 1, 2016.

**REGULATORY/LEGISLATIVE
UPDATE:**

Regulatory Actions

A detailed chart of the current pending Regulatory actions, as of August 21, 2015, was provided listing the status of Chapter 18VAC115-20-10 Regulations Governing the Practice of Professional Counseling and Chapter 18VAC115-30-10 Regulations Governing the Certification of Substance Abuse Counselors and Substance Abuse Counseling Assistants.

Periodic review of Regulations (Action 4182) Proposed – at Secretary's Office for 134 days.

Periodic review recommendations (Action 4366) –Fast-Track at Secretary's Office for 18 days

Action on Draft Guidance Document

115-1.8 Examination approved by the Board for Certification as a Rehabilitation Counselor. It was recommended that the Board adopt a guidance document to list the type of acceptable examinations for rehabilitation counselors. Dr. Johnson made a motion to approve the guidance document and Dr. Gressard seconded the motion. The guidance document was approved with a unanimous vote. The guidance document 115-1.8 approves the following examinations:

- The examination for CRC certification (Certified Rehabilitation Counselor) given by the Commission on Rehabilitation Counselor Certification
- The examination for CDMS (Certification of Disability Management Specialist) given by the CDMS Commission
- The examination for ADMS (Associate Disability Management Specialist) given by the CDMS Commission

The passing score for each examination shall be the score determined by the Commission for passage.

Notice of Intended Regulatory Action for Fee Increase

Virginia law requires that an analysis of revenues and expenditures of each regulatory board be conducted at least biennially. If revenues and expenditures for a given board are more than 10% apart, the Board is required by law to adjust fees so that the fees are sufficient, but not excessive, to cover expenses. The action by the Board can be a fee increase, a fee decrease, or it can maintain the current fees. The Board of Counseling has approved three one-time renewal decreases in the past 10 years.

Currently the Board's revenue is sufficient to maintain expenditures, but current projections indicate that expenditures will exceed revenue in the 2014 – 2016 biennium. The revenue, expenditures, and cash balance analysis recommended a 30% fee increase in order for the Board to maintain sufficient revenue to cover the operating expenditures. Dr. Brown submitted a memorandum in favor of raising the Board's fees at its earliest opportunity.

A motion was made by Dr. Johnson, and seconded by Ms. Malawer, to begin the fee increase process. The motion was approved unanimously.

Dr. Brown thanked the Board and advised that the department's staff will provide details of the proposal at a future Board meeting.

Proposed Regulations

The Board considered comments received during the comment period, related to the proposed changes to regulation 18VAC115-20-49, which

would require CACREP Accreditation. After much discussion, Dr. Johnson moved to adopt the proposed regulations and Dr. Gressard seconded the motion. The Board vote resulted in six in favor and six opposed. Dr. Johnson made a motion to defer the issue to the November 13, 2015 Board Meeting for further discussion. Ms. Sanchez-Jones seconded the motion and the motion passed with ten members in favor and two opposed.

BOARD OF HEALTH PROFESSIONS REPORT

Dr. Doyle informed the Board that his term on the Board of Health Professions has expired, and he is waiting for further appointment information.

Dr. Doyle noted that at the last meeting of BHP, an item was proposed for a new credential as a "Funeral Counselor", under the Board of Funeral Directors and Embalmers. Ms. Yeatts explained that the term "counselor" could be confusing to the public and advised that the Board of Funeral Directors and Embalmers decided to change the name of their proposed credential to "Funeral Director Assistant".

Dr. Doyle discussed the Health Practitioners' Monitoring Program ("HPMP") and provided feedback on the audit of the program, which was conducted by the Citizen Advocacy Center. He advised that the reports are complete and are pending further response to be published in late fall.

New Business (Psychological Assessments)

Dr. Doyle attended a Regulatory Committee meeting held by the Board of Psychology to discuss concerns about psychological assessments being completed by providers without the appropriate training. The Regulatory Committee of the Board of Psychology has proposed a joint Guidance Document between the two Boards. More information will be presented once a draft document is proposed.

EXECUTIVE DIRECTOR'S REPORT:

Acting Executive Director, Ms. Hoyle, thanked the staff for continuing the workload with minimum staff. She informed the Board that the licensing manager position has been filled by Marcie Hyman, which has allowed the Deputy Executive Director to concentrate more on her own duties.

Staff Update

Ms. Hoyle announced that the Executive Director position for the three boards is in the interview stage. She also noted that two additional staff positions have been approved and posted. One position will be for a Discipline Case Specialist for the three Behavioral Science Boards, and the other position is for a Licensing Specialist for the Board of Counseling.

**DEPUTY EXECUTIVE
DIRECTOR'S REPORT:**

Licensing Report

Ms. Lang provided a detailed report (Attachment A) with license and application statistics.

The list of approved supervisors continues to be distributed as needed. The online posting of the list was postponed due to implementation of a new agency database. In working with the agency IT Department, a temporary list will be uploaded to the website in the near future until a more permanent internal fix can be completed.

Ms. Lang advised board members that a conference of the American Association of State Counseling Boards (AASCB) is scheduled for January 2016 in Tampa, Florida, and the annual conference of the National Board for Certified Counselors (NBCC) is scheduled for May 2016. If board members are interested in attending, they should contact Ms. Lang.

Discipline Report

Ms. Lang provided a detailed discipline report (Attachment B).

