West Virginia Board of Examiners in Counseling Board
815 Quarrier Street, Suite 212
Charleston, WV 25301
Telephone: (304) 558-5494 Fax: (304) 558-5496

Meeting Minutes
FRIDAY, FEBRUARY 15, 2018 @ 10:00 AM – 3:00 PM

The WV Board of Examiners in Counseling held a formal Board meeting on February 15, 2018 in Charleston, WV. The meeting was called to order at 10:08 AM.

Board Members Present:
Lori Ellison, Chair
Beth Wright Bragg, Secretary (Present for the first portion of the meeting and left during the executive session after the lunch break and did not return.)
Chris Schimmel
Lisa Westfall
Marilyn Cassis
Jeff Jones
Guy Gage

Others Present:
Roxanne Clay, Executive Director
Michael Bevers, Attorney General Representative

Quorum Established:
A quorum was established.

Public Comment:
No one appeared before the board for public comment.

A motion was made to enter executive session (10:09 AM). (M/S/P: Gage/Jones)

Licensee Complaints –

New Complaint Case(s):

Case # 01-18 (Received 7/6/2017, 18-month mark – 1/6/2019) The nature of this complaint includes claims of negligence by the LPC as it relates to knowledge of and compliance with standards, practicing outside boundaries of competence, practicing in a new specialty area without proper training or education, lack of consultation on ethical obligations and a lack of respect for confidentiality.
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Case # 06-18 (Received 9/11/2017, 18-month mark – 3/11/2019) The nature of this complaint includes allegations that an LPC engaged in online blog comments in which the LPC identified as a professional counselor and proceeded to give professional advice, however, this advice and commentary was not solicited by the blogger and the blogger was offended and very upset with the comments made by the LPC.

Case # 04-18 (Received 8/31/2017, 18-month mark – 3/1/2019) The nature of this complaint includes allegations that the LPC refused to release client records to the client when requested.

Case # 03-18 (Received 8/21/2017, 18-month mark – 2/21/2019) The Board initiated a complaint against a provisionally licensed counselor after receiving information that alleged the licensee was inappropriately involved with a previous client.

Exit executive session to break for lunch (12:07PM). (M/S/P: Cassis/Jones)

Enter executive session (12:47PM). (M/S/P: Cassis/Jones)

Licensee Complaints continued:

Miscellaneous Inquiry - Report by ED regarding case that was received yet it was determined by the AG & ED representative that it was not within the jurisdiction of the Board.

Matter related to a Non-licensed individual – It was reported to the Board that an unlicensed individual was listed on the NPI registry and the listing included outdated credentials.

Case # 02-18 (Received 8/10/2017, 18-month mark – 2/10/2019) The nature of this complaint includes allegations that the LPC failed to maintain sufficient and timely documentation of client records.

Exit executive session (2:25PM) (M/S/P: Schimmel/Westfall)

Case # 01-18: Board accepted the recommendation of the Complaint Review Committee and determined there was not sufficient evidence to warrant the Board taking disciplinary action and a motion was made to dismiss the case against the LPC. Additionally, the Board voted to send a letter suggesting the licensee complete additional education and training to address the concerns included in the complaint to include the following areas: a three (3) hour CE Course in Ethics that focuses on Documentation and Protecting Client’s Privacy that will address the issue of record-keeping; a three (3) hour course on LPC Scope of Practice and New Specialty Areas; completion of a three (3) hour CE course
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specific to Sex Offender Treatment if the licensee wishes to work with this population; and completion of Clinical Supervision CE in order to establish clear theoretical and pedagogical foundations for the LPC’s work as an ALPS. (M/S/P: Schimmel/Westfall)  

Case # 02-18: Board concluded that there was a finding of probable cause that the LPC failed to maintain sufficient and timely documentation of client records and therefore violated the ACE Code of Ethics, Section A.1.b. The Board voted to take disciplinary action against the licensee and offer a Consent Agreement to include: probationary period of three (3) months with supervision by a Board – approved supervisor of all casework; the licensee shall engage a Board-approved therapist to complete individual counseling, over a six month period, to address the importance of sufficient and timely documentation to facilitate the delivery and continuity of services and address the habitual patterns of procrastination in completing client case notes; and shall reimburse the Board for the costs associated to the investigation and disposition of the case. (M/S/P: Jones/Gage- Cassis abstains)  

Case # 03-18: Board concluded that there was a finding of probable cause that the provisionally licensed counselor was inappropriately involved with a former client and therefore violated the ACA Code of Ethics, Section A.5.c... The Board voted to take disciplinary action against the licensee and offer a Consent Agreement to include; six (6) month suspension period; at the end of the suspension period the licensee shall file a new application for a provisional license and shall complete 3,000 hours of supervised experience; shall engage a Board approved counselor to complete a minimum of six months of individual counseling; and shall reimburse the Board for the costs associated to the investigation and disposition of the case. (M/S/P: Jones/Cassis)  

Case # 04-18 Board found no probable cause and a motion was made to dismiss case against LPC with no further action required. (M/S/P: Cassis/Westfall)  

Case # 06-18 The Board found that there was not sufficient evidence to warrant the Board taking disciplinary action and made a motion for the complaint to be dismissed. However, the complaint and the licensee’s response raised concerns by the Board and a motion was made to send a letter suggesting the LPC complete additional CE to address the specific areas of concern included in the complaint by the Investigator(s) to include the following: virtual professional presence, distance counseling, technology and social media, avoiding harm and personal values. (M/S/P: Jones/Cassis)  

Miscellaneous Inquiry- It was determined by the AG & ED representative that the complaint received was not within the jurisdiction of the Board. The Board decided that a complaint number will not be assigned. For future complaint cases in which it is not clear if the Board has jurisdiction, the ED will present the case to the Board for determination on how to proceed.
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Matter related to a non-licensed individual – ED will send a letter to the individual listed on the NPI registry site.

