

Call to Order – J.D. Ball, Ph.D, LCP, Vice-Chair

- Welcome and Introductions
- Establishment of Quorum
- Mission of the Board/Emergency Egress Procedures.....Page 3

Adoption of Agenda

Public Comment

The Board will receive public comment related to agenda items at this time. The Board will not receive comment on any pending regulation process for which a public comment period has closed or any pending or closed complaint or disciplinary matter.

Approval of Minutes

Board Meeting – May 23, 2023*Page 5

Agency Director Report (Verbal Report)– Arne Owens

Presentation – Barbara Hodgdon, Ph.D., Deputy Director, Healthcare Workforce Data Center and Data Analytics Division

"Clinical Psychologist Workforce: 2023 Survey Findings"Page 9

Legislative and Regulatory Report – Erin L. Barrett, JD, DHP Director of Legislative and Regulatory Affairs

- Regulatory Chart.....Page 24
- Adoption of revised policy on meetings held with electronic participation pursuant to statutory changes*Page 25
- Consideration of Petition for Rulemaking regarding acceptance of retired licensees in good standing for licensure by endorsement*Page 31
- Initiation of periodic review of public participation guidelines contained in 18VAC125-11*Page 36

Staff Reports

Executive Director’s Report (Verbal) – Jaime Hoyle, JD, Executive Director, Boards of Counseling, Psychology and Social Work

- Staffing update
- Board appointments
- Involvement and Outreach
 - PSYPACT update.....Page 45
 - Association of State and Provincial Psychology Boards (ASPPB) update
 - Additional Committee and Workgroup involvement

Discipline Report – Jennifer Lang, Deputy Director, Boards of Counseling, Psychology, and Social Work.....Page 50

Committee Reports

- Regulatory Committee Report (Verbal) – Dr. Ball
 - Implementation of the EPPP Part 2 and establishment of a subcommittee
 - Master’s level psychologists
 - Prescriptive Authority
-

New Business

- Supervision instructions given to school psychology applicants for clinical psychology- Dr. Ball
 - Support to licensure applicants who experience difficulty with the EPPP - Ms. Hoyle
 - Implementation of criminal background checks for applicants* - Ms. Hoyle
-

Next Meeting – December 5, 2023

Adjournment

*Requires a Board Vote

This information is in **DRAFT** form and is subject to change. The official agenda and packet will be approved by the public body at the meeting and will be available to the public pursuant to Virginia Code Section 2.2-3708(D).



Virginia Department of
Health Professions
Board of Psychology

MISSION STATEMENT

Our mission is to ensure safe and competent patient care by licensing health professionals, enforcing standards of practice, and providing information to health care practitioners and the public.

EMERGENCY EGRESS

Please listen to the following instructions about exiting these premises in the event of an emergency.

In the event of a fire or other emergency requiring the evacuation of the building, alarms will sound. When the alarms sound, leave the room immediately. Follow any instructions given by the Security staff.

Board Room 1

Exit the room using one of the doors at the back of the room. **(Point)** Upon exiting the room, turn **RIGHT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Board Room 2

Exit the room using one of the doors at the back of the room. **(Point)** Upon exiting the room, turn **RIGHT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

You may also exit the room using the side door **(Point)**, turn **Right** out the door and make an immediate **Left**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Board Rooms 3 and 4

Exit the room using one of the doors at the back of the room. **(Point)** Upon exiting the room, turn **RIGHT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Training Room 1

Exit the room using one of the doors at the back of the room. **(Point)** Upon exiting the room, turn **LEFT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Training Room 2

Exit the room using one of the doors at the back of the room. **(Point)** Upon exiting the doors, turn **LEFT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

PRESIDING OFFICER: Susan Brown Wallace, Ph.D.

BOARD MEMBERS PRESENT: J.D. Ball, Ph.D.
Aliya Chapman, Ph.D
William Hathaway, Ph.D.
Norma Murdock-Kitt, Ph.D
Christine Payne, BSN, MBA
Gary Sibcy, Ph.D.
Cheryl Snyder
Kathryn Zeanah, Ph. D.

BOARD STAFF PRESENT: Jaime Hoyle, Executive Director
Jennifer Lang, Deputy Executive Director
Charlotte Lenart, Deputy Executive Director

DHP STAFF PRESENT: James Jenkins, Deputy Director, DHP
Arne Owens, Director, DHP

BOARD COUNSEL PRESENT: James Rutkowski, Assistant Attorney General

CALL TO ORDER: Dr. Wallace called the meeting to order at 10:03 a.m.

MISSION STATEMENT: Ms. Hoyle read the mission statement of the Department of Health Professions and the emergency egress procedures.

ESTABLISHMENT OF A QUORUM: With nine (9) members present, a quorum was established.

ADOPTION OF AGENDA: The agenda was adopted as presented.

PUBLIC ATTENDEES: Denise Daly Konrad, Director of Strategic Initiatives, Virginia Health Care Foundation

PUBLIC COMMENT: None

APPROVAL OF MINUTES: The minutes from the February 7, 2023, Quarterly Board meeting were adopted as presented.

AGENCY DIRECTOR REPORT: Mr. Owens provided an update on DHP operations, including a recent staff training and

development day, digital discipline processes, automation platforms, staff pay studies, and the biennial budget. DHP continues to focus on healthcare workforce including Ms. Hoyle's and Mr. Jenkins' work on the Governor's "Right Help. Right Now" initiative.

BOARD CHAIR REPORT:

Dr. Wallace noted that she is at the end of her second term on the board and thanked staff and board members for their work during her tenure. Mr. Owens thanked her for her service on the board.

LEGISLATIVE AND REGULATORY REPORT:

Ms. Hoyle advised of the current status of pending regulation changes, as detailed in the chart of regulatory actions.

Consideration of Exempt Regulatory Changes to 18VAC125-15-10

Ms. Hoyle provided the board with an overview of the legislative changes to allow agency subordinates to hear application cases. Dr. Zeanah made a motion to accept the changes to the agency subordinate regulations as an exempt action. The motion was seconded and passed unanimously.

Repeal of Guidance Document 125-3.8

Dr. Hathaway made a motion to repeal Guidance Document 125-3.8. The motion was seconded and passed unanimously.

STAFF REPORTS:

Executive Director's Report:

Ms. Hoyle gave an update on the financials and the PSYPACT Annual report that were included in the agenda packet. She expressed her admiration for Dr. Wallace, and thanked for her contributions to the Board and the Commonwealth.

Discipline Report:

Ms. Lang referred board members to the discipline report on page 104 of the agenda packet. She provided an update on discipline staff and thanked Christy Evans and discipline reviewer for their hard work. She also welcomed Jessica Byrum, who will be responsible for continuing education audits for the board.

