

VIRGINIA BOARD OF COUNSELING
REGULATORY COMMITTEE MEETING
Friday, July 21, 2017

The Regulatory Committee of the Virginia Board of Counseling ("Board") convened at 10:17 a.m. on Friday, July 21, 2017 at the Department of Health Professions, 9960 Mayland Drive, Richmond, Virginia. Dr. Johnston Brendel called the meeting to order.

COMMITTEE CHAIRPERSON: Johnston Brendel, Ed.D., LPC, LMFT, Chairperson

COMMITTEE MEMBERS PRESENT: Kevin Doyle, Ed.D., LPC, LSATP
Danielle Hunt, LPC
Vivian Sanchez-Jones, Citizen Member
Holly Tracy, LPC, LMFT

ATTENDING BOARD MEMBER: Jane Engelken, LPC, LSATP

STAFF PRESENT: Tracey Arrington-Edmonds, Licensing Specialist
Christy Evans, Discipline Case Specialist
Lisa Hahn, DHP Chief Deputy Director
Jaime Hoyle, JD, Executive Director
Jennifer Lang, Deputy Executive Director
Charlotte Lenart, Licensing Manager
James Rutkowski, Assistant Attorney General
Elaine Yeatts, Senior Policy Analyst

ORDERING OF THE AGENDA:

Dr. Brendel requested that the new business items be discussed and that the old business items be deferred to the next scheduled meeting. A motion was made to approved the revised agenda; it was seconded and passed with all in favor.

APPROVAL OF MINUTES:

A motion was made by Ms. Hunt to approve the minutes of the May 18, 2017 meeting; it was seconded by Dr. Doyle and passed unanimously.

PUBLIC IN ATTENDANCE:

Alexander Macaulay, Macaulay & Jamerson Attorneys at Law, representative(s) from the Virginia Board of Social Work, Virginia Board of Psychology, Virginia Department of Behavioral Health & Developmental Services (DBHDS), Department of Medical Assistance Services (DMAS), Virginia Association of Community Based Providers (VACBP), the New Y-CAPP, Magellan Health, Pathways, Virginia Occupational Safety & Health, and Virginia Network of Private Providers.

PUBLIC COMMENT:

Comments regarding the emergency registration of peer recovery specialist and qualified mental health professionals' regulations were:

- Reconsider the proposed fees
- Provide clarification as to how the applicant experience will be verified
- Reconsider the renewal date
- Reconsider the continued educational requirements
- Consider registering QMHP-E's

DISCUSSION:

- I. **New Business: Discussion of Emergency Regulations for the Registration of Qualified Mental Health Professionals (QMHPs) and Peer Recover Specialists as required by House Bill 2095 (2017):** Ms. Hoyle and Ms. Yeatts stated the purpose and process regarding the General Assembly legislative requirement for the Board of Counseling to register Qualified Mental Health Professionals (QMHPs -Adult and Child) and Peer Recover Specialists. The Board must adopt proposed emergency regulations within 280 days. The Board will need to vote on the proposed regulations at the August Board meeting. The emergency regulations will have an effective date of January 1, 2018. The final regulation would need to be approved within 18 months.
- A motion was made by Dr. Doyle to accept the proposed peer recovery specialist regulations as proposed with the agreed changes. The motion was seconded by Ms. Hunt and passed unanimously
 - The proposed fees are comparable with other Department of Health Professionals Boards registration fees. A motion was made by Ms. Hunt to keep the fees as listed and seconded by Ms. Sanchez-Jones and passed unanimously.
 - A motion was made by Dr. Doyle to accept the proposed continued competency requirements for the renewal of a registration as proposed. The motion was seconded by Ms. Hunt and passed unanimously.
 - The Board will research if the it has authority to register QMHP-E's but currently they are not listed in the proposed emergency regulations.
 - As a way of bringing the QMHP-E's under the Board's purview, Ms. Hahn suggested we consider creating a QMHP internship registration type. Those persons who qualify to become a QMHP by education, but have deficient experience, could register as a QMHP intern to gain the required experience. The Board reacted favorably to this idea. Mr. Rutkowski commented that he would need to get back to the Board regarding this issue.
 - The renewal date will remain as stated in the emergency regulations and be consistent with other Board of Counseling licenses.
 - A motion was made by Dr. Doyle to accept the draft regulations (attachments A and B) as discussed and it was seconded by Ms. Tracy and passed unanimously.
 - Discussed approving applicants to sit for the Association of Marital and Family Therapy Regulatory Boards (AMFTRB) national examination prior to meeting the residency requirements. The Committee was in

agreement that the examination could be taken prior to meeting the residency requirements but deferred making a decision regarding the process until Board Counsel could review.

