

ITEM 1

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF HEALTH PROFESSIONS
BOARD OF PROFESSIONAL COUNSELORS AND
MARRIAGE AND FAMILY THERAPISTS

TITLE OF REGULATIONS: 18 VAC 115-20-10 et seq.

**REGULATIONS GOVERNING THE PRACTICE OF PROFESSIONAL
COUNSELING**

**STATUTORY AUTHORITY: §54.1-2400 AND CHAPTER 35 OF THE CODE OF
VIRGINIA**

Proposed Regulations

Adopted November 13, 1998

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PART I.

GENERAL PROVISIONS.

18 VAC 115-20-10. Definitions.

A. The following words and terms, when used in this chapter, shall have the meaning ascribed to them in §54.1-3500 of the Code of Virginia:

“Appraisal activities”

“Board”

“Counseling”

“Counseling treatment intervention”

“Professional counselor”

B. The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

"Applicant" means any individual who has submitted an official application and paid the application fee for licensure as a professional counselor.

~~"Appraisal activities" has the same meaning as defined in § 54.1-3500 of the Code of Virginia, "selecting, administering, scoring and interpreting instruments designed to~~

~~assess an individual's aptitudes, attitudes, abilities, achievements and interests, and shall not include the use of projective techniques in the assessment of personality.~~

~~"Board" means the Virginia Board of Professional Counselors and Marriage and Family Therapists.~~

"CACREP" means Council for Accreditation of Counseling and Related Educational Programs

"Candidate for licensure" means a person who has satisfactorily completed all educational and experience requirements for licensure and has been deemed eligible by the board to sit for its examinations.

"Competency area" means an area in which a person possesses knowledge and skill and the ability to apply them in the clinical setting.

"CORE" means Council on Rehabilitation Education

~~"Counseling" means assisting an individual, through the counseling relationship, to develop an understanding of personal problems, to define goals, and to plan action reflecting his interests, abilities, aptitudes and needs as they relate to educational progress, occupations and careers, and personal or social concerns.~~

“Exempt setting” means an agency or institution in which licensure is not required to engage in the practice of counseling according to the conditions set forth in § 54.1-3501 of the Code of Virginia.

"Group supervision" means the process of clinical supervision of no more than six persons in a group setting provided by a qualified supervisor.

"Internship" means supervised, planned, practical, advanced experience obtained in the clinical setting, observing and applying the principles, methods and techniques learned in training or educational settings. ~~The internship involves a longer period of time than the practicum.~~

“Jurisdiction” means a state, territory, district, province or country which has granted a professional certificate or license to practice a profession, use a professional title, or hold oneself out as a practitioner of that profession.

“Non-exempt setting” means a setting which does not meet the conditions of exemption from the requirements of licensure to engage in the practice of counseling as set forth in §54.1-3501 of the Code of Virginia.

~~"Practicum" means supervised, planned, practical experience occurring in a clinical setting, for an early introduction to subject matter. It is generally time bound and for a shorter~~

~~period of time than an internship, but it allows for demonstration and testing of information, knowledge, and skills acquired.~~

~~"Professional counselor" means a person trained in counseling and guidance services with an emphasis on individual and group guidance and counseling designed to assist individuals in achieving more effective personal, social, educational and career development and adjustment.~~

"Regional accrediting agency" means one of the regional accreditation agencies recognized by the United States Secretary of Education responsible for accrediting senior postsecondary institutions.

"Residency" means a post-internship, supervised, clinical experience registered with the board.

"Resident" means an individual who has submitted a supervisory contract and has received board approval to provide clinical services in professional counseling under supervision.

"Supervision" means the ongoing process performed by a supervisor who monitors the performance of the person supervised and provides regular, documented face-to-face consultation, guidance and instruction with respect to the clinical skills and competencies of the person supervised.

18 VAC 115-20-20. Fees required by the board.

A. The board has established the following fees applicable to licensure as a professional counselor:

Biennial license renewal	\$ 75
Duplicate license	\$ 15
Endorsement <u>Verification of license</u> to another jurisdiction	\$ 10
Late renewal	\$ 10
Replacement of or additional wall certificate	\$ 15
Returned check	\$ 15

B. Application, registration of supervision and examination fees shall be paid directly to the board's contracting agents according to their requirements.

