



GOVERNMENT OF THE DISTRICT OF COLUMBIA

Health Regulation and Licensing Administration

BOARD OF PROFESSIONAL COUNSELING OPEN SESSION MEETING AGENDA

February 12, 2021

10:00 am to 2:00 pm

Virtual Meeting Notice

Due to the COVID-19 pandemic, all board meetings will be held virtually during the declared public health emergency.

Information on how to access the public portion of the meeting is listed below:

Join by Web

<https://dcnet.webex.com/dcnet/j.php?MTID=mb7db2da02f1ac65acba8e248dc72d81a>

Join by Phone

Call in Number: 1-650-479-3208 Call-in toll number (US/Canada)

Access Code: 475 199 633

OPEN SESSION FEBRUARY 12, 2021

OS-0221-01	CALL TO ORDER AND ROLL CALL	
OS-0221-02	APPROVAL OF THE OPEN SESSION AGENDA	
OS-0221-03	EXECUTIVE DIRECTOR’S REPORT	
OS-0221-04	BOARD ATTORNEY’S REPORT	
OS-0221-05	CHAIRPERSON’S REPORT	
OS-0221-06	<p>MINUTES</p> <p><u>Board Action:</u> Consideration of the Open Session Minutes from the December 17, 2020 emergency meeting and the Open Session Minutes from the January 8, 2021 meeting.</p>	
OS-0221-07	<p>DELEGATED AUTHORITIES</p> <p><u>Board Action:</u> The Board is to review the outlined delegated authorities and determine whether to accept.</p> <p><u>Background:</u> As the Board of Social Work (“the Board”) is limited in how often it can meet, the Board has delegated various authorities to Board staff to help accomplish the goal of public safety. These delegated authorities are limited in nature and are intended to facilitate the business of the Board in an efficient and expedient manner, while at the same time ensuring patient safety is always maintained.</p>	

OS-0221-08	SCOPE OF PRACTICE REVISION	
	<p><u>Board Action:</u> Review and discuss whether to update current scope of practice.</p> <p><u>Background:</u> While updates to the Health Occupational and Revisions Act (HORA) are taking place, the Board can update its scope of practice. The following is the current scope of practice for counseling and addiction counseling:</p> <ul style="list-style-type: none"> • Practice of professional counseling means engaging in counseling or psychotherapy activities, including cognitive behavioral therapy or other modality, with or without compensation, to facilitate human development and to identify and remediate mental, emotional, or behavioral conditions and associated difficulties that interfere with mental health and wellness. The practice of professional counseling includes: the processes of conducting interviews, tests, and other forms of assessment for the purpose of diagnosing individuals, families, and groups, as outlined in the Diagnostic and Statistical Manual of Disorders or other appropriate classification schemes, and determining treatment goals and objectives; and assisting individuals, families, and groups through a professional relationship to achieve long-term effective mental, emotional, physical, spiritual, social, educational, or career development and adjustment. • Practice of addiction counseling means providing services, with or without compensation, based on theory and methods of counseling, psychotherapy, and addictionology to persons who are experiencing cognitive, affective, or behavioral psycho-social dysfunction as a direct or indirect result of addiction, chemical dependency, abuse of chemical substances, or related disorders. The practice of addiction counseling includes: Addiction prevention; Crisis intervention; Diagnosis; Referral; Direct treatment; Follow-up, which is rendered to individuals, families, groups, organizations, schools, and communities adversely affected by addictions or related disorders; the education and training of persons in the field of addiction counseling. 	

OS-0221-09	<p>DRAFT REGULATION REVIEW</p> <p><u>Board Action:</u> Review and discuss the draft regulations.</p> <p><u>Background:</u> In March 2018, the Board announced and put together a subcommittee of Board Staff and LPCs to review and draft proposed updates for the LPC and LGPC regulations.</p>	
OS-0221-10	<p>CONTINUING EDUCATION REVIEW</p> <p><u>Board Action:</u> Review and determine whether the Board’s licensees can receive credit for completing three submitted webinars.</p> <p><u>Background:</u> Health Management Associates submitted the following CEU courses for Board review and retroactive approval for the use of LPCs:</p> <ol style="list-style-type: none"> 1. Integrated Health Care 101; 2. Integrated Health Care 101 – Part 2: Building the Business Case and Supporting Integrated Care; and 3. Stigma, Myth Busters, & Engagement Strategies. <p>All three CEU programs have received approval by the Board of Social Work.</p>	
OS-0221-11	<p>MOTION TO CLOSE</p> <p><u>Board Action:</u> To go into closed session to discuss confidential matters as permitted in DC Official Code § 2-575(b).</p> <p><u>Background:</u> Upon conclusion of the open session meeting pursuant to the DC Official Code 2-575(b) and for the purposes set forth therein, the Board will move into the closed executive session portion of the meeting to consult with the Board attorney, discuss disciplinary matters and hear reports concerning violations of the law or regulations.</p>	

<p>OSFYI-0221-01</p>	<p>NC STATE BOARD OF DENTAL EXAMINERS v. FTC</p> <p>Background: Since early 1990s, dentists in North Carolina began to feel concern that non-dentist-operated teeth whitening kiosks and services were becoming serious competitors because they charged lower fees for teeth whitening. They raised their concerns to the NC State Board of Dental Examiners (NC Dental Board).</p> <p>The NC Dental Board began investigating the non-dentist owned/operated teeth whitening kiosks /operators in early 2000. Starting in 2006, they issued 47 “cease and desist” letters to these non-dentist teeth whiteners, informing them that teeth whitening constitutes the practice of dentistry and since these non-dentists were not licensed, they were prohibited from engaging in teeth-whitening services.</p> <p>In 2010 the Federal Trade Commission (FTC), which is a federal agency tasked with ensuring free interstate commerce, sued the NC Dental Board, accusing the board of exceeding its legal authority and unlawfully restricting interstate commerce (teeth whitening service). The FTC won the litigation all the way to the U.S. Court of Appeals for the Fourth Circuit. The NC Dental Board appealed the ruling to the U.S. Supreme Court, which held an oral argument in the case on October 14, 2014. The Supreme Court decision gives the win to the FTC but also acknowledges the concerns of both parties and provides guidelines on how licensing boards may regulate their professions without violating the anti-trust law.</p>	
<p>OSFYI-0221-02</p>	<p>TELEHEALTH</p> <p>Background: DC Health has created an inter-professional workgroup comprised of the Board Chairs from different licensure boards. The group was established to generate ideas on solving health matters from a multi-discipline approach. The Workgroup has decided to focus its efforts on the development of legislation to address telehealth. A subcommittee will be formed with representation from each health professional board.</p>	

The next open session meeting scheduled for March 12, 2021 at 10:00am.

The Open Meetings Act governs this meeting. Please address any questions or complaints arising under this meeting to the Office of Open Government at opengovoffice@dc.gov.