

Minutes

October 28, 2005

- Time and Place: The West Virginia Board of Examiners in Counseling met October 28, 2005 at the South Charleston Campus of Marshall University.
- Board Members Present: Deborah Frost, Chair  
Adrienne Biesmeyer, Board Member  
John Charonko, Board Member  
Donna Evans, Board Member  
John Niles, Secretary  
Dave Srebalus, Board Member  
(No current Member was absent.)
- Others Present: Jean Ann Johnson, Executive Director  
Karen O. Thornton, WV Assistant Attorney General  
(Not present for Complaint proceedings or case review:  
Lew Brewer, WV Ethics Commission; Tony Onorato;  
Chris Schimmel; Ruth Stitt)
- Quorum Established: The meeting was called to order at 9:15 a.m. A quorum was established.
- Guest Procedure: Procedures for guests at the Board's meetings were discussed. Guests will sign in. They will have the opportunity to speak when specifically addressed and asked for input by the Board. Guests may also speak during a public comment period late in the meeting. The Board will later determine how long a guest may speak.
- Approval of Minutes: July 21, 2005 Minutes were approved. M/P (Charonko).
- Credit for Attendance: The question of whether contact hours are earned for attending Board meetings was discussed. The Board reaffirmed that attendance at a Board meeting does not count as continuing professional education, except credit may be given for the length of a presentation of educational value made during such a meeting.
- Meeting Dates for 2006: The Board set the following dates for regular meetings in 2006: January 13, April 21, July 21, and October 20.
- Credentialing: The Credentialing Committee recommended fourteen applicants for licensure. The Board approved new licenses for Laura Jackson, Lisa Cline, Heidi Fields, Mollie Haught, Lisa Stambaugh, Denise Halterman, Tina Matthews, John

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Stringfellow, Cathy Dheel, Waynnie Mok, Dallas  
Campbell, Alisha Flesher, Kirsten Coit, and Debbie  
Leonhardt. M/S/P (Srebalus/Frost).

- Travel Forms: Travel forms were distributed and signed.
- P-Card Approval: The Board approved the P-Card records for July through September of 2005. M/S/P (Srebalus/Evans).
- LPC Use of Terms: A report on supervision, which had been required in the settlement of a case, raised the issue of the terms “psychotherapy” and “psychotherapist.” Discussion produced agreement that LPC’s are not to use these terms with reference to themselves or their practice.
- Open Meetings Law: Lew Brewer, Executive Director of the WV Ethics Commission, briefed the Board on the requirements of our state’s Open Governmental Proceedings Act (WV Code, Article 6-9A-1 through 12). Highlights included how to give sufficient public notice of upcoming meetings and making available a clear agenda in advance. The Board and Mr. Brewer gave particular attention to matters that necessitate going into executive session. An agency is to specify the reason according to the state’s Code for entering such a closed session. Most often applicable to this Board’s business would be 6-9A-4(b)(4) to deny, suspend or revoke a license; or 6-9A-4(b)(6) to discuss material the disclosure of which would constitute an invasion of an individual’s privacy.
- Executive Director’s Report: The Executive Director reported that the Board’s Annual Report (on paper and disk) was mailed on September 9, 2005 to the five agencies required by law.
- CLEAR training in the investigation and handling of complaints against licensees is being offered in Charleston. The Board approved funds to send our four investigators and executive director to the training. M/S/P (Srebalus/Niles).
- The Governor may act by December 1 on appointment of members to the Board.
- Jean Ann reported that the Board’s account balance on September 30, 2005 was \$129,415.18. She talked about the different services from the state that were previously not

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billed like the Dept. of Administration, IS &C and the AG's office.

Jean Ann reported that she attended the Annual Auditor's meeting September 8, 2005. There was discussion of items suggested by PERD evaluations of regulatory boards. She reported that the Board is required to check the database of the Unemployment Compensation/Worker Compensation for LPC in private practice for individuals in default. Jean Ann stated that the names have been checked and no one was in default. The Board talked about doing sample audits of contact hours, rather than having each applicant for renewal proof of all continuing education every two years. Also discussed were how to grant extensions of time needed to obtain needed contact hours and the need to define a "lapsed" license. In order to prepare a more complete discussion of Series 3 (Continuing Education) at a future Board meeting, Deborah appointed a task group of Adrienne Biesmeyer, John Charonko, Jean Ann Johnson, and herself.

