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

Meeting Minutes  
FRIDAY, JUNE 21, 2019 @ 9:00 AM – 4:00 PM

The WV Board of Examiners in Counseling held a board meeting on June 21, 2019 in Sutton, WV. The meeting was called to order at 9:15 AM.

Board Members Present:  
Guy Gage, Chair  
Marilyn Cassis, Secretary  
Lori Ellison  
Jeff Jones  
Regina Burgess  
Anthony Onorato  
Lisa Westfall

Others Present:  
Roxanne Clay, Executive Director  
Keith Fisher, Attorney General Representative (by phone during Complaint Committee, Credentialing Committee and ED Report)

Quorum Established:  
A quorum was established.

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

Travel - Members completed travel expense account settlement forms

Approval of Minutes:  
Draft minutes were distributed for review prior to the meeting. A motion was made to dispense with the reading of the following minutes and approve as distributed/printed for the March 1 and May 3, 2019 meetings. (M/S/P: Jones/Cassis)
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Executive Director Report

Licensee Update –

LPC: 1032 current
LPC-Retirement Status: 39
Provisionally Licensed Counselor: 113
Temporary Permit Counselor: 10
LMFT: 8
Provisionally Licensed Marriage & Family Therapists: 2
Temporary Permit Marriage & Family Therapist: 0
ALPS: 260

2019 Trainings, Conferences and Presentations –

Attended since last formal Board meeting (3/1/2019):

- February 19-21, 2019 – CLEAR Specialized Training @ Lexington, KY – Investigator, Jeane Anne Herscher completed the training.
- 4/17/2019 – Presentation - R. Clay presented the steps to LPC application and licensure at WVU, graduate internship students.
- April 30 – May 2, 2019 – WV Treasurer’s Office – Annual Cash Handling Conference. R. Clay attended.

Upcoming

- August 7-9, 2019 – AASCB/NBCC Summit in Washington, DC. L. Ellison will attend on behalf of AASCB, Treasurer position.
- September 17-18, 2019 – AMFTRB Annual Meeting @ Minneapolis, MN. Attendance TBD.
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- November 2019 – Required Annual Auditor’s Seminar for Chapter 30 Boards. Board Chair and ED are required to attend annually. Each Board member shall attend at least once during each term. A. Shawver will attend.

2019 Legislative Session – ED reported the following bills were passed and signed by the Governor: HB 109 (1st Special Session 2019), HB 118 (Passed 1st Special Session 2019), SB 119, SB 330, SB 396, HB 2204, HB 2324, HB 2510 HB 3132.

SB 396- Series 13 Proposed Rule Addition – Public Comment Period ending July 10, 2019 – Ed reported, one comment in support of the rule addition has been received.

Motion was made to allow staff to file ‘Agency Approved’ proposed rules if no additional comments are received through the end of the public comment period. Deadline to file is July 26, 2019. (M/S/P: Jones/Ellison)

2019 Licensee Renewal – ED Reported that LPC and LMFT ‘Annual’ license renewal submissions started Mid-March as all licenses expire 6/30/2019. The reporting of completed CE is due this cycle for the LPC, whereas, the LMFT will report CE at the 2020 renewal cycle.

Board Appointments – Status- ED reported the Board is awaiting appointments by the Governor’s office.

WV Purchasing Inspection FY2018 – Results – ED presented the Board with the inspection report provided by the WV Purchasing Division. Overall Agency score = 92.4% - A.

HB4236 – Real Property Reporting Requirement to include leases by Boards – ED reported this requirement was completed on 5/9/2019.

SB 271 – Data for Shared Services Request – Ed reported this requirement was completed and submitted on June 7, 2019.

Mental Hygiene Examinations – 2018 SB603 inclusion of LPC – An inquiry by a licensed psychologist that conducts training related to the mental hygiene process contacted the board and noted the form provided by Supreme Court of Appeals needs updated to include the LPC. Also, he inquired as to if the board has set requirements for the LPC to conduct the mental hygiene examinations. Board specifies no additional requirements.
Complaint procedures -

Project to draft a new Investigative Report Template and the investigator checklist:
Status is ongoing.