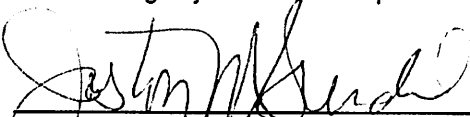
- Full discussion of the preliminary review of public comments regarding the requirements for CACREP accreditation be held at the August 18, 2017 Quarterly Board Meeting.

II. **Old Business:**

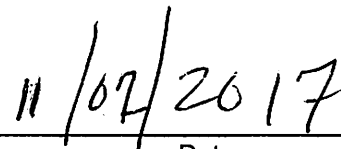
- **Foreign degree discussion:** The Committee Members agreed to discuss foreign degree requirements at a future Committee meeting.
- **Review definition of required courses:** The Committee Members agreed to discuss foreign degree requirements at a future Committee meeting.
- **Discussion on deficient internship hours for LPC, LMFT & LSATP:** The Committee Members agreed to discuss the requirements and options a future Committee meeting.
- **NEXT SCHEDULED MEETING:** at 1:00 p.m. on November 2, 2017

ADJOURNMENT:

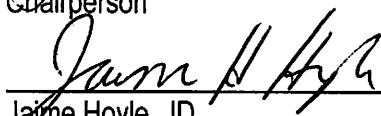
The meeting adjourned at 3:00 p.m.



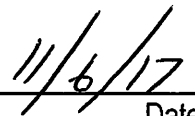
Johnston Brendel, Ed.D., LPC, LMFT
Chairperson



Date



Jaime Hoyle, JD
Executive Director



Date

Attachment A

Draft Regulations Governing the Registration of Peer Recovery Specialists

Part I. General Provisions

Definitions.

“Applicant” means a person applying for registration as a peer recovery specialist.

“Board” shall mean the Virginia Board of Counseling.

“DBHDS” means the Virginia Department of Behavioral Health and Developmental Services.

“Mental health professional” means a person who by education and experience is professionally qualified and licensed in Virginia to provide counseling interventions designed to facilitate an individual’s achievement of human development goals and remediate mental, emotional, or behavioral disorders and associated distresses which interfere with mental health and development.

“Peer recovery specialist” means a person who by education and experience is professionally qualified in accordance with 12VAC35-250 to provide collaborative services to assist individuals in achieving sustained recovery from the effects of mental illness, addiction, or both.

“Registered peer recovery specialist” means a person who by education and experience is professionally qualified in accordance with 12VAC35-250 to provide collaborative services to assist individuals in achieving sustained recovery from the effects of mental illness, addiction, or both. A registered peer recovery specialist shall provide such services as an employee or independent contractor of DBHDS, a provider licensed by the DBHDS, a practitioner licensed by or holding a permit issued from the Department of Health Professions, or a facility licensed by the Department of Health.

Fees required by the board.

- A. The board has established the following fees applicable to the registration of peer recovery specialists:

Registration of Peer Recovery Specialist	\$30
Renewal of registration	\$30
Late renewal	\$20
Reinstatement of a lapsed registration for Peer Recovery Specialists	\$60
Duplicate Certificate of Registration	\$10
Returned Check	\$35
Reinstatement following revocation or suspension	\$500

- B. Unless otherwise provided, fees established by the board shall not be refundable.

Current name and address.

Each registrant shall furnish the board his current name and address of record. Any change of name or address of record or public address, if different from the address of record, shall be furnished to the board within 60 days of such change. It shall be the duty and responsibility of each registrant to inform the board of his current address.

Part II. Requirements for Registration

Requirements for registration as a peer recovery specialist.