C. All fees are nonrefundable.

18 VAC 115-20-30. ~~Substance Abuse Counseling~~ Repealed.

~~18 VAC 115-30-10 et seq. Regulations Governing the Certification of Substance Abuse Counselors are incorporated by reference in this chapter.~~

[18 VAC 115-20-35. Sex Offender Treatment Provider Certification.](#) Anyone licensed by the board who is seeking certification as a sex offender treatment provider shall adhere to the [Regulations Governing the Certification of Sex Offender Treatment Providers, 18 VAC 125-30-10, et seq.](#)

PART II.

REQUIREMENTS FOR LICENSURE.

18 VAC 115-20-40. ~~General Requirements~~ [Prerequisites for licensure by examination](#)

~~A. No person shall practice as a professional counselor in the Commonwealth of Virginia except as provided in this chapter and when licensed by this board.~~

~~B. Licensure by the board shall be by written examination.~~

~~C.~~ [A.](#) Every applicant for licensure examination by the board shall:

1. Meet the ~~education~~ [degree program, course work](#) and experience requirements prescribed in [18 VAC 115-20-49](#), 18 VAC 115-20-50 ~~or~~ [18 VAC 115-20-51 and 18 VAC 115-20-52](#) of this chapter; and

2. Submit to the contracting agent within the time frame established by the agent:

- a. A completed application;
- b. Official transcripts documenting the applicant's completion of the ~~education- degree~~ program and course work requirements prescribed in 18 VAC 115-20-49 and 18 VAC 115-20-50 A ~~or 18 VAC 115-20-51~~;
- c. Verification of supervision forms documenting fulfillment of ~~Documented evidence of having fulfilled~~ the experience requirements of ~~18 VAC 115-20-50-B~~, 18 VAC 115-20-52 and copies of all required evaluation forms;
- d. ~~Reference letters from three health or mental health care practitioners attesting to the applicant's character and professional integrity; and~~
- d. Documentation of any other professional license or certificate ever held in another jurisdiction;
- e. The licensure application fee.

~~D. The board may license by endorsement an individual who is currently licensed in another state as a professional counselor and who has been licensed in another state through a similar process with equivalent requirements as described in subsections B and C of this section.~~

18 VAC 115-20-45. Pre-requisites for licensure by endorsement.

Every applicant for licensure by endorsement shall submit in one package:

1. A completed application;
2. The application processing fee;
3. Verification of all professional licenses or certificates ever held in any other jurisdiction. In order to qualify for endorsement the applicant shall have no unresolved action against a license or certificate . The board will consider history of disciplinary action on a case-by-case basis ;
4. Documentation of having completed education and experience requirements substantially equivalent to those in effect in Virginia at the time of initial licensure as verified by a n official transcript and certified copy of the original application materials;
5. Verification of a passing score on a licensure examination in the jurisdiction in which licensure was obtained ; and
6. Affidavit of having read and understood the regulations and laws governing the practice of professional counseling in Virginia .

18 VAC 115-20-49. Degree program requirements

A. The applicant shall have completed a graduate degree from a program that prepares individuals to practice counseling and counseling treatment intervention, as defined in §54.1-3500 of the Code of Virginia, which is offered by a college or university accredited by a regional accrediting agency and which meets the following criteria:

1. There must be a sequence of academic study with the expressed intent to prepare counselors as documented by the institution;

2. There must be an identifiable counselor training faculty and an identifiable body of students who complete that sequence of academic study;

3. The academic unit must have clear authority and primary responsibility for the core and specialty areas; or

B. Programs that are approved by CACREP or CORE are recognized as meeting the definition of graduate degree programs that prepare individuals to practice counseling and counseling treatment intervention as defined in §54.1-3500 of the Code of Virginia.

