

West Virginia Board of Examiners in Counseling
Minutes
October 20, 2006

- Time and Place: The West Virginia Board of Examiners in Counseling met October 20, 2006 at the South Charleston Campus of Marshall University.
- Board Members Present: John Charonko, President
Adrienne Biesmeyer, Board Member
Donna Evans, Board Member
Deborah Frost, Board Member
Robert Masson, Board Member
John Niles, Secretary
Chris Schimmel, Board Member
(No current Member was absent.)
- Others Present: Jean Ann Johnson, Executive Director
Debra L. Hamilton, WV Deputy Attorney General
(Not present for Complaint proceedings or case review:
Elizabeth Crawford, Tony Onorato, and Lawrence Smith)
- Quorum Established: The meeting was called to order at 10:23 a.m. A quorum was established.
- Approval of Minutes: July 21, 2006 Minutes were approved. M/P (Biesemeyer).
- Travel Forms: Travel forms were distributed and signed.
- P-Card Approval: Having been examined and signed by the Chair, the P-Card records for July through October of 2006 were approved by the Board. M/S/P (Niles/Frost).
- Term Psychotherapy: The Board discussed use of the terms psychotherapy and psychotherapist in connection with advertising, practice, and billing by LPC's. The Board will be open to suggestions on this matter from the state counselors' association at the Board's next meeting.
- Rule Changes: The Senate Finance Committee's meeting on October 17, 2006 elicited comments regarding the Board's proposed Rule changes that were submitted June 27, 2006. Series 3, License Renewal and Continuing Professional Education Requirements, is likely

to proceed as proposed. The Board decided that the proposed Rule 1, Licensing Rule, should be changed to preserve the licenses of counselors who have less than Bachelors-level degrees and who were licensed under the original legislation that established the WVBECC; the Board asked the Executive Director to work with legislative staff to develop the necessary language. M/S/P (Frost/Biesmeyer).

- Board Appointments:** The Executive Director clarified the terms of members currently serving on the Board. The Board noted when new appointments will need to be made.
- 2007 Meeting Dates:** The Board set its planned meeting dates as follows:
 February 12, Monday (possibly continuing into the 13th)
 April 16, Monday
 July 20, Friday
 October 15, Monday
- Credentialing:** The Credentialing Committee recommended ten applicants for licensure. The Board approved new licenses for Kimberly Gustin, Roger Higginbotham, Regina Inghram, Jean Kurtz, Ann Martin, Jane Owens-Welch, Douglas Pfeifer, Lawrence Uman, and Nichole Webb. M/S/P (Schimmel/Evans).
- Portability Plan:** Discussion of a portability plan for the National Credentials Registry was postponed to the Board's next meeting.
- Supervision Reports:** The Board instructed the Executive Director to bring supervisory reports on persons under disciplinary action to Board meetings for review as deemed necessary.
- Marriage and Family:** The Board reviewed issues in the area of marriage and family counseling.
- Questions from LPC's:** An email question from Connecticut involves internet-based counseling of West Virginians. The Board discussed such related factors as full disclosure to clients and laws for doing business in our state. Chris Schimmel will consult the American Counseling Association, and the inquirer will be informed that we are investigating the matter.
- Enter Executive Session:** The Chair announced that the Board needed to enter executive session in accord with WV Code 6-9A-4(b)(6) possible invasion of privacy. The Board voted to enter executive session. M/S/P (Niles/Biesmeyer). The Board then reviewed Supervision Reports of two persons under disciplinary action.

- Exit Executive Session:** The Board exited Executive Session. M/S/P (Frost/Masson). The Board instructed the Executive Director to tell one person under discipline to resubmit Supervisory Reports that will accord completely with the existing Consent Agreement.
- Office Rent:** The Executive Director reported that she has not yet found suitable and affordable office space to replace the current arrangement. She will continue the search.
- Executive Director's Report:** All our attendees at the May CLEAR event received certificates stating that they passed the exam for the National Certified Investigator/Inspector Training Basic Program.
- Seventeen applicants in West Virginia are scheduled to take the upcoming National Counselor Exam.
- The Board's account balance on October 18, 2006 was approximately \$71,465.49. Financial documents for July through September of 2006 were available for review.
- Annual Report:** The WVBEC Annual Report has been prepared in both paper and CD form. The Board reviewed the report and expressed thanks to the Executive Director for the excellent presentation. The Board approved the report. M/S/P (Frost/Niles). The President and Secretary signed it, and it will be submitted to the Governor, House clerk, Senate clerk, Secretary of State, and Archives.
- Applicants and ALPS:** Applicants for licensure are required to have 50% or more of their supervised experience in the area of direct client services. The Board decided that the new computerized quarterly reports will group components of counseling experience that may qualify as direct client services. The standard application will name a required minimum proportion of experience in direct client services. The Credentialing Committee will develop the necessary wording.
- Regarding applicants not in compliance with the Legislative Rule 27-1-6.2.b on supervision, the Board directed that they receive credit only for experience that is properly supervised, that is, one hour of supervision for twenty hours of counseling. A letter sent to all ALPS will note lack of compliance with this requirement in the past and will emphasize their responsibility to ensure that the requirement is met. M/S/P (Schimmel/Masson). The Chair asked the Deputy Attorney

General to work with counsel for legislative rulemaking to make clear this requirement.

Executive Director's
Report (continued):

The Board noted the Executive Director's increasing workload and voted to authorize her payment for forty hours a week. M/S/P (Charonko/Biesmeyer).

Board members examined paper copies of our new Complaint Database. It has multiple backup.

Freedom of Information:

The Board decided that the packet of material for applicants should state that some information in the application may be made available in response to requests under the Freedom of Information Act.

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 5-9A-4(b)(6) possible invasion of privacy. The Board voted to enter executive session. M/S/P (Schimmel/Biesmeyer). The Board then held preliminary discussion on four cases and reviewed one anonymous letter regarding an LPC.

Exit Executive Session:

The Board exited executive session. M/S/P (Niles/Evans).

Complaint Summary:

Case #09-05:

The hearing was postponed at the request of the LPC.

Case #06-06:

The Board, finding that there was no probable cause of violations, dismissed the complaint. M/S/P (Evans/Biesmeyer). Niles and Frost, as members of the Complaint Review Committee, abstained from voting.

Case #04-06:

The Board, finding that the subject of the complaint is not an LPC and is exempt under our Rule, dismissed the complaint. M/S/P (Charonko/Niles). Frost and Biesmeyer, as members of the Complaint Review Committee, abstained from voting. Our counsel was asked to write letters to the complainant and to the LPC who leases space to the person named in the complaint.

Case #07-06:

The Board determined that there is probable cause of violations of the Code of Ethics clauses on Respect for Confidentiality and on Danger and Legal Requirements. The Consent Agreement will include specified course work, a period of supervision, and

quarterly supervision reports to the Board. M/S/P (Masson/Frost). Niles and Schimmel, as members of the Complaint Review Committee, abstained from voting.

Series 5: The Deputy Attorney General presented some ideas for improved complaint procedures that may require proposing some changes in Series 5 (Disciplinary and Complaint Procedures for Counselors) of the Board's legislative Rule.

Adjournment: The meeting adjourned at 4:10 p.m. M/S/P (Schimmel/Niles).

Respectfully submitted,

John H. Niles, Secretary