- A. An applicant for registration shall submit a completed application and a fee as prescribed in XXXXX on forms provided by the board.
- B. An applicant for registration as a peer recovery specialist shall provide evidence of meeting all requirements for peer recovery specialists set by DBHDS in 12VAC35-250-30.

Part III. Renewal of Registration

Annual renewal of registration

- A. All registrants shall renew their registration on or before June 30 of each year.
- B. Along with the renewal form, the registrant shall submit the renewal fee as prescribed in XXXX.

Continued competency requirements for renewal of peer recovery specialist registration.

- A. Peer recovery specialists shall be required to have completed a minimum of eight contact hours of continuing education for each annual registration renewal. A minimum of one of these hours shall be in courses that emphasize ethics.
 - 1. Peer recovery specialists shall complete continuing competency activities that focus on increasing knowledge or skills in one or more of the following areas:
 - a. Current body of mental health/substance abuse knowledge;
 - b. Recovery process – promoting services, supports, and strategies;
 - c. Crisis intervention;
 - d. Values for role of recovery support specialist;
 - e. Basic principles related to health and wellness;
 - f. Stage appropriate pathways in recovery support;
 - g. Ethics and boundaries;
 - h. Cultural sensitivity and practice;
 - i. Trauma and impact on recovery;
 - j. Community resources; or,
 - k. Delivering peer services within agencies and organizations.

- B. The following organizations, associations, or institutions are approved by the board to provide continuing education:
1. Federal, state, or local governmental agencies, public school systems, or licensed health facilities.
 2. The American Association for Marriage and Family Therapy and its state affiliates.
 3. The American Association of State Counseling Boards.
 4. The American Counseling Association and its state and local affiliates.
 5. The American Psychological Association and its state affiliates.
 6. The Commission on Rehabilitation Counselor Certification.
 7. NAADAC and its state and local affiliates.
 8. National Association of Social Workers.
 9. National Board for Certified Counselors.
 10. A national behavioral health organization or certification body recognized by the board.
 11. Individuals or organizations that have been approved as continuing competency sponsors by the American Association of State Counseling Boards or a counseling board in another state.
 12. An agency or organization approved by DBHDS.
- C. Attestation of completion of continuing education is not required for the first renewal following initial registration in Virginia.
- D. The board may grant an extension for good cause of up to one year for the completion of continuing education requirements upon written request from the registrant prior to the renewal date. Such extension shall not relieve the registrant of the continuing education requirement.
- E. The board may grant an exemption for all or part of the continuing education requirements due to circumstances beyond the control of the registrant such as temporary disability, mandatory military service, or officially declared disasters upon written request from the registrant prior to the renewal date.
- F. All registrants shall maintain original documentation for a period of three years following renewal.
- G. The board may conduct an audit of registrants to verify compliance with the requirement for a renewal period. Upon request, a registrant shall provide documentation as follows:
1. Official transcripts showing credit hours earned; or
 2. Certificates of participation.
- H. Continuing education hours required by a disciplinary order shall not be used to satisfy renewal requirements.

Part V. Standards of Practice; Disciplinary Actions; Reinstatement.

18VAC115-xx-xxx. 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 registered by the board shall:

1. Practice in a manner that is the best interest of the public and does not endanger the public health, safety, or welfare.
2. Be able to justify all services rendered to clients as necessary.
3. Practice only within the competency area for which they are qualified by training or experience.
4. Report to the board known or suspected violations of the laws and regulations governing the practice of registered peer recovery specialists or qualified mental health professionals.
5. Neither accept nor give commissions, rebates, or other forms of remuneration for referral of clients for professional services. Make appropriate consultations and referrals based on the interest of patients or clients.
6. Stay abreast of new developments, concepts, and practices which are necessary to providing appropriate services.
7. Document the need for and steps taken to terminate services when it becomes clear that the client is not benefiting from the relationship.