Dr. Ball remarked on an issue raised by the public at the regulatory committee meeting regarding the need to notify the public of board actions against unlicensed individuals. The board referred this matter to the regulatory committee for further discussion. Dr. Hathaway asked board counsel for guidance on what the board can do about unlicensed individuals testifying as experts in the field without holding an active license.

Licensing Report:

Ms. Lenart stated the Licensing Report by reviewing with the Board the number of applications received and licenses issued for this reporting period. A copy of the report is attached to the agenda. She updated the Board on the new website, BOT automated emails and the process for moving applications from paper to online.

Ms. Lenart recognized Debbie Harris, Licensing Manager for the Board for her efforts and 100% satisfaction survey results.

COMMITTEE REPORTS:

Regulatory Committee Report:

Dr. Ball reported on the Regulatory Committee's discussions and action.

- **Examination for Professional Practice in Psychology (EPPP):**

The Regulatory Committee made a recommendation to the board to begin requiring part II of the EPPP, in addition to the current part required for licensure. The recommendation was seconded and passed unanimously.

Dr. Ball made a motion to establish a subcommittee for the purpose of researching the board's concerns, specifically related to pass rate data and the additional cost for exam candidates and drafting an implementation plan to present to the board at the September 2023 board meeting. The motion was seconded and passed unanimously. Dr. Chapman and Dr. Wallace expressed an interest in serving on the subcommittee.

- **Master's Level Psychology Licenses**

Dr. Ball updated the board on the Regulatory Committee's discussion on possible title, training, supervision, and scope of practice if legislation is passed to implement a master's level psychology license. The Association of State and Provincial Psychology Boards (ASPPB) is currently working on suggested titles and scope of practice and may have suggestions available later this year. The board noted their support in using the title "Psychological Practitioners" and agreed that ongoing supervision should not be required for this level of practice.

- **Shortage of School Psychologists**

The Regulatory Committee discussed the statewide shortage of school psychologists but determined that the board's authority is limited, and no action can be taken at this time.

- **Prescriptive Authority**

The Regulatory Committee discussed interest in this topic but noted that the board does not have legislative authority at this time.

Board of Health Professions Report:

No report. The Board of Health Professions has not met since the Board last met.

PRESENTATION:

Behavioral Health Workforce Dashboard

Yetty Shobo, Director of Healthcare Workforce Data Center, DHP presented information on the launch of DHP's new 2023 digital Virginia's Behavioral Health Workforce Dashboard. This dashboard gives state-specific data regarding licensees of Virginia's behavioral healthcare workforce.

UNFINISHED BUSINESS:

Discussion of Shortage of School Psychologists:

Dr. Wallace advised that, as of March 2023, there are 82.5 unfulfilled school psychology positions in Virginia and the state currently ranks near the bottom in the country for availability of school psychologists.

NEW BUSINESS:

Right Help. Right Now. Behavioral Health Transformation and Workforce Issues

Ms. Hoyle and Mr. Jenkins provided an update on the Right Help. Right Now. Behavioral Health initiative.

ASPPB Report

Dr. Chapman provided a report from the ASPPB meeting.

- **Master's level licensure**

The ASPPB created a task force to review this topic and draft recommendations. One area of interest is in determining if the EPPP should have different exam cutoff scores for candidates pursuing a master's level license.

- **EPPP**

The ASPPB advised that there is a sample exam available for boards to review.

- **Telepsychology**

With an increase in the use of telehealth services, boards need to think about 1) requiring continuing education that is specific to telehealth, 2) requirements for training to provide safe and competent telehealth services, and 3) the concern about the lack of available continuing education in this topic.

- **Other areas of discussion**

- Determining program equivalency.
- Updates to the ethics code.
- Increasing workforce.

NEXT MEETING DATE:

The next Full Board Meeting is scheduled for September 19, 2023.

ADJOURNMENT:

Dr. Wallace adjourned the meeting at 2:26 p.m.

