

West Virginia Board of Examiners in Counseling
Minutes: April 2, 2004

- Time and Place: The West Virginia Board of Examiners in Counseling met April 2, 2004 at the South Charleston Campus of Marshall University.
- Board Members Present: John Charonko, Chair
Donna Evans, Board Member
Deborah Frost, Board Member
John Niles, Secretary
Bob Rubenstein, Board Member
Dave Srebalus, Board Member
- Others Present: Jean Ann Johnson
(Not present For Complaint proceedings or case review:
Tony Onorato)
- Quorum Established: The meeting was called to order at 9:38 a.m. A quorum was established.
- Approval of the Minutes: January 9, 2004 Minutes approved. M/P (Rubenstein).
March 15, 2004 Minutes approved. M/P (Srebalus).
- Procedural Rule for Conducting Board Meetings: The Board reviewed the "Procedural Rule: Open Meetings and Bylaws" of the West Virginia Board of Examiners for Licensed Practical Nurses. Seeing that such a Rule would help the WVBE focus on necessary business, Board members made suggestions for a draft adapted to this Board's situation. The Executive Director will prepare a revised Rule to check with our Assistant Attorney General and to bring to the next meeting for approval. (A letter of appreciation will be sent to the Executive Secretary of the nursing board.) M/S/P (Frost/Rubenstein).
- QRP Code of Ethics: Deborah Frost shared her letter to the general counsel of the West Virginia Workers' Compensation Division expressing concern over the lack of a consistent Code of Ethics to apply to all qualified rehabilitation professionals.
- Credentialing: New licenses were approved for Jane Dufourny and Rhonda Livingston. M/S/P (Srebalus/Rubenstein).
- Executive Director's Report: The Executive Director reported that the Board's account balance on February 29, 2004, was \$83,089.35. Our next year's budget is to be submitted by May 3, 2004. Arrangements are on schedule for the National Counselor Examination to be given on April 10, 2004. The proposed emergency Rule authorizing a renewal fee in the amount of \$150 (Senate Bill # 399) is

proceeding. The Board approved the hiring of a new part-time assistant. M/S/P (Rubenstein/Srebalus).

P-Card Approval:

The auditor of the West Virginia P-Card Division is approving our monthly usage reports. The Board voted to review P-Card use annually. M/S/P (Frost/Evans).

Continuing Education Review:

The Board agreed to approve a continuing education credit for attending a particular workshop.

Procedure for Reviewing
Complaints:

Members discussed and made revisions in a draft of "procedures to follow when processing a complaint." The Board then approved the revised version; it will be sent to our Assistant Attorney General for review. M/S/P (Frost/Niles).

Complaint Investigation Report
Form:

Deborah Frost presented a draft format to be used by investigative committees when they report their investigation of complaints to the Board. After discussion, she agreed to make revisions in the draft.

Counseling without a License:

Board members reviewed the definition of counseling in West Virginia law and our legislative rule in connection with possible cases of counseling without a license. The Board noted that a formal complaint is necessary in order to begin the complaint process.

Areas of Competence:

The Board discussed possible areas of expertise or specialization that might appear in advertising or an association listing. These might vary from the specific areas of competence that comprise each counselor's professional disclosure statement. The Board decided to ask our Executive Director to inform the West Virginia Licensed Professional Counselors Association (WVLPACA) that the Board wishes to review and possibly revise the listed areas of competence in our legislative rule, and the Board welcomes input from the association's members. M/S/P (Srebalus/Frost).

Mailing List:

The Mountain State Counselors Alliance may purchase the WVBEAC mailing list in order to send letters in a membership drive; these letters are to make clear that they are sent by the Alliance and not by the Board. M/S/P (Srebalus/Rubenstein).

Claim of Ph.D.:

The use of the title "Dr." may be used by an LPC only if the degree is from an accredited institution, in accordance with the ACA Code of Ethics & Standards of Practice.

Possible Rule Changes:

The Board received material from the WVLPACA on instituting changes in the Legislative Rule governing licensing

requirements (to 60 hours of academic preparation and 3000 hours of supervision). There was initial discussion of bringing along currently licensed counselors to meet the more demanding standards. This could involve translating Continuing Education Credits into academic hours. After a degree was completed and the supervision arranged and approved, a person could apply for a 2-year provisional license. One NBCC exam failure would be allowed and no CEU's would be required during this period.

Supervisory Fees: The next Board meeting will include discussion of supervisory fees.

Enter Executive Session: The Board entered Executive Session. M/S/P (Frost/Evans). The Board discussed several cases and took necessary actions.

Exit Executive Session: The Board exited Executive Session. M/S/P (Rubenstein/Srebalus).

Complaint Summary

Case #09-04: The Complaint Review Committee (Donna Evans and Dave Srebalus) reported on their review of a complaint against an LPC. Accepting the committee's recommendation, the Board dismissed the complaint. M/S/P (Rubenstein/Frost).

Case #04-04: The Complaint Review Committee (Dave Srebalus and John Niles) recommended this complaint be dismissed. The investigative committee did find that the LPC had made an error in billing, but the client had been adequately reimbursed. The Board voted to dismiss this complaint. M/S/P (Frost/Rubenstein).

Case #06-04: There was a self-report by a mental health agency on a staff LPC, who admitted a violation of confidentiality. The agency instituted proper corrective measures. The Board decided that no further action was required. M/S/P (Niles/Frost).

Case #02-04: The Board voted to ask the Assistant Attorney General to send a Statement of Charges to the licensee. The Statement of Charges is to include violations in the following areas: (1) Dual Relationships, according to the ACA Code of Ethics and Standards of Practice, A.6.a; (2) Sexual Intimacies With Clients, according to ACA A.7.b as well as Legislative Rule 27-1-11.1.1 and 27-1-11.4; (3) Credentials, according to ACA C.4.a and C.4.d, as well as Legislative Rule 27-1-11.1.5 and 27-1-16.3; and (4) Public Responsibility, according to ACA C.5.c. The Board intends revocation of license; reapplication could be made after two years, with approval dependent on the

applicant's agreeing to prescribed counseling and supervision.
M/S/P (Srebalus/Frost).

Adjournment:

The meeting adjourned at 4:00 p.m. M/S/P (Frost/Evans).

Respectfully submitted,

John H. Niles, Secretary