C. In regard to confidentiality and client records, persons registered by the board shall:

1. Not willfully or negligently breach the confidentiality between a practitioner and a client. A breach of confidentiality that is required or permitted by applicable law or beyond the control of the practitioner shall not be considered negligent or willful.
2. Disclose client records to others only in accordance with the requirements of §§32.1-127.1:03 and 54.1-2400.1 of the Code of Virginia.
3. Maintain client records securely, inform all employees of the requirements of confidentiality and provide for the destruction of records which are no longer useful in a manner that ensures client confidentiality.
4. Maintain timely, accurate, legible, and complete written or electronic records for each client, to include dates of service and identifying information to substantiate treatment plan, client progress, and termination.

D. In regard to dual relationships, persons registered by the board shall:

1. Not engage in dual relationships with clients or former clients that are harmful to the client's well-being, or which would impair the practitioner's objectivity and professional judgment, or increase the risk of client exploitation. This prohibition includes, but is not limited to, such activities as providing services to close friends, former sexual partners, employees, or relatives; or engaging in business relationships with clients.

2. Not engage in sexual intimacies or romantic relationships with current clients. For at least five (5) years after cessation or termination of professional services, practitioners shall not engage in sexual intimacies or romantic relationships with a client or those included in collateral therapeutic services. Since sexual or romantic relationships are potentially exploitative, the practitioner shall bear the burden of demonstrating that there has been no exploitation. A client'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.

3. Recognize conflicts of interest and inform all parties of obligations, responsibilities, and loyalties to third parties.

E. Upon learning of evidence that indicates a reasonable probability that another mental health provider is or may be guilty of a violation of standards of conduct as defined in statute or regulation, persons registered by the board shall advise their clients of their right to report such misconduct to the Department of Health Professions in accordance with § 54.1-2400.4 of the Code of Virginia.

18VAC115-xx-xxx. Grounds for revocation, suspension, restriction, or denial of registration; petition for rehearing.

A. In accordance with §54.1-2400(7) of the Code of Virginia, the board may revoke, suspend, restrict, or decline to issue or renew a registration based upon the following conduct:

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 (§54.1-3500 et seq.) of Title 54.1 of the Code of Virginia, any other statute applicable to the practice of peer recovery specialists or qualified mental health professionals, or any provision of this chapter;

2. Procuring or maintaining a registration, including submission of an application or applicable board forms, by fraud or misrepresentation;

3. Conducting one's practice in such a manner so 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 with reasonable skill and safety to clients by reason of illness, abusive use of alcohol; drugs, narcotics, chemicals, or any other type of material, or as a result of any mental or physical condition;

4. Violating or abetting another person in the violation of any provision of any statute applicable to the practice of peer recovery specialists or qualified mental health professionals, or any regulation in this chapter;

5. Performance of functions outside the board-registered area of competency;

6. Performance of an act likely to deceive, defraud, or harm the public;
7. Intentional or negligent conduct that causes or is likely to cause injury to a client or clients;
8. Action taken against a health or mental health license, certification, registration, or application in Virginia or other jurisdiction;
9. Failure to cooperate with an employee of the Department of Health Professions in the conduct of an investigation; or
10. Failure to report evidence of child abuse or neglect as required in §63.2-1509 of the Code of Virginia, or elder abuse or neglect as required in §63.2-1606 of the Code of Virginia.

18VAC115-xx-xxx. Reinstatement following disciplinary action.

- A. Any person whose registration has been suspended or who has been denied reinstatement by board order, having met the terms of the order, may submit a new application and fee for reinstatement of registration. Any person whose registration has been revoked by the board may, three years subsequent to such board action, submit a new application and fee for reinstatement of registration.
- B. The board in its discretion may, after an administrative proceeding, grant the reinstatement sought in subsection A of this section.

Attachment B

Draft Regulations Governing the Registration of Qualified Mental Health Professionals.

Part I. General Provisions

Definitions.

“Accredited” means a school that is listed as accredited on the United States Department of Education College Accreditation database found on the United State Department of Education website.

“Applicant” means a person applying for registration as a qualified mental health professional.

"Board" shall mean the Virginia Board of Counseling.

“Collaborative mental health services” means those services provided by a qualified mental health professional in collaboration with either a mental health professional licensed in Virginia or a person under supervision approved by a board as a pre-requisite for licensure under the Boards of Counseling, Psychology, or Social Work.

“DBHDS” means the Virginia Department of Behavioral Health and Developmental Services.