**18 VAC 115-20-50. Effective until (insert date 2 years after the effective date of this chapter). ~~Education and experience requirements for licensure examination~~
Coursework requirements.**

A. Education. The applicant shall have completed 60 semester hours or 90 quarter hours of graduate study in counseling, to include ~~a graduate degree in counseling or a related discipline, from a college or university accredited by a regional accrediting agency.~~

~~1. The graduate course work shall have included study in~~ the following nine core areas ~~of~~:

- ~~a~~1. Professional identity, function and ethics;
- ~~b~~2. Theories of counseling and psychotherapy;
- ~~c~~3. Counseling and psychotherapy techniques;
- ~~d~~4. Group dynamics, theories, and techniques;
- ~~e~~5. Theories of human behavior, learning, and personality;
- ~~f~~6. Career development;
- ~~g~~7. Appraisal, evaluation and diagnostic procedures;
- ~~h~~8. Abnormal behavior; and
- ~~i~~9. Supervised practicum or internship.

~~2B.~~ One course may satisfy study in more than one of the nine study areas required in ~~subdivision 1~~ subsection A of this subsection.

18 VAC 115-20-51. Effective (insert date 2 years after effective date of this chapter).

Coursework requirements

A. The applicant shall have completed 60 semester hours or 90 quarter hours of graduate study in the following core areas, with a minimum of 3 semester hours or 4.5 quarter hours in each of the areas identified in subdivisions 1 through 12 of this section:

1. Professional identity, function and ethics;
2. Theories of counseling and psychotherapy;
3. Counseling and psychotherapy techniques;
4. Human growth and development;.
5. Group counseling and psychotherapy , theories and techniques;
6. Career counseling and development theories and techniques;
7. Appraisal, evaluation and diagnostic procedures;
8. Abnormal behavior and psychopathology;
9. Multicultural counseling, theories and techniques;
10. Research;
11. Diagnosis and treatment of addictive disorders;
12. Marriage and family systems theory; and

13. Supervised internship of 600 hours to include 240 hours of face to face client contact.

B. If 60 graduate hours in counseling were completed prior to the effective date of this chapter, the board may accept those hours if they meet the regulations in effect at the time the 60 hours was completed.

18 VAC 115-20-52. Residency.

A. Registration.

1. Applicants who render counseling services in a nonexempt setting shall:

1a. With their supervisor, register their supervisory contract on the appropriate forms for board approval before starting to practice under supervision;

2b. Have submitted an official transcript documenting a graduate degree as specified in 18 VAC 115-20-49 to include completion of the internship requirement specified in 18 VAC 115-50-50 or 18 VAC 115-50-51.

3c. Pay the registration fee.

2. Applicants in exempt settings may register supervision with the board to assure acceptability at the time of application.

B. ~~Supervised Experience~~ Residency requirements.

1. The applicant for licensure shall have completed a 4,000 hours of post-graduate degree experience-hour supervised residency in counseling practice with various populations, clinical problems and theoretical approaches ~~under supervision satisfactory to the board.~~
~~The post-graduate experience shall consist of supervised practice~~ in the following areas:

Counseling and psychotherapy techniques;

Appraisal, evaluation, and diagnostic procedures;

Treatment planning and implementation;

Case management and record keeping;

Professional identity and function;

Professional ethics and standards of practice.

a.2 The ~~experience-residency~~ shall include a minimum of 200 hours of individual supervision during the 4,000 hours, with a minimum of one hour per week of face-to-face supervision-face to face sessions between supervisor and ~~applicant~~ resident occurring at minimum of one hour per 20 hours of work experience during the period of the residency.
No more than half of these hours may be satisfied with group supervision. One hour of group supervision will be deemed equivalent to one hour of face to face supervision. Face

to face supervision that is not coincident with a residency will not be accepted, nor will residency hours accrued in the absence of approved face-to-face supervision. The experience shall be continuous and integrated, that is, no credit will be given for satisfying the 4,000 hours of required experience in the absence of approved individual face to face supervision and conversely, no credit will be given for individual face to face supervision that does not occur as a part of the 4,000 hours of post graduate experience. The experience shall include supervised practice with various populations, clinical problems and theoretical approaches.

b. Group supervision will be acceptable for not more than 100 hours of the required 200 hours of individual supervision on the basis of two hours of group supervision being equivalent to one hour of individual supervision, but in no instance shall group supervision substitute for the required on-site individual face to face supervision.