Susan Brown Wallace, Ph.D., Chair Chairperson

Date

Jaime Hoyle, JD, Executive Director

Date



Virginia Department of
Health Professions



Clinical Psychologist Workforce: 2023 Survey Findings

Barbara Hodgdon, PhD

Deputy Director, Healthcare Workforce Data Center
and Data Analytics Division

Board of Psychology Meeting

Sept. 19, 2023



Trends in Licensees and Workforce



Increase in
licensees

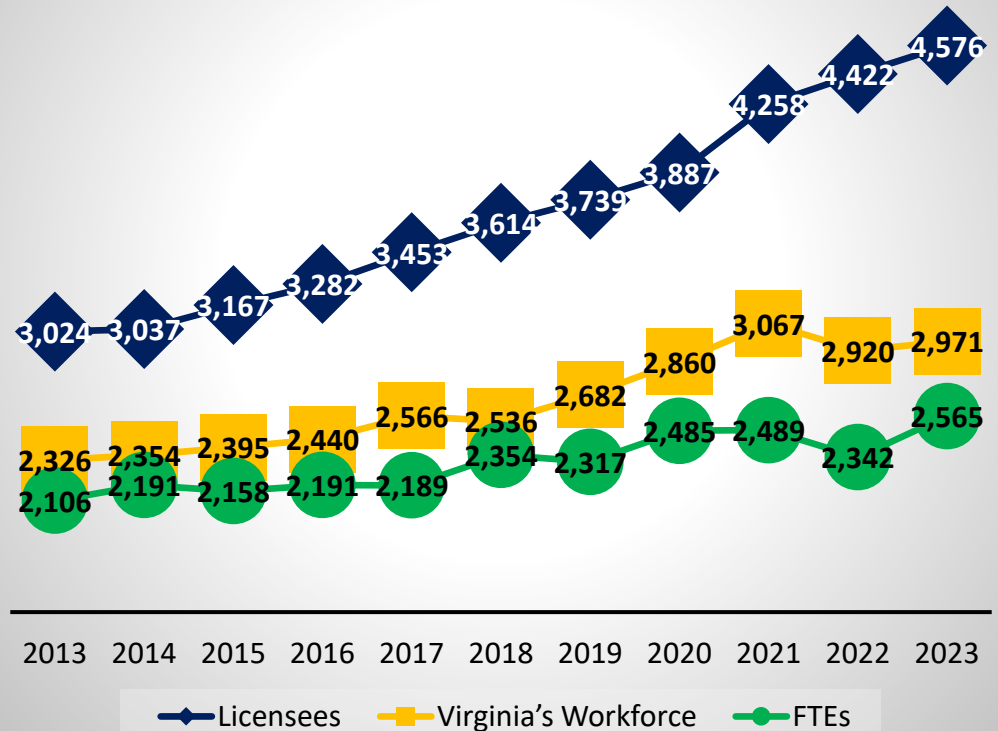


Increase in
VA's
workforce



Increase in
FTEs

Trends in the Clinical Psychologist
Workforce





Trends in Demographics



**% female
increasing
over time**

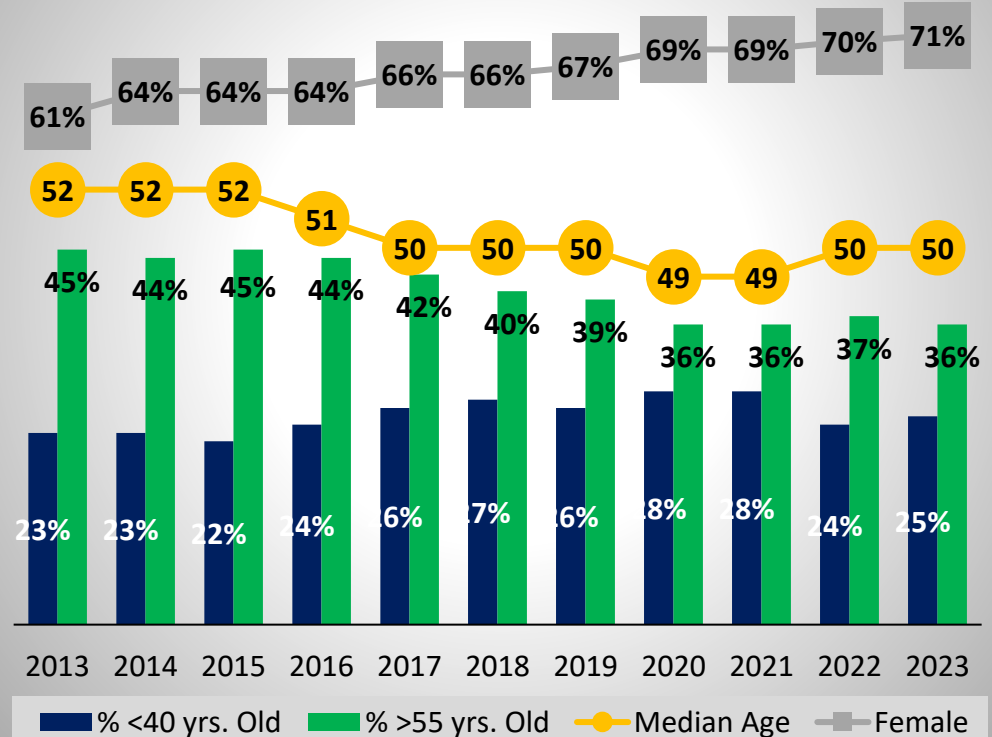


**Median age
at 50 years
since 2022**



**Age
distribution
stable
since 2022**

Demographics: Trends in Age and Gender

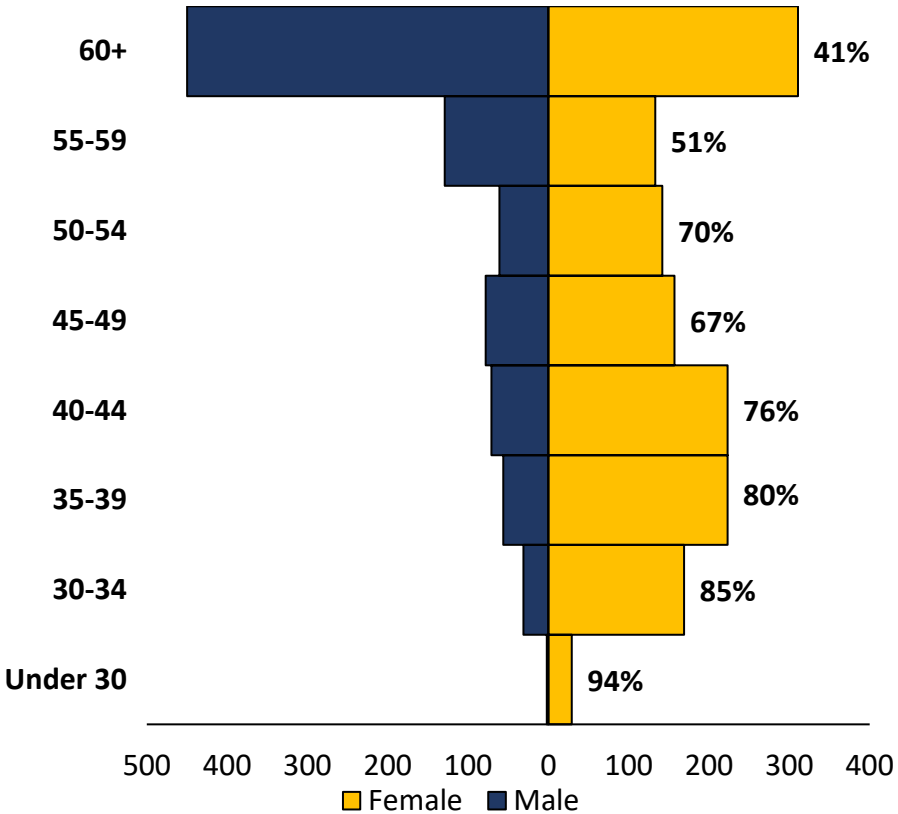




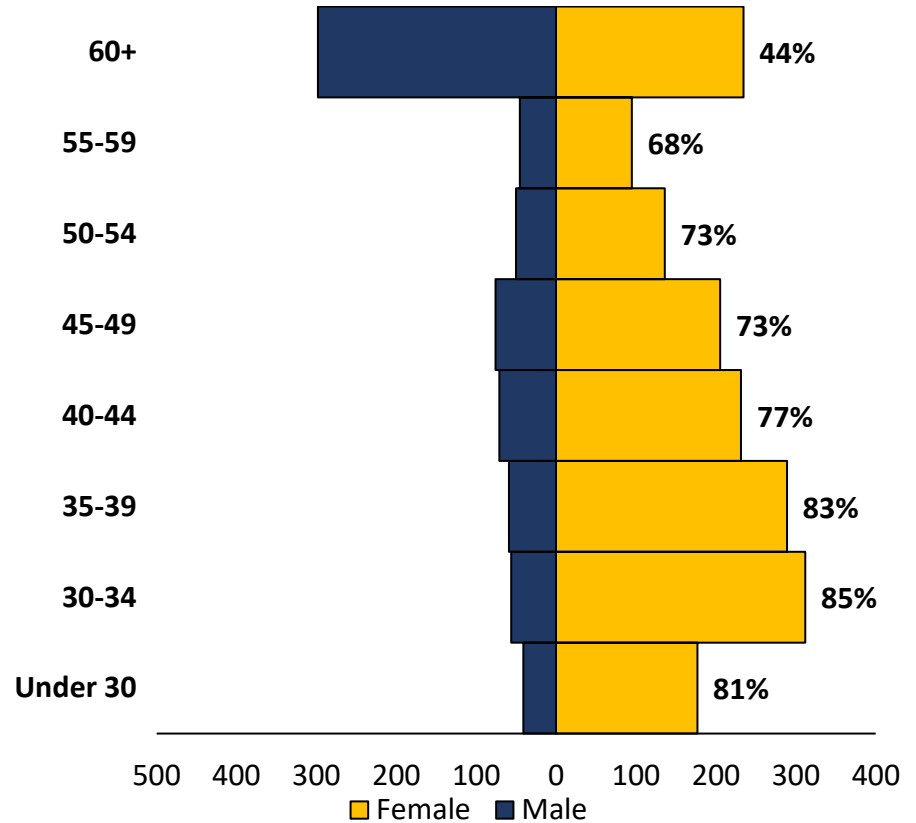
Virginia Department of Health Professions