Financial Committee:

A. Purchasing Card Review – Purchasing Card review was completed and approved for October, November & December 2017. (M/S/P: Schimmel/Westfall)

B. YTD Financial Summary: G. Gage presented the Board with a review of the YTD financial report to include the current cash balance of $232,846. The Board approved the report as presented. (M/S/P: Westfall/Schimmel)

C. CLEAR NCIT Investigator’s Training - R. Clay is coordinating CLEAR NCIT Basic Training to be held in Charleston, WV for Spring 2018. The cost for the Board’s investigative committee members to attend is estimated at $5,700. This includes lodging, travel reimbursement and registration fees. It is anticipated that 5-6 investigators and R. Clay will attend. Monies to pay the costs will be covered by the Annual LPC License Renewal revenue for the LPCs with the 6/30/2018 expiration date.

Personnel Committee:

R. Clay completed A. Shawver’s performance evaluation. Employee exceeds expectations, is an excellent employee and demonstrates a super attitude. PCard holder and coordinator training is planned for Amber over the next few months. The Board will evaluate a potential pay raise for Shawver in Summer 2018.

R Clay has completed her Master’s Degree in December 2017. Personnel Committee will meet with the Finance committee to determine amount of pay raise.

New Business:

CACREP Special Announcement: On 2/9/2018 CACREP Board of Directors announced their decision to delay the implementation of the 60 Semester Credit Hour requirement from 2020 to 2023. The policy reads: “Programs that are currently accredited under the 2001, 2009, or 2016 Standards must comply with 2016 Standard by July 1, 2023. The move to 60 credit hours applies to students entering programs after July 1, 2023.”

Executive Director’s Report:
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Licensee Update:
LPC: 920 current
LPC-Retirement Status: 43
Provisionally Licensed Counselor: 134
Temporary Permit Counselor: 11
LMFT: 6
Provisionally Licensed Marriage & Family Therapists: 2
ALPS: 234

Trainings & Conferences –

Attended:

- 2017 Required Annual Auditor’s Seminar for Chapter 30 Boards was held on November 29, 2017 in Charleston - L. Ellison and R. Clay attended.

- 2018 AASCB Conference was held in January 2018 in San Antonio, TX. L. Ellison, Board Chair and R. Clay, ED attended. R. Clay was presented with a Distinguished Service Award for her commitment and support of AASCB. L. Ellison was elected to serve as Treasurer of AASCB. The Board congratulated both Clay and Ellison.

Upcoming:

- WV Treasurer’s Office, Cash Handling Conference is scheduled for April 24-26, 2018 @ Stonewall Jackson. R. Clay will be attending.

- CLEAR – NCIT Investigator training – If a minimum of 35 attendees are confirmed to participate, the training will be held May 9, 10 & 11, 2018 in Charleston. Most members of the investigative committee & R. Clay will be attending.

- NBCC 2018 State Licensing Boards Mtg. is scheduled for September 19-21, 2018 in Minneapolis, MN. R. Clay will attend and L. Ellison is also willing to attend.
2018 AMFTRB Meeting will be held back to back with the 2018 CLEAR Conference in Philadelphia, PA. – M. Cassis and R. Clay will plan to attend the AMFTRB Meeting.

2018 Required Auditor’s Seminar for Chapter 30 Boards – Date and location TBD.

Annual Report: R. Clay presented to the Board the Annual Report. The report was submitted to the required parties in December 2017.

2018 Legislative Update: The Board reviewed a long list of bills that have been introduced this legislative session. R. Clay will give further updates at the next formal meeting.

Board Appointments:

Board Members:

The Board will request the re-appointment of Lisa Westfall. Chris Schimmel’s appointment will expire on 6/30/2018 and is not eligible for re-appointment. The Board will request Jennifer Randall Reyes as the WVU representative to replace C. Schimmel’s Counselor Educator seat.

Investigative Committee Members:

After many years of dedicated service on the committee, Jean Sutton decided to take a break from conducting investigations for the Board. Also, Warren Watts will continue to assist the committee but does not plan to take the lead in future complaint cases. Discussion took place regarding the need for additional investigative committee members. Suggestions included Tony Onorato and Lisa Zappia. Board will revisit at the next meeting.

Credentialing Committee – The following individuals were approved for licensure:

LPC:
William M. Bauer
Bethany I. Blankenship
William A. Catus
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Margaret E. Falletta
Denise Wagner
Robert Wiseman
Joseph W. Bretz, IV – Reciprocity from OK
Deborah L. Smith – Reciprocity from VA

MFT:
NA

ALPS:
Stewart L. Anderson – Greenbrier County
Buddy A. Dunkley, Jr. – Kanawha
Regina M. Martin – Putnam
Shannon R. May – Mercer
Kathy D. Wyrick – Mercer

Motion to accept. M/S/P (Westfall/Jones)

Board Elections – tabled until next formal meeting.

Board meeting date for April 20 & October 26, 2018 – Board will keep both dates on the schedule. The Board added an additional meeting for March 29, 2018 to review licensee complaint case(s).

Adjourn

A motion to adjourn was made at 4:11PM. (M/S/P: Schimmel/Westfall)

Respectfully Submitted,

[Signature]
Christine Schimmel, LPC

-And-

[Signature]
Roxanne Clay, MA