“Face-to-face” means the physical presence of the individuals involved in the supervisory relationship or the use of technology that provides real-time, visual and audio contact among the individuals involved.

“Mental health professional” means a person who by education and experience is professionally qualified and licensed in Virginia to provide counseling interventions designed to facilitate an individual’s achievement of human development goals and remediate mental, emotional, or behavioral disorders and associated distresses which interfere with mental health and development.

“Qualified mental health professional or QMHP” means a person who by education and experience is professionally qualified and registered by the Board to provide collaborative mental health services for adults or children. A qualified mental health professional shall provide such services as an employee or independent contractor of the DBHDS or a provider licensed by the DBHDS.

“Qualified Mental Health Professional-Adult or QMHP-A” means a registered QMHP who is trained and experienced in providing mental health services to adults who have a mental illness. A QMHP-A shall provide such services as an employee or independent contractor of the DBHDS or a provider licensed by the DBHDS.

“Qualified Mental Health Professional-Child or QMHP-C” means a registered QMHP who is trained and experienced in providing mental health services to children or adolescents who have a mental illness. A QMHP-C shall provide such services as an employee or independent contractor of the DBHDS or a provider licensed by the DBHDS.

“Registrant” means a QMHP registered with the Board.

Fees required by the board.

C. The board has established the following fees applicable to the registration of qualified mental health professionals:

Registration	\$50
Renewal of registration	\$30
Late renewal	\$20
Reinstatement of a lapsed registration	\$75
Duplicate certificate of registration	\$10
Returned check	\$35
Reinstatement following revocation or suspension	\$500

D. Unless otherwise provided, fees established by the board shall not be refundable.

Current name and address.

Each registrant shall furnish the board his current name and address of record. Any change of name or address of record or public address, if different from the address of record, shall be furnished to the board within 60 days of such change. It shall be the duty and responsibility of each registrant to inform the board of his current address.

Part II. Requirements for Registration

Requirements for registration as a Qualified Mental Health Professional-Adult.

C. An applicant for registration shall submit a completed application and a fee as prescribed in XXXXX on forms provided by the board.

D. An applicant for registration as a qualified mental health professional-adult shall provide evidence of either:

1. A master's degree in psychology, social work, counseling, substance abuse, or marriage and family therapy from an accredited college or university with an internship or practicum of at least 500 hours of experience with persons who have mental illness;
2. A master's or bachelor's degree in human services or a related field from an accredited college with no less than 1,500 hours of supervised experience to be obtained within a 24-month period as specified in subsection C of this section;
3. A bachelor's degree from an accredited college in an unrelated field that includes at least 15 semester credits or 22 quarter hours in a human services field and with no less than 3,000 hours of supervised experience to be obtained within a four-year period as specified in subsection C of this section;

4. A registered nurse licensed in Virginia with no less than 1,500 hours of supervised experience to be obtained within a 24-month period as specified in subsection C of this section; or
5. A licensed occupational therapist with no less than 1,500 hours of supervised experience to be obtained within a 24-month period as specified in subsection C of this section.

E. Experience requirements

1. In order to be registered as a QMHP-A, an applicant who does not have a master's degree as set forth in subsection B 1 of this section shall provide documentation of experience in providing direct services to individuals as part of a population of adults with mental illness in a setting where mental health treatment, practice, observation or diagnosis occurs. The services provided shall be appropriate to the practice of a QMHP-A and under the supervision of a licensed mental health professional or a person under supervision approved by a board as a pre-requisite for licensure under the Boards of Counseling, Psychology, or Social Work.
2. Supervision shall consist of face-to-face training in the services of a QMHP-A until the supervisor determines competency in the provision of such services, after which supervision may be indirect in which the supervisor is either on-site or immediately available for consultation with the person being trained.
3. Hours obtained in a bachelor's or master's level internship or practicum in a human services field may be counted towards completion of the required hours of experience.

Requirements for registration as a Qualified Mental Health Professional-Child.