3. The residency shall include 2,000 hours of face-to-face client contact.

4. A graduate-level internship completed in a program that meets the requirements set forth in 18 VAC 115-20-49 may count for no more than 600 hours of the required 4,000 hours of experience. The internship shall include 20 hours of face-to-face on-site supervision, and 20 hours of face-to-face off-site supervision. In order to count toward the residency, internship hours shall not begin until completion of 30 semester hours toward the graduate degree.

5. A graduate-level degree internship completed in a CACREP or CORE approved program in mental health counseling may count for no more than 900 of the required 4,000 hours of experience.

6. In order for a graduate-level internship to be counted toward a residency, either the clinical or faculty supervisor shall be licensed as set forth in subsection C of this section.

7. The board may consider special requests in the event that the regulations create an undue burden in regard to geography or disability which limits the resident's supervisee's access to qualified supervision.

~~d. A post-graduate degree practicum or internship may count for the required 4,000 hours of experience and shall meet the requirements of 18 VAC 115-20-50.~~

8.e. For applicants enrolled in an integrated course of study in an accredited institution leading to a graduate degree beyond the master's level, supervised experience may begin after the completion of 30 graduate semester hours or 45 graduate quarter hours, including a practicum an internship and shall include graduate course work in the ~~nine~~ core areas as prescribed in 18 VAC 115-20-50 ~~A.1~~ or 18 VAC 115-20-51.

~~§ 9. Applicants~~ Residents may not call themselves professional counselors, ~~solicit clients,~~ directly bill for services rendered, or in any way represent themselves as independent, autonomous practitioners or professional counselors. During the ~~post graduate residency supervisory experience,~~ applicants- residents shall use their names and the initials of their degree, and the title “Resident in Counseling” in all written communications. Clients shall be informed in writing of the ~~applicant's supervisee resident's~~ status, the supervisor's name, professional address, and phone number.

~~g. 10. Applicants~~ Residents shall not engage in practice under supervision in any areas for which they have not had appropriate education.

2 C. Supervisory Requirements. A person who provides supervision for a ~~prospective applicant for licensure as a resident in~~ professional ~~counselor-counseling~~ shall document two years post-licensure clinical experience, have received professional training in supervision and shall be licensed as a professional counselor, marriage and family therapist, substance abuse treatment practitioner, psychologist, school psychologist, clinical psychologist, clinical social worker, or psychiatrist in the jurisdiction where the supervision is being provided. At least one half of the individual face-to-face supervision shall be rendered by a licensed professional counselor.

a. 1. Supervision by any individual whose relationship to the ~~supervisee resident~~ compromises the objectivity of the supervisor is prohibited.

~~b. 2.~~ The supervisor of a ~~prospective applicant~~ resident shall assume full responsibility for the clinical activities of that ~~prospective applicant~~ resident specified within the supervisory contract for the duration of the ~~supervised experience~~ residency. ~~In every instance there shall be an identifiable individual who is appropriately credentialed to provide supervision in the jurisdiction where the applicant provides counseling services.~~

~~c.~~ Supervisors shall only be approved to provide supervision in areas for which they possess documented skills, training, and experience.

~~d.~~ Supervisors shall provide the board with documentation regarding their areas of expertise on a form specified by the board.

~~e.~~ At least one half of the required individual face-to-face supervision shall occur on-site where the counseling services are provided and be provided by the board approved supervisor of record.

3. The supervisor shall complete evaluation forms to be given to the resident at the end of each three-month period.

4. The supervisor shall report the total hours of residency and shall evaluate the applicant's competency in the six areas stated in subsection B of this section.