2013 Clinical Psychologist Population Pyramid

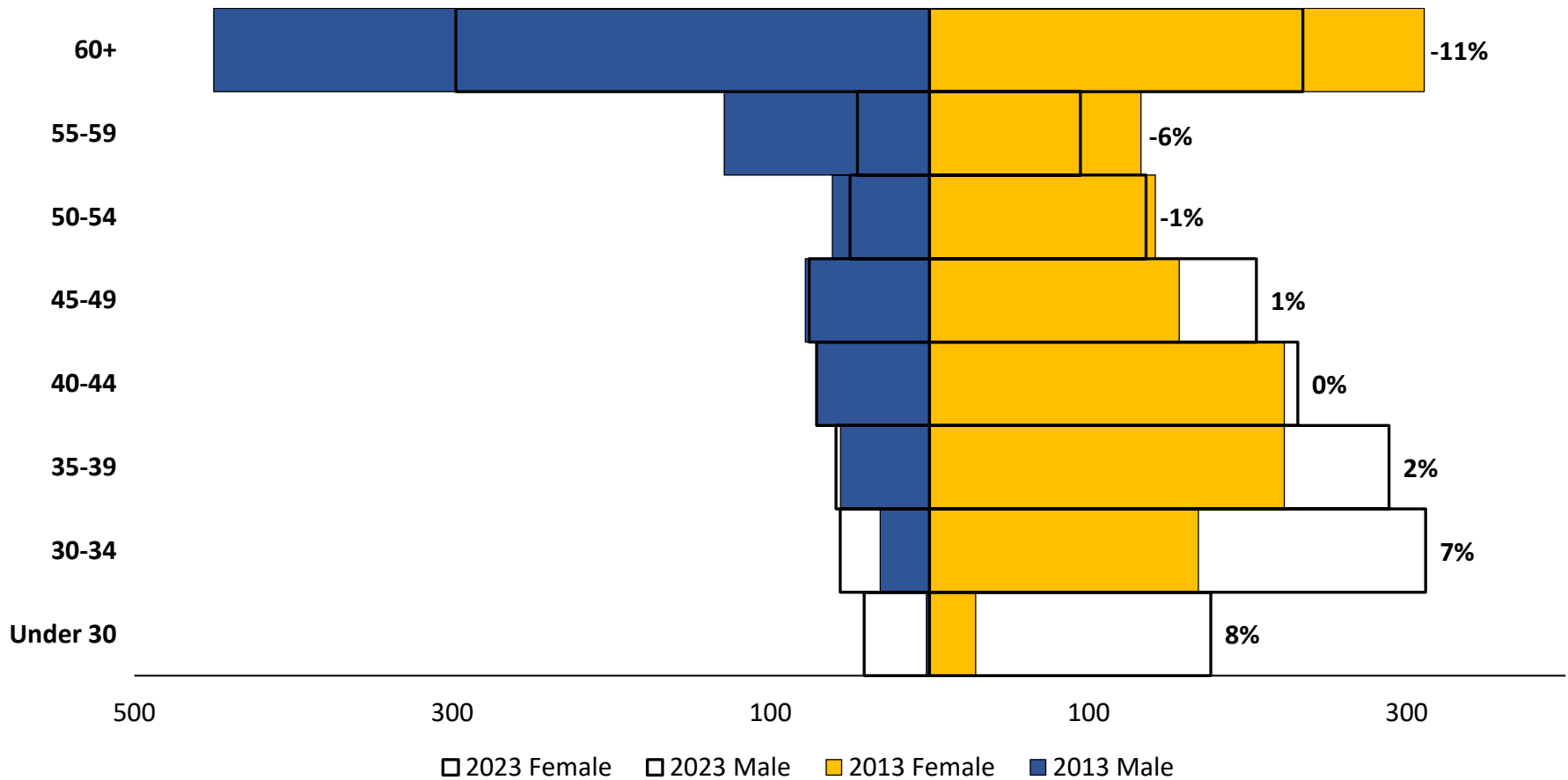


2023 Clinical Psychologist Population Pyramid





2013 versus 2023 CP Population Pyramid





Trends in Demographics

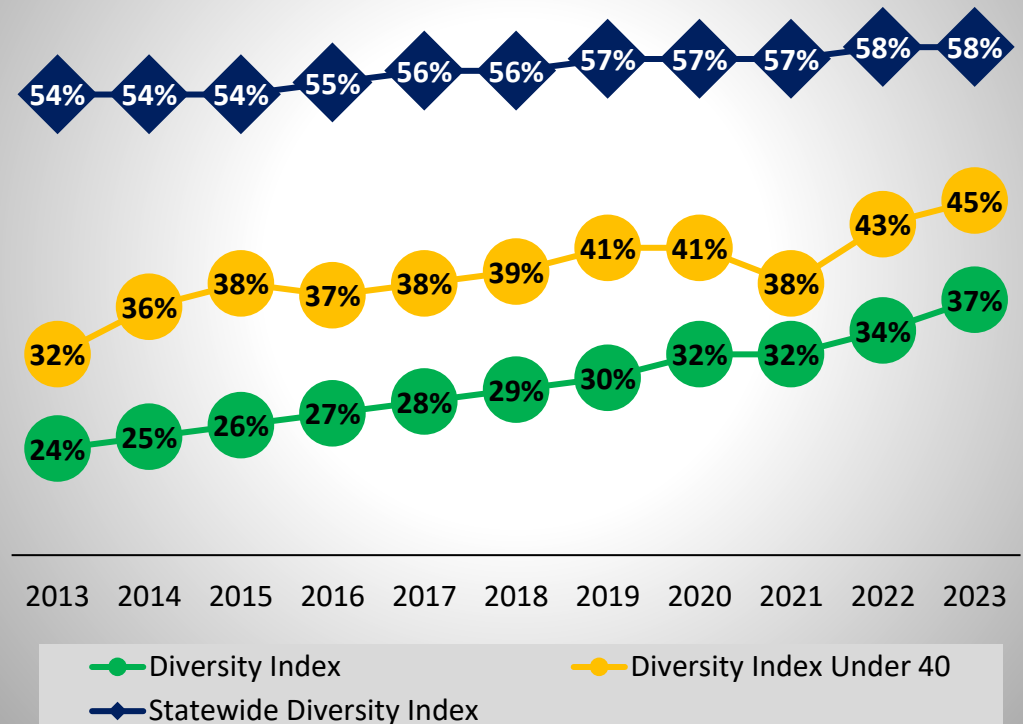


Diversity index increasing over time



Higher diversity index among under 40

Demographics: Diversity Index