Recusal process when conflicts exist for BM & IC members: Discussion took place.

Enter Executive Session: (M/S/P: Cassis/Ellison) 10:16am

Complaint Committee –

Currently Monitored or Pending Cases:

Case #08-18 – (Received 11/14/2017, 18-month mark – 5/13/2019) Licensee has fulfilled the terms included in the Consent Agreement and Order. (J. Jones Recusal when status update was provided.)

Case #02-19 – (Received 8/6/2018, 18-month mark – 2/5/2020) K. Fisher was notified by the Summer’s County Prosecuting Attorney’s Office that the licensee passed away on May 12, 2019.

Case #11-18 – (Received 1/25/2018, 18-month mark – 7/24/2019) Currently fulfilling terms outlined in the Consent Agreement and Order.

Case #01-19 (Received 7/2/2018, 18-month mark – 1/1/2020) – Board received signed Consent Agreement by the licensee. Upon payment of the administrative costs, will have met all terms.

Case #14-18 (Received 6/19/2018, 18-month mark – 12/18/2019) – Consent Agreement terms have been fulfilled by the licensee.

Case #06-19 (Board initiated 3/1/2019, 18-month mark – 8/31/2020) – Currently under investigation.

New Complaint Cases:

Case #03-19 (Received 9/20/2018, 18-month mark – 3/19/2020) – Complaint against a licensee alleging violations of the ACA Code of Ethics.
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Case #04-19 (received 1/25/2019, 18-month mark – 7/24/2020) – Complaint against a licensee alleging violations of the ACA Code of Ethics.

Exit Executive Session: (M/S/P: Ellison/Gage) 12:08pm

Case #08-18 – (Received 11/14/2017, 18-month mark – 5/13/2019) (J. Jones Recusal when status update was provided.) Motion made to close case. (M/S/P: Onorato/Cassis)

Case #02-19 – (Received 8/6/2018, 18-month mark – 2/5/2020) K. Fisher was notified by the Summer’s County Prosecuting Attorney’s Office that the licensee passed away on May 12, 2019. Motion made to close case. (M/S/P: Cassis/Ellison)

Case #14-18 (Received 6/19/2018, 18-month mark – 12/18/2019) – Consent Agreement terms have been fulfilled by the licensee. Motion made to close case. (M/S/P: Jones/Cassis)

New Complaint Cases:

Case #03-19 (Received 9/20/2018, 18-month mark – 3/19/2020) – Board determined the following ACA Code sections were violated: A.5.c, A.4.a, A.1.a, A.1.b. C.1.. The Board voted to issue a consent agreement and order to include the following disciplinary action: Six (6) month suspension, to include immediate twelve (12) months of corrective supervision, revocation of ALPS credential for five (5) years (after which licensee may re-apply for ALPS credential), and reimburse the administrative and legal costs incurred by the Board within 60 days of the entry of the Order. (M/S/P: Ellison/Jones)

Case #04-19 (received 1/25/2019, 18-month mark – 7/24/2020) – Board accepted the complaint committee’s recommendation and determined no probable cause and voted to dismiss the case. (M/S/P: Jones/Ellison)

Credentialing Committee – The following individuals were approved for licensure:

LPC:
Jennifer Adams
Sarah Baumgardener
Carla D. Bensie
Kathy Lynn Collins
Erin Duff
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Jamie Teresa Gonzalez Rice  
Ashlee Heberger  
Felicia M. Hooper  
Kimberly Massie  
Anna Shaffer  
Emily Nicole Woods  
Melissa Parsley  
Anna M. Klosek – Endorsement from NC

MFT:  
None

New ALPS  
Lee Austin Alban -*State-OH  
Christie A. Eastman - Cabell  
Samantha A. Foose - Mason  
Hope K. Hartz - Kanawha  
Layne M. Hitchcock - Monongalia  
Mitzi R. Sprigg - Harrison  
Wendy P. Young - Wood