~~3. Registration of supervision.~~

~~a. Applicants who render counseling services in a nonexempt agency shall:~~

~~(1) With their supervisor, register with the board their supervisory contract on the appropriate forms for board approval before starting to practice under supervision;~~

~~(2) Have submitted directly to the board an official transcript of their relevant coursework in counseling documenting a graduate degree in counseling or a counseling-related area and as specified in 18 VAC 115-20-50 A and;~~

~~(3) Pay the registration fee.~~

~~b. Applicants who render counseling services in an exempt agency, as defined in §54.1-3500 of the Code of Virginia, may register their supervision with the board, as outlined above. Board approval and successful completion of a planned supervision arrangement in an exempt setting will assure its acceptability at the time of application.~~

~~c. The board may accept as equivalent post-graduate supervised experience that occurs in another jurisdiction provided that the board's requirements are met.~~

4. D. Documentation of supervision.

a. Applicants shall document successful completion of their ~~residency~~supervised experience on ~~appropriate forms~~ the Verification of Supervision form at the time of application. Applicants must receive a satisfactory competency evaluation on each item on the evaluation sheet. Supervised experience obtained prior to ~~May 8, 1991~~ the effective date of this chapter may be accepted towards licensure if this supervised experience met the board's requirements which were in effect at the time the supervision was rendered.

~~b. The supervisor shall conduct an annual evaluation of the applicant and report to the board the number of hours of individual face to face supervision, and an evaluation of the resident's progress on appropriate forms provided by the board.~~

~~At the completion of required supervision hours, applicants shall document completion of their supervised experience on appropriate forms at the time of application. In addition, the supervisor will report the total hours of experience and supervision and will evaluate the applicant's competency in the six areas stated in 18 VAC 115-20-50 B.1. using the form provided by the board. Applicants must receive a competency evaluation on each item on the evaluation sheet by at least one of their supervisors to meet requirements for satisfactory completion of their supervised experience.~~

~~If the applicant has been under treatment for substance abuse within the last four years, the applicant shall provide a written statement from the certified or licensed individual responsible for the treatment. The written statement shall address the capability of the applicant to assume the responsibility of a licensed professional counselor.~~

PART III.

EXAMINATIONS.

18 VAC 115-20-70. General examination requirements; schedules; time limits.

A. Every applicant for initial licensure by examination by the board as a professional counselor shall pass a written examination as prescribed by the board.

B. Every applicant for licensure by endorsement shall have passed a licensure examination in the jurisdiction in which licensure was obtained .

~~B. The board may waive examination requirements if the applicant for licensure has been certified or licensed in another jurisdiction by standards and procedures equivalent to the board's.~~

~~C. A written examination will be given at least twice each year. The board may schedule such additional examinations as it deems necessary.~~

~~D.~~C. The contracting agent shall notify all approved candidates in writing of the time and place of the examination.

~~E.~~D. A candidate approved by the board to sit for the examination shall take the examination within two years from the date of such initial board approval. If the candidate has not taken the examination by the end of the two-year period here prescribed:

1. The initial board approval to sit for the examination shall then become invalid; and
2. In order to be considered for the examination later, the applicant shall file a complete new application with the board's contracting agent.

E. The board shall establish a passing score on the written examination.

18 VAC 115-20-80. ~~Written examination.~~ (Repealed)

~~A. The written examination will be a competency-based validated examination and shall include but not be limited to the core areas of counseling. The written examination shall assess the minimal knowledge, skills and abilities necessary for the practice of professional counseling.~~

~~B. The board will establish a passing score on the written examination.~~

18 VAC 115-20-90. Reexamination.

A. After paying the examination fee, a candidate may be reexamined within an 18-month period without filing a new application.

B. A candidate who fails the examination two times shall reapply and pay the required application fee as prescribed by the board's contracting agent.

PART IV.

LICENSURE RENEWAL; REINSTATEMENT.

18 VAC 115-20-100. Biennial renewal of licensure.

A. All licensees shall renew licenses on or before June 30 of each odd-numbered year.

B. Every license holder who intends to continue to practice shall submit to the board on or before June 30 of each odd-numbered year:

1. A completed application for renewal of the license; and

2. The renewal fee prescribed in 18 VAC 115-20-20.

C. Licensees shall notify the board of change of address within 60 days . Failure to receive a renewal notice from the board shall not relieve the license holder from the renewal requirement.

18 VAC 115-20-110. Late renewal; reinstatement.

A. A person whose license has expired may renew it within four years after its expiration date by paying the penalty fee pre scribed in 18 VAC 115-20-20 as well as the license fee prescribed for each biennium the license was not renewed.