Trends in Education and Debt



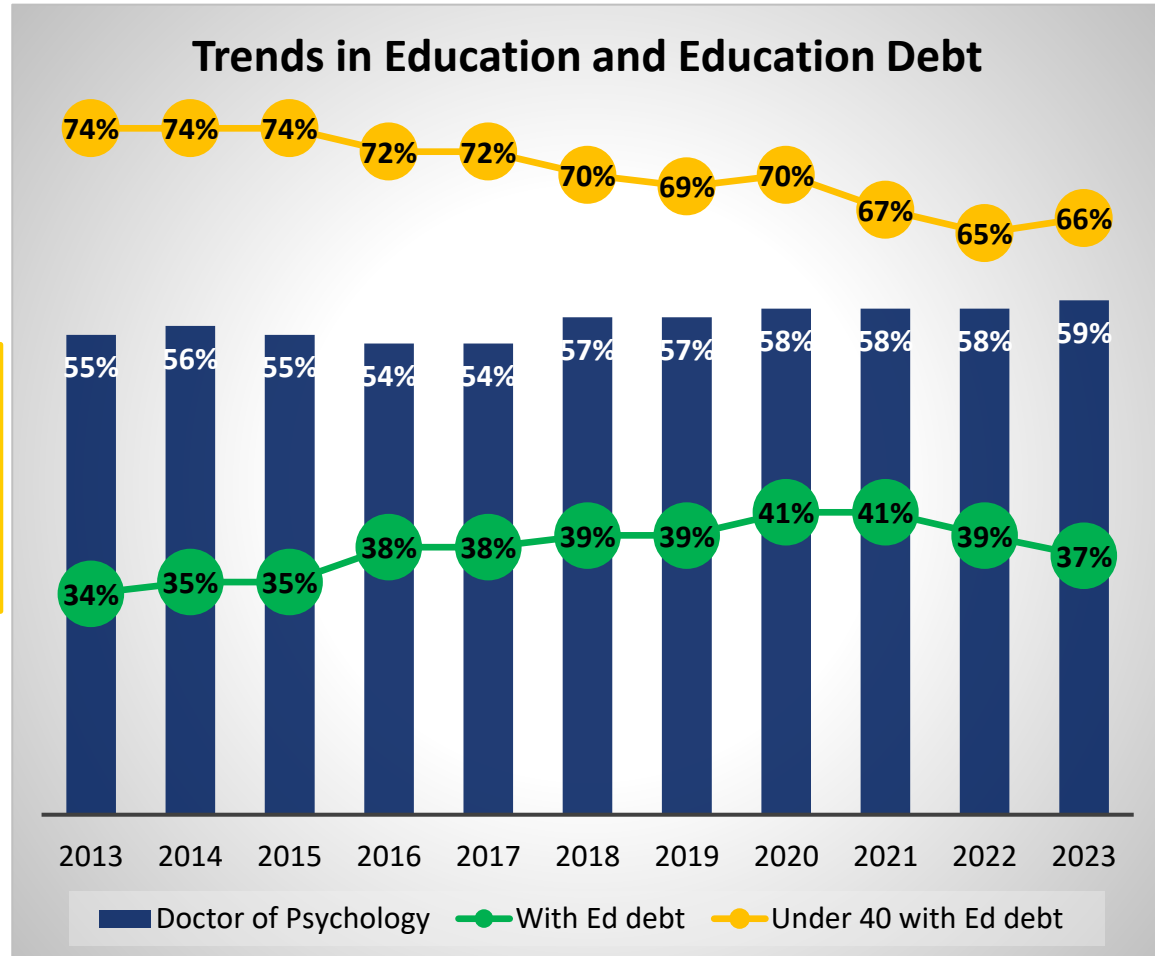
Close to 60% hold doctorate degree



Decrease in % with ed. debt since 2021



About 2/3 LCPs under 40 have ed. debt





Trends in Income and Debt



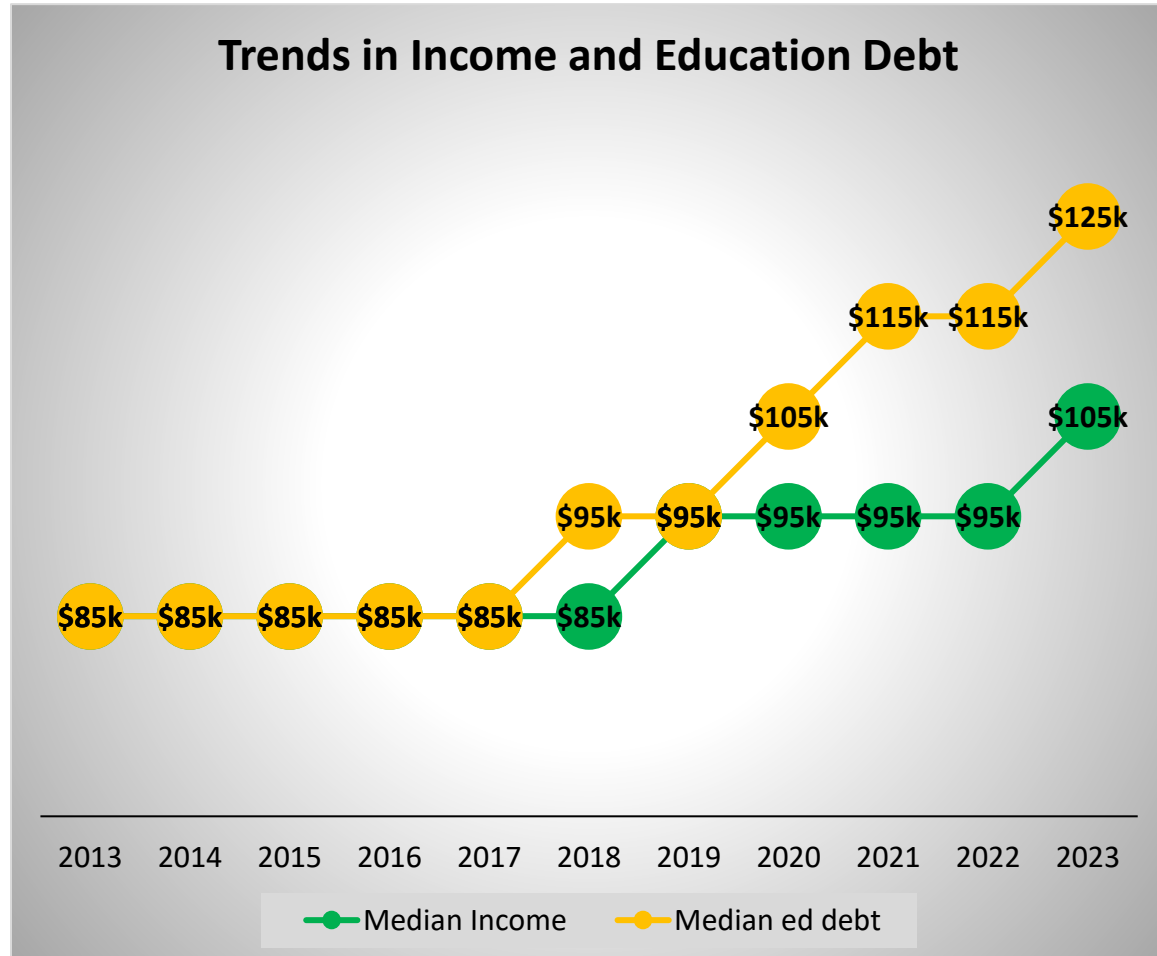
Median income increasing over time



Median education debt increasing



Median ed debt higher than median income