- A. An applicant for registration shall submit a completed application and a fee as prescribed in XXXXX on forms provided by the board.
- B. An applicant for registration as a QMHP-C shall provide evidence of either:
 1. A master's degree in psychology, social work, counseling, substance abuse, or marriage and family therapy from an accredited college or university with an internship or practicum of at least 500 hours of experience with persons who have mental illness;
 2. A master's or bachelor's degree in a human services field or in special education from an accredited college with no less than 1,500 hours of supervised experience to be obtained within a 24-month period as specified in subsection C of this section;
 3. A registered nurse licensed in Virginia with no less than 1,500 hours of supervised experience to be obtained within a 24-month period as specified in subsection C of this section;
 4. A licensed occupational therapist with no less than 1,500 hours of supervised experience as specified in subsection C of this section.

C. Experience required for registration.

1. In order to be registered as a QMHP-C, an applicant who does not have a master's degree as set forth in subsection B 1 of this section provide documentation of 1,500 hours of experience in providing direct services to individuals as part of a population of children or adolescents with mental illness in a setting where mental health treatment, practice, observation or diagnosis occurs. The services provided shall be appropriate to the practice of a QMHP-C and under the supervision of a licensed mental health professional or a person under supervision approved by a board as a pre-requisite for licensure under the Boards of Counseling, Psychology, or Social Work.
2. Supervision shall consist of face-to-face training in the services of a QMHP-C until the supervisor determines competency in the provision of such services, after which supervision

may be indirect in which the supervisor is either on-site or immediately available for consultation with the person being trained.

3. Hours obtained in a bachelor's or master's level internship or practicum in a human services field may be counted towards completion of the required hours of experience.

Registration of QMHPs with prior experience.

Until December 31, 2018, persons who have been employed as QMHPs prior to December 31, 2017 may be registered with the board by submission of a completed application, payment of the application fee, and submission of an attestation from an employer that they met the qualifications for a QMHP-A or a QMHP-C at the time of employment. Such persons may continue to renew their registration without meeting current requirements for registration provided they do not allow their registration to lapse or have board action to revoke or suspend, in which case they shall meet the requirements for reinstatement

Part III. Renewal of Registration.

Annual renewal of registration

- C. All registrants shall renew their registration on or before June 30 of each year.
- D. Along with the renewal form, the registrant shall submit the renewal fee as prescribed in XXXX.

Continued competency requirements for renewal of registration.

- I. Qualified mental health professionals shall be required to have completed a minimum of eight contact hours of continuing education for each annual registration renewal. A minimum of one of these hours shall be in a course that emphasizes ethics.
- J. Qualified mental health professionals shall complete continuing competency activities that focus on increasing knowledge or skills in areas directly related to the services provided by a QMHP.
- K. The following organizations, associations, or institutions are approved by the board to provide continuing education provided the hours are directly related to the provision of mental health services:
 1. Federal, state, or local governmental agencies, public school systems, or licensed health facilities; and
 2. Entities approved for continuing education by a health regulatory board within the Department of Health Professions.
- L. Attestation of completion of continuing education is not required for the first renewal following initial registration in Virginia.
- M. The board may grant an extension for good cause of up to one year for the completion of continuing education requirements upon written request from the registrant prior to the renewal date. Such extension shall not relieve the registrant of the continuing education requirement.
- N. The board may grant an exemption for all or part of the continuing education requirements due to circumstances beyond the control of the registrant such as temporary disability, mandatory

military service, or officially declared disasters upon written request from the registrant prior to the renewal date.

- O. All registrants shall maintain original documentation for a period of three years following renewal.
- P. The board may conduct an audit of registrants to verify compliance with the requirement for a renewal period. Upon request, a registrant shall provide documentation as follows:
 - 1. Official transcripts showing credit hours earned; or
 - 2. Certificates of participation.
- Q. Continuing education hours required by a disciplinary order shall not be used to satisfy renewal requirements.

Part V. Standards of Practice; Disciplinary Actions; Reinstatement.