B. A person who fails to renew a license for four years or more and wishes to resume practice shall reapply according to the requirements set forth in 18 VAC 115-20-40 or 18 VAC 115-20-45 and ~~pay the application fee prescribed by the board's contracting agent and take the written examination:~~

~~C. Upon approval for reinstatement, the applicant shall pay the penalty fee pre scribed in 18 VAC 115-20-20 and the license fee prescribed for each biennium the license was not renewed.~~

PART V.

ADVISORY COMMITTEES.

18 VAC 115-20-120. Advisory committees.

A. The board may establish examining and advisory committees to assist it in evaluating candidates for licensure.

B. The board may establish an advisory committee to evaluate the mental and emotional competence of any licensee or candidate for licensure when such competence is an issue before the board.

PART VI.

STANDARDS OF PRACTICE.

UNPROFESSIONAL CONDUCT, DISCIPLINARY ACTIONS; REINSTATEMENT.

18 VAC 115-20-130. Standards of practice.

A. The protection of the public health, safety, and welfare and the best interest of the public shall be the primary guide in determining the appropriate professional conduct of all persons whose activities are regulated by the board.

B. Persons licensed by the board shall:

1. Practice in a manner that is in the best interest of the public and does not endanger the public health, safety, or welfare.

2. Practice only within the competency areas for which they are qualified by training or experience.
3. Be aware of the areas of competence of related professions and make full use of other professional, technical and administrative resources to secure for clients the most appropriate services.
4. Strive to stay abreast of new developments, concepts and practices which are important to providing appropriate professional services.
5. Be able to justify all services rendered to clients as necessary for diagnostic or therapeutic purposes and attempt to terminate a private service or consulting relationship when it becomes clear that the consumer is not benefiting from the relationship.
6. Not engage in offering services to a client who is receiving services from another mental health professional without attempting to inform such other professionals in order to avoid confusion and conflict for the consumer.
- ~~7. Provide counseling services for the purpose of diagnosis, treatment or personalized advice only in the context of a professional relationship, not by means of public lectures or demonstrations, newspapers or magazine articles, radio or television programs, mail or similar media.~~

~~8. Ensure that the welfare of the clients is in no way compromised in any experimentation or research involving those clients.~~

9. 7 Disclose to clients all experimental methods of treatment and inform clients of the risks and benefits of any such treatment. Ensure that the welfare of the clients is in no way compromised in any experimentation or research involving those clients.

~~10.~~ 8. Neither accept nor give commissions, rebates, or other forms of remuneration for referral of clients for professional services.

~~11.~~ 9. Inform clients of (i) the purposes of an interview, testing or evaluation session and (ii) the ways in which information obtained in such sessions will be used before asking the client to reveal personal information or allowing such information to be divulged.

~~12.~~ 10. Consider the validity, reliability and appropriateness of tests selected for use with clients and carefully interpret the performance of individuals from groups not represented in standardized norms.

~~13.~~ 11. Represent accurately their competence, education, training and experience.

~~14.~~ 12. Use only those educational and professional credentials that have been earned at a college or university accredited by a regional accrediting agency, or by a national

certifying agency, and that are counseling in nature. Those credentials include the title "Doctor" as well as academic and professional certification designations following one's name, such as M.Ed., Ph.D., ~~N.B.C.C.~~ N.C.C.

~~15.~~ 13. Not engage in improper direct solicitation of clients and announce professional services fairly and accurately in a manner which will aid the public in forming their own informed judgments, opinions and choices and which avoids fraud and misrepresentation through sensationalism, exaggeration or superficiality.

~~16.~~ 14. Provide clients with accurate information of what to expect in the way of tests, reports, billing, therapeutic regime and schedules before rendering services.

~~17.~~ 15. Maintain client records securely, inform all employees of the requirements of confidentiality and provide for the destruction of records which are no longer useful.

Disclose client records to others only with expressed written consent or as mandated by law. Ensure client confidentiality in the usage of client records and clinical materials by obtaining informed consent from clients before (i) videotaping, (ii) audio recording, (iii) permitting third party observation, or (iv) using client records and clinical materials in teaching, writing or public presentations. Client records shall be kept for a minimum of five years from the date of termination of the counseling relationship.