Language Services



Spanish most common language offered
LPCs rely on Staff members to provide service

Language and Communication

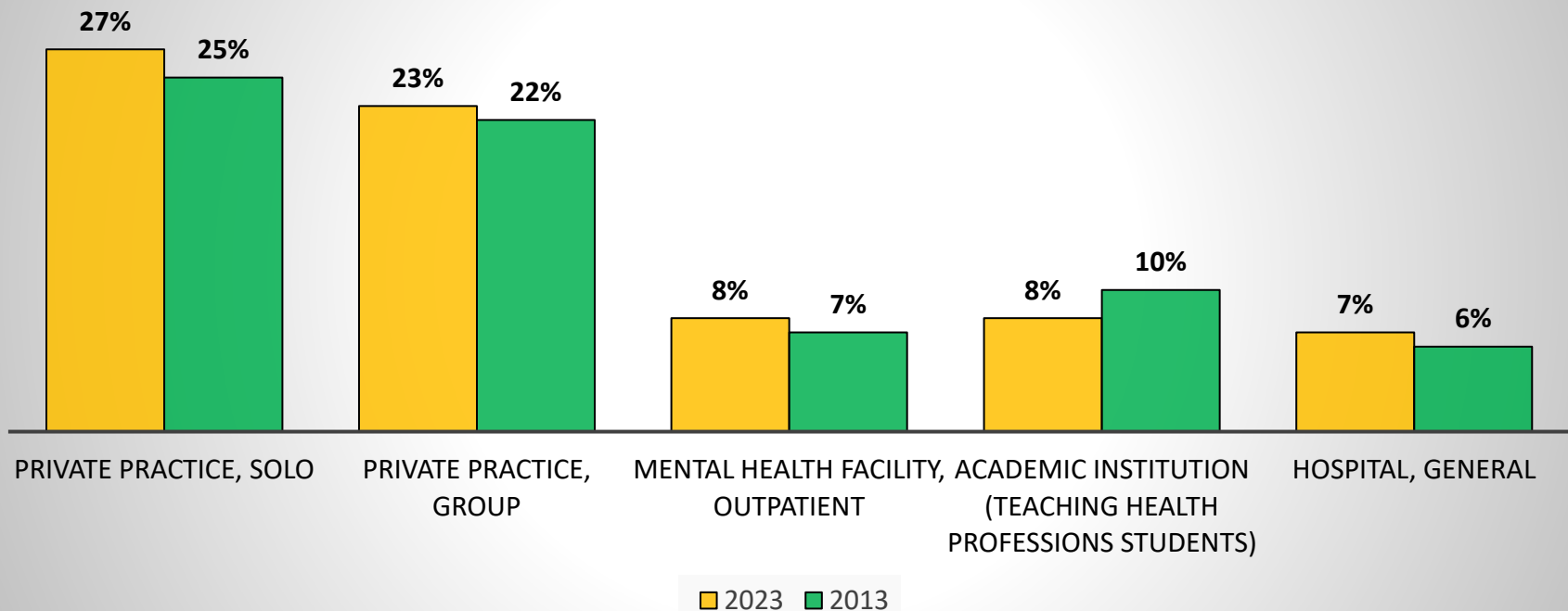
Languages Offered		Means of Communication	
Spanish	10%	Self	41%
French	3%	Staff Member	37%
Tagalog	2%		



Establishment Types

Increase in % working in hospitals, outpatient facilities, group and solo practice