18VAC115-xx-xxx. 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 registered by the board shall:
 - 1. Practice in a manner that is the best interest of the public and does not endanger the public health, safety, or welfare.
 - 2. Practice only within the competency area for which they are qualified by training or experience and shall not provide clinical mental health services for which a license is required pursuant to §§ 54.1-3500, 54.1-3600 or 54.1-3700.
 - 3. Report to the board known or suspected violations of the laws and regulations governing the practice of qualified mental health professionals.
 - 4. Neither accept nor give commissions, rebates, or other forms of remuneration for referral of clients for professional services. Make appropriate consultations and referrals based on the interest of patients or clients.
 - 5. Stay abreast of new developments, concepts, and practices which are necessary to providing appropriate services.
- C. In regard to confidentiality and client records, persons registered by the board shall:
 - 1. Not willfully or negligently breach the confidentiality between a practitioner and a client. A breach of confidentiality that is required or permitted by applicable law or beyond the control of the practitioner shall not be considered negligent or willful.

2. Disclose client records to others only in accordance with the requirements of §§ 32.1-127.1:03 and 54.1-2400.1 of the Code of Virginia.
3. Maintain client records securely, inform all employees of the requirements of confidentiality and provide for the destruction of records which are no longer useful in a manner that ensures client confidentiality.
4. Maintain timely, accurate, legible, and complete written or electronic records for each client, to include dates of service and identifying information to substantiate treatment plan, client progress, and termination.

D. In regard to dual relationships, persons registered by the board shall:

1. Not engage in dual relationships with clients or former clients that are harmful to the client's well-being, or which would impair the practitioner's objectivity and professional judgment, or increase the risk of client exploitation. This prohibition includes, but is not limited to, such activities as providing services to close friends, former sexual partners, employees, or relatives; or engaging in business relationships with clients.
2. Not engage in sexual intimacies or romantic relationships with current clients. For at least five (5) years after cessation or termination of professional services, practitioners shall not engage in sexual intimacies or romantic relationships with a client or those included in collateral therapeutic services. Since sexual or romantic relationships are potentially exploitative, the practitioner shall bear the burden of demonstrating that there has been no exploitation. A client'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.
3. Recognize conflicts of interest and inform all parties of obligations, responsibilities, and loyalties to third parties.

E. Upon learning of evidence that indicates a reasonable probability that another mental health provider is or may be guilty of a violation of standards of conduct as defined in statute or regulation, persons registered by the board shall advise their clients of their right to report such misconduct to the Department of Health Professions in accordance with § 54.1-2400.4 of the Code of Virginia.

18VAC115-xx-xxx. Grounds for revocation, suspension, restriction, or denial of registration.

- B. In accordance with §54.1-2400(7) of the Code of Virginia, the board may revoke, suspend, restrict, or decline to issue or renew a registration based upon the following conduct:
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 (§54.1-3500 et seq.) of Title 54.1 of the Code of Virginia, any other statute applicable to the practice of qualified mental health professionals, or any provision of this chapter;

2. Procuring or maintaining a registration, including submission of an application or applicable board forms, by fraud or misrepresentation;
3. Conducting one's practice in such a manner so 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 with reasonable skill and safety to clients by reason of illness, abusive use of alcohol; drugs, narcotics, chemicals, or any other type of material, or as a result of any mental or physical condition;
4. Violating or abetting another person in the violation of any provision of any statute applicable to the practice of qualified mental health professionals, or any regulation in this chapter;
5. Performance of functions outside the board-registered area of competency;
6. Performance of an act likely to deceive, defraud, or harm the public;
7. Intentional or negligent conduct that causes or is likely to cause injury to a client or clients;
8. Action taken against a health or mental health license, certification, registration, or application in Virginia or other jurisdiction;
9. Failure to cooperate with an employee of the Department of Health Professions in the conduct of an investigation; or
10. Failure to report evidence of child abuse or neglect as required in §63.2-1509 of the Code of Virginia, or elder abuse or neglect as required in §63.2-1606 of the Code of Virginia.

18VAC115-xx-xxx. Reinstatement following disciplinary action.

A. Any person whose registration has been suspended or who has been denied reinstatement by board order, having met the terms of the order, may submit a new application and fee for reinstatement of registration. Any person whose registration has been revoked by the board may, three years subsequent to such board action, submit a new application and fee for reinstatement of registration.

B. The board in its discretion may, after an administrative proceeding, grant the reinstatement sought in subsection A of this section.