~~18. Obtain expressed client permission before taping or otherwise recording sessions with clients.~~

~~19. Disclose counseling records to others only with the expressed written consent of the client and ensure the accuracy and indicate the validity of any client information which is disclosed.~~

~~20. Keep confidential their counseling relationships with clients, with the following exceptions: (i) when the client is in danger to self or others; (ii) when the professional counselor is under court order to disclose information; (iii) in cases of suspected child abuse; or (iv) as otherwise required by law.~~

~~21. Never engage in public behavior which is in violation of accepted professional, moral and legal standards.~~

~~22. 16. Never~~ Not engage in dual relationships with clients, former clients, residents supervisees, and supervisors that compromise the client's or residents supervisee's well being, impair the counselor's or supervisor's objectivity and professional judgment or increase the risk of client or resident supervisee exploitation. This includes, but is not limited to, such activities as counseling close friends, former sexual partners, employees or relatives, and engaging in business relationships with clients.

Engaging in sexual intimacies with current clients or residents ~~former clients~~ is strictly prohibited. ~~In the case of supervisees or supervisors, this includes, but is not limited to engaging in sexual intimacies with current supervisees.~~ For at least five years after

cessation or termination of professional services, licensees shall not engage in sexual intimacies with a therapy client or those included in collateral therapeutic services. Since sexual or romantic relationships are potentially exploitative, licensees shall bear the burden of demonstrating that there has been no exploitation. A patient's consent to, initiation of or participation in sexual behavior or involvement with a practitioner does not change the nature of the conduct nor lift the regulatory prohibition.

23. 17. Recognize conflicts of interest and inform all parties of the nature and directions of loyalties and responsibilities involved.

24. 18. Report to the board known or suspected violations of the laws and regulations governing the practice of ~~professional counselors~~ licensed or certified mental health service providers as defined in § 54.1-2400.1 of the Code of Virginia.

18 VAC 115-20-140. Grounds for revocation, suspension, probation, reprimand, censure, or denial of renewal of license.

~~A. In accordance with §54.1-2400 and §54.1-2401 of the Code of Virginia, the board may, after a hearing, revoke, suspend or decline to renew a board license or impose a fine for just cause.~~

~~B.A.~~ Action by the board to revoke, suspend or decline to renew a license may be taken in accord with the following:

1. Conviction of a felony, or of a misdemeanor involving moral turpitude, or violation of or aid to another in violating any provision of Chapter 35 of Title 54.1 of the Code of Virginia, any other statute applicable to the practice of professional counseling, or any provision of this chapter.
2. Procuring of license by fraud or misrepresentation.
3. Conducting one's practice in such a manner as to make it a danger to the health and welfare of one's clients or to the public, or if one is unable to practice counseling with reasonable skill and safety to clients by reason of illness, abusive use of alcohol, drugs, narcotics, chemicals, or other type of material or result of any mental or physical condition.
4. Negligence in professional conduct or nonconformance with the Standards of Practice (18 VAC 115-20-130 B of this chapter).
5. Performance of functions outside the demonstrable areas of competency.
6. ~~Violation of or aid to another in violating any provision of Chapter 35 of Title 54.1 of the Code of Virginia, any other statute applicable to the practice of professional counseling, or any provision of this chapter.~~

~~B~~C. Petition for rehearing. Following the revocation or suspension of a license the licensee may petition the board for reinstatement upon good cause shown or as a result of substantial new evidence having been obtained that would alter the determination reached ~~in subsection B of this section.~~

~~D. Reinstatement procedure. Reference powers of board to provide monetary penalties §54.1-2401 of the Code of Virginia.~~

18 VAC 115-20-150. Reinstatement following disciplinary action.

A. Any person whose license has been revoked or denied renewal by the board under the provisions of 18 VAC 115-20-140 may, two years subsequent to such board action, submit a new application to the board for licensure.

B. The board in its discretion may, after a hearing, grant the reinstatement sought in subsection A of this section.

~~C. The applicant for such reinstatement, if approved, shall be licensed upon payment of the appropriate fees applicable at the time of reinstatement.~~