Top 5 Work Settings: 2013 vs. 2023

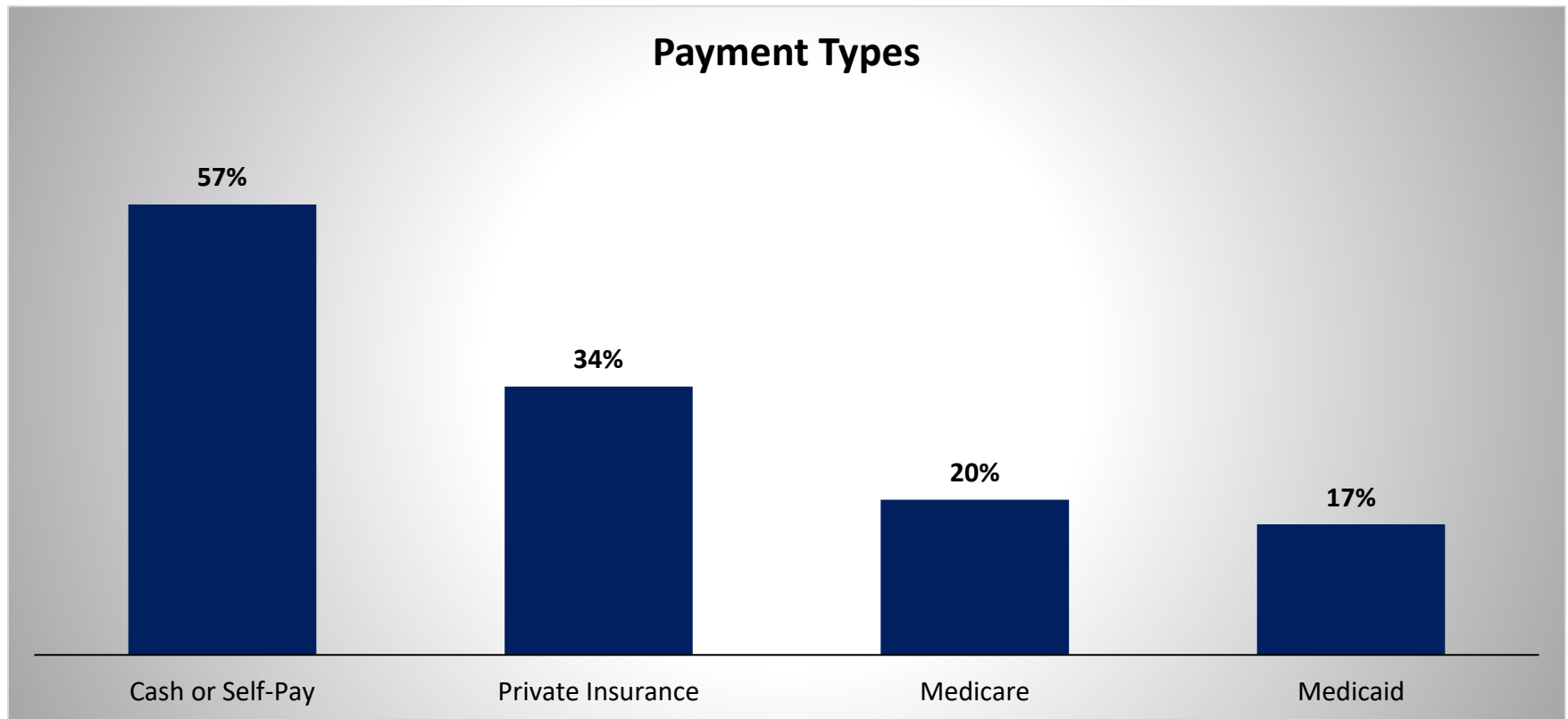




Client Payment Type



Majority accept cash or self-pay





Retirement Intentions

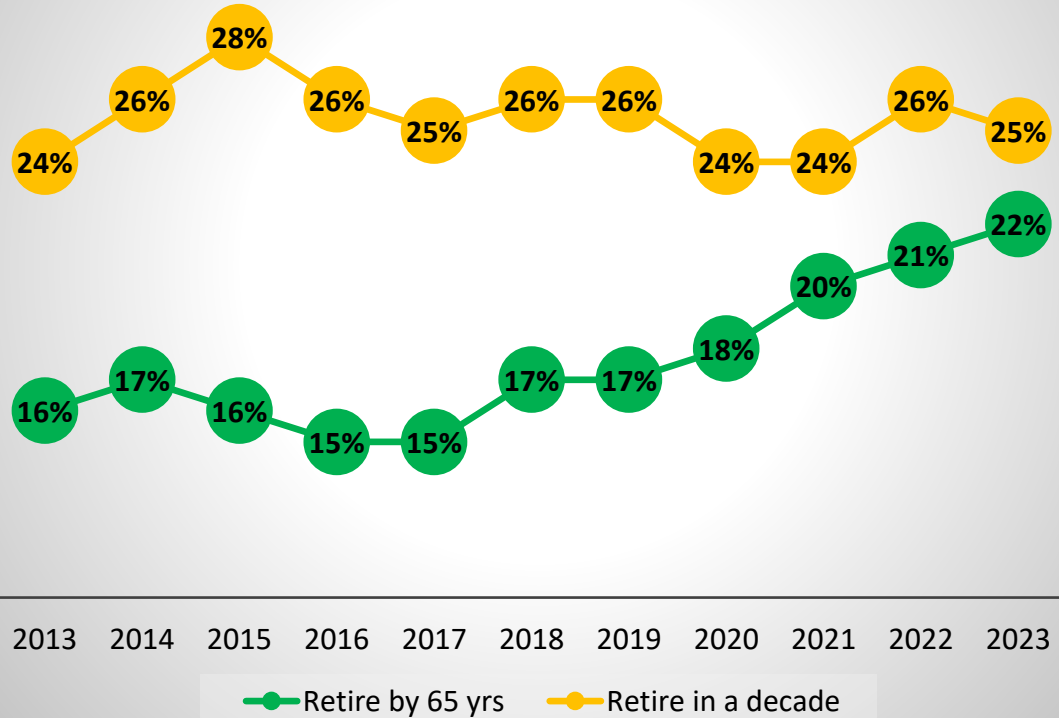


Increase in %
who intend to
retire by 65



1 in 4 intend
to retire in 10
years

Trends in Retirement Intentions

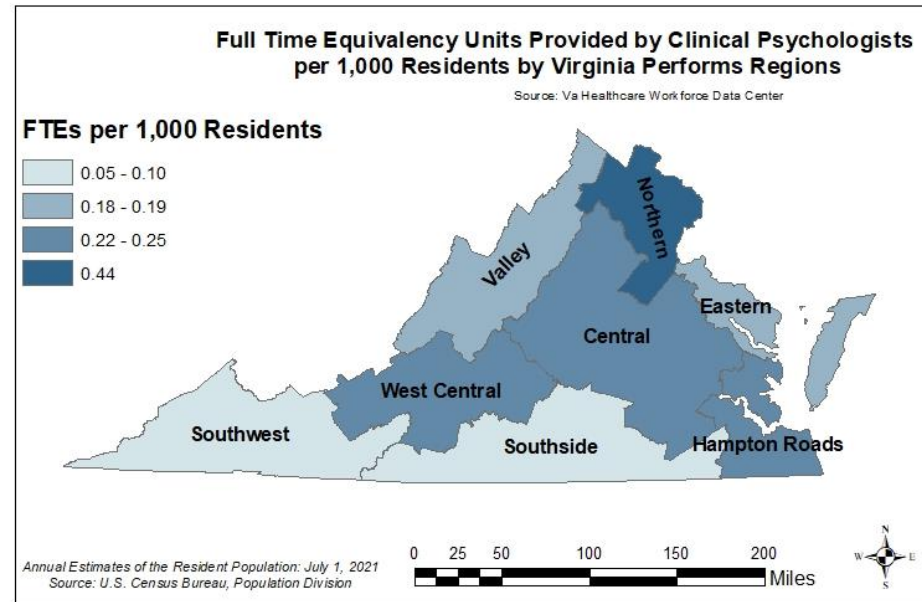
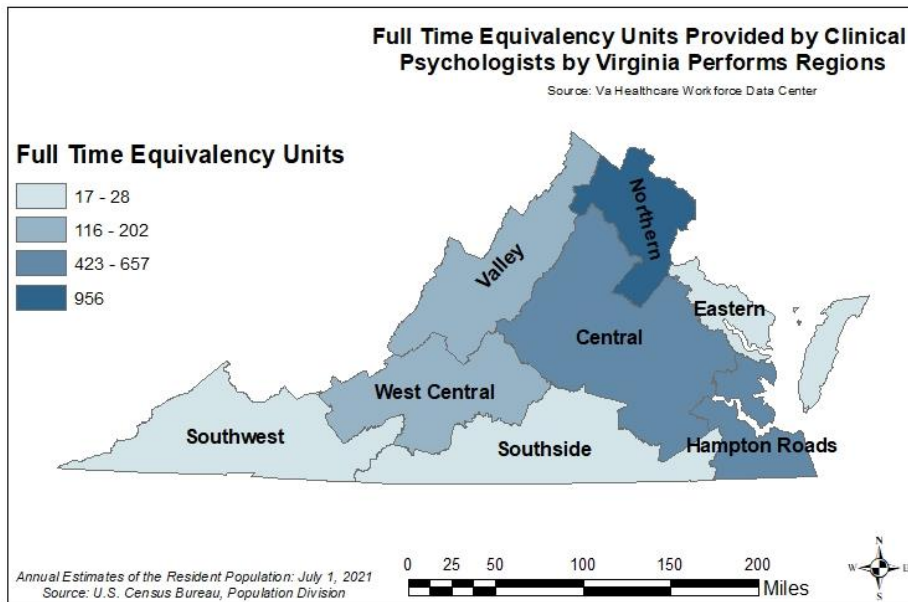




Geographical Distribution



Lowest concentrations of CPs in Southwest, and Southside VA





Conclusion



Increase in licensees, VA's workforce, and FTEs



Diversity index increasing over time



Median education debt higher than median income



Increased % of LCPs working in hospitals, and outpatient facilities, as well as group and solo practice



Approximately 1 in 4 intend to retire in 10 years



Virginia Department of
Health Professions

Thank you!



Board of Psychology
Current Regulatory Actions
As of September 7, 2023

In the Governor's Office

None.

In the Secretary's Office

VAC	Stage	Subject Matter	Date submitted	Office; time in office	Notes
18VAC125-20	Fast-Track	Regulatory reduction (2022)	5/26/2023	Secretary 104 days	Eliminates language that is duplicative of statute or no longer applicable and provides additional language clarification.
18VAC125-20	Fast-Track	Reduction in barriers to licensure (2022)	8/25/2023	Secretary 13 days	Makes minor changes to licensure and residency requirements to reduce barriers to obtaining a clinical psychology license.

Recently effective or awaiting publication

VAC	Stage	Subject Matter	Publication date	Effective date
18VAC125-15	Exempt/ Final	Allows agency subordinates to hear credentials cases	10/9/2023	11/8/2023

Agenda Item: Adoption of revised policy on meetings held with electronic participation pursuant to statutory changes

Included in your agenda package:

- Proposed revised electronic participation policy;
- Virginia Code § 2.2-3708.3

Action needed:

- Motion to revise policy on meetings held with electronic participation as presented.

Virginia Department of Health Professions

Meetings Held with Electronic Participation

Purpose:

To establish a written policy for allowing electronic participation of board or committee members for meetings of the health regulatory boards of the Department of Health Professions or their committees.

Policy:

Electronic participation by members of the health regulatory boards of the Department of Health Professions or their committees shall be in accordance with the procedures outlined in this policy.

Authority:

This policy for conducting a meeting with electronic participation shall be in accordance with [Virginia Code § 2.2-3708.3](#).

Procedures:

1. One or more members of the Board or a committee may participate electronically if, on or before the day of a meeting, the member notifies the chair and the executive director that he/she is unable to attend the meeting due to:
 - a. a temporary or permanent disability or other medical condition that prevents the member's physical attendance;
 - b. a medical condition of a member of the member's family requires the member to provide care that prevents the member's physical attendance;
 - c. the member's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting; or
 - d. the member is unable to attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter.