The Board decided to list licensees' city alongside their name on our Website. M/S/P (Srebalus/Charonko).

Enter Executive Session: The Chair announced that the Board needed to enter executive session in accord with WV Code 6-9A-4(b)(4) possible license suspension, and 6-9A-4(b)(6) possible invasion of privacy. The Board voted to enter executive session. M/S/P (Frost/Srebalus). The Board then held preliminary discussion on seven cases.

Exit Executive Session: The Board exited executive session. M/S/P (Charonko/Evans).

**Complaint Summary:**

Case #08-05: Licensee has signed a Consent Agreement. The Board will identify its preferred person to provide supervision.

Case #05-05: The Board asks that the Assistant Attorney General prepare and send Notice, Statement of Charges, and Consent Agreement to the licensee that she will not apply for renewal of license. M/S/P (Evans/Frost). Niles and Srebalus, as members of the Complaint Review Committee, abstained from voting.

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- Case #06-05: There are grounds for disciplinary action in terms of breach of confidentiality and advertising as a psychotherapist rather than as an LPC. The Assistant Attorney General will prepare and send Notice, Statement of Charges, and Consent Agreement. Suspension of license will be stayed on condition that: licensee be under supervision of a supervisor not previously known to him, he earns a grade of B or better (or Pass) in a full semester ethics course, all publicity is changed to specify only LPC credentials. M/S/P (Frost/Charonko). Srebalus, because of previous knowledge of the complaint, abstained from voting. Biesmeyer and Evans, as members of the Complaint Review Committee, abstained from voting.
- Case #07-05: The Board determined that there was no probable cause of violations and, therefore, no grounds for disciplinary action. M/S/P (Biesmeyer/Frost). Charonko and Niles, as members of the Complaint Review Committee, abstained from voting.
- Case #03-06: The Board determined that there was no probable cause of violations and, therefore, no grounds for disciplinary action. M/S/P (Biesmeyer/Frost). Charonko and Niles, as members of the Complaint Review Committee, abstained from voting.
- Case #09-05: The Board will ask its investigators to obtain more information. We shall send the licensee a letter warning that his actions regarding the complaint might be considered non-cooperation with an investigation under the ACA Code of Ethics. M/S/P (Srebalus/Frost). Niles abstained from voting. Charonko and Evans, as members of the Complaint Review Committee, abstained from voting.
- Case #02-06: The Board asks the Assistant Attorney General to prepare Notice, Statement of Charges, and Consent Agreement. License is revoked for three years. Reapplication may be made on condition that: the person is found to be drug-free; she have continuous counseling; she regularly attend Narcotics Anonymous group meetings; and she have no criminal convictions. M/S/P (Niles/Evans). Biesmeyer and Frost, as members of the Complaint Review Committee, abstained from voting.

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- New Code of Ethics: Ruth Stitt made a presentation and led a discussion on the 2005 ACA Code of Ethics. A number of changes have been made.
- Initial Application Form: After reviewing several complaints, it was noted that the applicant application should have more detailed questions. Board Member Dave Srebalus volunteered to consider possible changes in the licensure application form, in preparation for a discussion at the January Board meeting.
- Continuing Education: The Executive Director consulted the Board for guidance on several particular cases involving contact hours in continuing education. The Board discussed and decided the allocation of credit hours.
- Question on Life Coach: A former licensee now under a Consent Agreement asks if he is free to work as a Life Coach. We shall reply that the board is not able to make this decision for him.
- Series 1 Rule: There was preliminary discussion on reduced license status such as "retired" or "inactive," and on allowing courses for other than three credit hours for some counseling areas.
- Complaint Procedures: The Board reviewed Senate Bill 737. The Board decided to authorize its complaint review committees to make decisions on questions arising from signed Consent Agreements. M/S/P (Frost/Srebalus).
- There is need for more investigators, so three persons will be asked to serve.
- Executive Director's Hours: The paid hours of the Executive Director will be increased from thirty to thirty-five hours, beginning November 1, 2005. M/S/P (Frost/Srebalus).
- Adjournment: The meeting adjourned at 5:00 p.m. M/S/P (Biesmeyer/Niles).

Respectfully submitted,

John H. Niles, Secretary