

West Virginia Board of Examiners in Counseling  
Minutes  
April 21, 2006

- Time and Place: The West Virginia Board of Examiners in Counseling met April 21, 2006 at the South Charleston Campus of Marshall University.
- Board Members Present: Deborah Frost, President  
Adrienne Biesmeyer, Board Member  
John Charonko, Board Member  
Donna Evans, Board Member  
John Niles, Secretary  
Chris Schimmel, Board Member  
Dave Srebalus, 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, Ellen Golden, and Tony Onorato)
- Quorum Established: The meeting was called to order at 9:29 a.m. A quorum was established.
- Approval of Minutes: January 13, 2006 Minutes were approved. M/P (Srebalus).
- Travel Forms: Travel forms were distributed and signed.
- Ethics Forms: It was confirmed that all members of the Board have submitted their Annual Disclosure Statements to the WV Ethics commission.
- P-Card Approval: P-Card requirements now require the Chair to sign the P-Card log each month beginning with January 2006. The Board approved P-Card records for January through March of 2006. M/S/P (Niles/Charonko).
- Credentialing: The Credentialing Committee recommended eighteen applicants for licensure. The Board approved new licenses for Russ Blackstone, Denise Burns, Jennifer Cozart, Margaret Cuadra, Angela Evans, Charlotte Fuchs, Vicky Hampton, Josalyn Ice, Beverly Kelley, Mary Klein, Donna Maciorowski, James Marquardt, Diana Masso, Bob

Masson, Lora Morehead, Don Queen, Norma Sosa, and Richard Southall. M/S/P (Srebalus/Schimmel).

**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 (Niles/Biesmeyer). The Board then held preliminary discussions on five cases.

**Exit Executive Session:** The Board exited executive session. M/S/P (Srebalus/Schimmel).

### **Complaint Summary:**

**Case #09-05:** The Board determined that there is probable cause of violation in terms of failure to cooperate in investigative process. The Board's counsel will pursue settlement and will work with the complainant. M/S/P (Biesmeyer/Schimmel). Niles abstained from voting. Charonko and Evans, as members of the Complaint Review Committee, abstained from voting.

**Case #05-05:** The Consent Agreement has been signed and finalized.

**Case #06-05:** The Board selected an ALPS, so that the Consent Agreement and Supervision Agreement can be signed.

**Case #02-06:** The LPC agreed to the content of a Consent Agreement.

**Case #04-06:** The Board will send a letter to a non-LPC to cease claiming to be a counselor. Attached will be a copy of the complaint and a form for response to the complaint.

**Complaint Procedures:** The Board empowered the Complaint Review Committee on any case to select an ALPS that is required in a Consent Agreement. M/S/P (Srebalus/Charonko).

**Supervision Reports:** The Board reviewed supervision reports in connection with current Consent Agreements.

**Determination on HIPPA:** After discussion, the Board determined that the WVBECC is not a "covered entity" under HIPPA. M/S/P (Schimmel/Charonko).

- Records: Following discussion, the Board decided to define what “essential records” are for the WVBEAC at its next regular meeting.
- Questions from LPC’s: The Board reviewed questions that licensees had requested be brought to it, and instructed that the Executive Director communicate its decisions to the LPC’s.
- Executive Director’s Report: The Executive Director and all our complaint investigators will attend CLEAR training in Charleston May 16-18, 2006. The newest members of our investigative team are Molly Greene and Jean Sutton.
- The newest appointee to the Board is Chris Schimmel.
- The Board’s account balance on April 20, 2006 was \$93,240.25 and the financial documents for January, February and March 2006 were presented for anyone’s review.
- Jean Ann did not have to testify in a Medicare fraud case; because the matter was settled before a Federal hearing would have been held.
- The Executive Director, acting at the direction of the Board, has attempted to find office space. She reported her findings. The costs determined so far cannot be paid within our current budgetary constraints. Jean Ann will continue to seek space that would be suitable in terms of location, square footage, and cost.
- Questions for Application: Having received the advice of the Attorney General’s office with regard to Dr. Srebalus’ analysis of questions in Section 15 of our current application for licensure, the Board approved the twelve grounds for denial proposed in Part Three of his paper. M/S/P (Biesmeyer/Evans).
- 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/Srebalus). The Board then reviewed some applicants’ files.
- Exit Executive Session: The Board exited executive session. M/S/P (Schimmel/Biesmeyer).

- Supervisory Agreement: The Board considered issuing guidelines for supervision of counselors who have had ethical violations. Members discussed possible elements of a model Supervisory Agreement. Chris Schimmel will consult with Sybil Schiffman, who has been very helpful to the Board on this matter, to produce a draft for electronic distribution to the Board. Members may comment by email to Chris.
- Legislative Rule: The Board discussed draft changes in Title 27, Series 1, Licensing Rule; included were provisions for a provisional license. The Board also discussed changes needed in Title 27, Series 3, License Renewal and Continuing Professional Education Requirements. Final drafts are to be circulated by email to Board members for their review and comment. The rules are to be filed by June 28, 2006 for the public comment period.
- Resignation: David Srebalus submitted his resignation from the Board as of the end of this meeting, and it was reluctantly accepted.
- Adjournment: The meeting adjourned at 3:55 p.m. M/S/P (Srebalus/Schimmel).

Respectfully submitted,

John H. Niles, Secretary