A motion was made to accept the above list LPCs and ALPS. (M/S/P: Jones/Onorato)

ALPS Supervisor Concern – Credentialing Committee informed the Board of their concerns related to an ALPS who terminated the supervisory relationship with a provisionally licensed counselor before a replacement ALPS was in place which left the supervisee without ALPS supervision for a significant length of time. Additionally, toward the end of the supervision, ALPS was not meeting with the supervisee as required. The Board accepted the committee’s recommendations and motioned to initiate an investigation into this matter. (M/S/P: Westfall/Onorato)

Concern related to an LPC identifying themselves as a Doctor- Credentialing Committee informed the Board of their concerns related to an LPC identifying himself as a “Doctor”. The committee recommended and the Board motioned to initiate an investigation into this matter. (M/S/P: Westfall/Jones)
NADA Ear Acupuncture/Beads and Seeds & Amino Acid/Nutrition – Informed Consent -
Discussion took place regarding the inclusion of the practice of NADA Ear Acupuncture/Beads 
and Seeds & Amino Acid/Nutrition within the Informed Consent document for providing 
counseling/therapy services. L. Ellison will draft a statement for the AG’s and Board’s review.

Financial Committee:

Purchasing Card Review: Review was completed and Board approved the following PCard 
statements: R. Clay – February, March, April, May & June 2019, and A. Shawver – February, 
March, April, May & June 2019. (M/S/P: Cassis/Burgess)

YTD Financial Summary ending May 31, 2019: J. Jones presented the Board with a review of the 
YTD financial summary. The Board approved the report as presented. (M/S/P: Cassis/Onorato)

FY2020 Expenditure Schedule – J. Jones reported the FY2020 Budget that was presented at the 
May 3, 2019 Board meeting has been submitted. Board determined no further changes need to 
be made at this time. (M/S/P: Cassis/Onorato)

Distance Counseling/Mobility Committee –

Guidance for the Provisionally Licensed or Temporary Permit Counselor for providing 
Technology-Assisted Counseling or Therapy:

Discussion took place and Board agreed that the practice of providing technology-assisted 
counseling/therapy is permissible by the provisionally licensed or temporary permit 
counselor/therapist as long as the supervisee has received adequate training and is receiving 
supervision for such practice.

Position on Endorsement licensure:

Discussion took place regarding upcoming AASCB/NBCC annual meeting and if the Board needs 
to be prepared with a position statement regarding licensure portability. The Committee
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recommended a committee meeting be scheduled to further discuss and formulate a position statement to be presented at the national Counseling Board(s) meeting. The position statement will be reviewed by the full board at a meeting to be scheduled for August 2, 2019. (M/S/P: Westfall/Burgess)

Personnel Committee –

A. Shawver Performance Evaluation – R. Clay completed a performance evaluation for the Amber Shawver, Administrative Assistant on May 31, 2019. R. Clay reported Shawver has grown in her role substantially and her attitude and customer service skills exceed expectations. She will receive the Governor’s ATB salary increase of $2,370 annually.

ED Position and transitional period – R. Clay submitted her formal resignation to the BEC on June 4, 2019 in which her last day with the Board will be July 7, 2019. The personnel committee has a plan in place to advertise the position with the DOP and Charleston Gazette and will conduct telephone interviews the week of July 8, 2019. Formal interviews will be scheduled Friday, July 12, 2019 with the goal to have the new ED in place by the end of July. Beginning July 8, 2019, R. Clay will continue to work as ED in a temporary position to maintain the workflow and will maintain same hourly rate until the new ED is hired and trained. A motion was made to move forward with the plan proposed by the personnel committee. (M/S/P: Burgess/Ellison)

Adjourn

A motion to adjourn was made at 4:17PM. (M/S/P: Ellison/Jones)

Respectfully Submitted,

Roxanne Clay, MA Executive Director