Ms. Lang advised that the 2015 CE Audit will take place once the Discipline Case Specialist has been chosen.

In an effort to save money for the Board, save staff time, and for security purposes, the Board of Counseling is "going green". Laptops have been purchased for board members to use while attending board meetings and discipline hearings. A new process for probable cause review has already been implemented and the laptops are an addition to this process.

NEW BUSINESS

Proposed Meeting Dates -2016

Ms. Lang provided the following proposed meeting dates. She asked board members to contact her as soon as possible, if they are unavailable on the proposed dates.

Regulatory Committee Meetings

Thursday, February 11, 2016
Thursday, May, 19, 2016
Thursday, August 18, 2016
Thursday, November 3, 2016

Quarterly Board Meetings

Friday, February 12, 2016
Friday, May, 20, 2016
Friday, August 19, 2016
Friday, November 4, 2016

OLD BUSINESS

Supervision Summit

The Board plans to host a summit in early spring of 2016 for supervisors.

More information will be presented at a later date.

**SANCTIONING REFERENCE
POINT REPORT**

Neal Kauder, President of Visual Research, Inc. provided a brief review of the Behavioral Sciences Boards Sanction Reference Point study. The study background and purpose is to make sanctioning more predictable, be an educational tool for new board members, to add empirical elements to a process, a resource for staff and attorneys, to neutralize unwarranted inconsistencies and to help predict future caseloads need for services, terms and etc. A new worksheet was presented to the board for approval. A motion was made by Dr. Keyes to accept the changes in the Sanctioning Reference Points, as presented. The motion was seconded by Ms. Caiella and passed unanimously.

ADJOURN:

The meeting adjourned at 12:40 p.m.

Kevin Doyle, Ed.D., LPC, LSATP
Chairperson

Jaime Hoyle, Esq., DHP Chief Deputy Director,
Acting Executive Director

Virginia Board of Counseling

Licensing Statistics

Current License and Certificate Holders

As of 9/10/2015

TOTAL Current Licenses/Certificates – 7,242

Licensed Professional Counselor	3,613	Current Active
	54	Current Inactive
	472	Current Active (out-of-state)
	49	Current Inactive (out-of-state)
Total LPC Licensees	4,188	
Licensed Marriage and Family Therapist	697	Current Active
	15	Current Inactive
	95	Current Active (out-of-state)
	18	Current Inactive (out-of-state)
Total LMFT Licensees	825	
Licensed Substance Abuse Treatment Practitioner	153	Current Active
	1	Current Inactive
	14	Current Active (out-of-state)
	2	Current Inactive (out-of-state)
Total LSATP Licensees	170	
Certified Substance Abuse Counselor	1,458	Current Active
	154	Current Active (out-of-state)
Total CSAC Certificates	1,612	
Certified Substance Abuse Counseling Assistant	148	Current Active
	13	Current Active (out-of-state)
Total CSAC-A Certificates	161	
Certified Rehabilitation Provider	222	Current Active
	64	Current Active (out-of-state)
Total CRP Certificates	286	

Renewals

7/1/2015 – 06/30/2015

Total Renewals – 6,460

Licensed Professional Counselor	3,822
Licensed Marriage and Family Therapist	772
Licensed Substance Abuse Treatment Practitioner	166
Certified Substance Abuse Counselor	1,573
Certified Substance Abuse Counseling Assistant	127

Licenses/Registrations Issued

05/01/2015 – 09/09/2015

Total Licenses/Approvals Issued - 935

Licensed Professional Counselor	150 Licenses Issued
	520 Supervision Approvals Issued
	154 Exam Approvals Issued
Licensed Marriage and Family Therapist	14 Licenses Issued
	18 Supervision Approvals Issued
Licensed Substance Abuse Treatment Practitioner	0 Licenses Issued
	0 Supervision Approvals Issued
Certified Substance Abuse Counselor	34 Certificates Issued
	20 Supervision Approvals Issued
Certified Substance Abuse Counseling Assistant	25 Certificates Issued
Certified Rehabilitation Provider	0 Certificates Issued

Applications Received for Licensure/Supervision

05/01/2015 – 09/09/2015

Total Applications/Registrations Received – 843

Licensed Professional Counselor	202 Applications for Licensure/Exam
	533 Registration Requests
Licensed Marriage and Family Therapist	18 Applications for Licensure/Exam
	25 Registration Requests
Licensed Substance Abuse Treatment Practitioner	3 Applications for Licensure/Exam
Certified Substance Abuse Counselor	39 Applications for Licensure/Exam
	12 Registration Requests
Certified Substance Abuse Counseling Assistant	11 Applications for Licensure/Exam

Virginia Board of Counseling

Discipline Statistics

As of 9/10/2015

Case Status

Cases Received
05/01/2015 – 09/10/2015

42

Cases Closed
05/01/2015 – 09/10/2015

49

Open Cases
As of 09/10/2015

87

Open Cases consist of the following:

<u>Stage of Process</u>	<u># of Cases</u>
Probable Cause Review	60
In Enforcement for active investigation	27
In APD for processing (IFC, FH, or Consent Order)	8
Compliance Monitoring for licensees following a board order	8

2014 CE Audit

<u>License Type</u>	<u>Total Licensees Audited</u>	<u>Total Licensees in Non-compliance</u>
Licensed Professional Counselor	38	1
Licensed Marriage and Family Therapist	8	0
Licensed Substance Abuse Treatment Practitioner	2	0