No member, however, may use remote participation due to personal matters more than two meetings per calendar year or 25% of the meetings held per calendar year rounded up to the next whole number, whichever is greater.

2. Participation by a member through electronic communication means must be approved by the board chair or president. The reason for the member's electronic participation shall

be stated in the minutes in accordance with Virginia Code § 2.2-3708.3(A)(4). If a member's participation from a remote location is disapproved because it would violate this policy, it must be recorded in the minutes with specificity.

3. The board or committee holding the meeting shall record in its minutes the remote location from which the member participated; the remote location, however, does not need to be open to the public and may be identified by a general description.

Draft

§ 2.2-3708.3. (Effective September 1, 2022) Meetings held through electronic communication means; situations other than declared states of emergency

A. Public bodies are encouraged to (i) provide public access, both in person and through electronic communication means, to public meetings and (ii) provide avenues for public comment at public meetings when public comment is customarily received, which may include public comments made in person or by electronic communication means or other methods.

B. Individual members of a public body may use remote participation instead of attending a public meeting in person if, in advance of the public meeting, the public body has adopted a policy as described in subsection D and the member notifies the public body chair that:

1. The member has a temporary or permanent disability or other medical condition that prevents the member's physical attendance;
2. A medical condition of a member of the member's family requires the member to provide care that prevents the member's physical attendance;
3. The member's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting; or
4. The member is unable to attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter. However, the member may not use remote participation due to personal matters more than two meetings per calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.

If participation by a member through electronic communication means is approved pursuant to this subsection, the public body holding the meeting shall record in its minutes the remote location from which the member participated; however, the remote location need not be open to the public and may be identified in the minutes by a general description. If participation is approved pursuant to subdivision 1 or 2, the public body shall also include in its minutes the fact that the member participated through electronic communication means due to a (i) temporary or permanent disability or other medical condition that prevented the member's physical attendance or (ii) family member's medical condition that required the member to provide care for such family member, thereby preventing the member's physical attendance. If participation is approved pursuant to subdivision 3, the public body shall also include in its minutes the fact that the member participated through electronic communication means due to the distance between the member's principal residence and the meeting location. If participation is approved pursuant to subdivision 4, the public body shall also include in its minutes the specific nature of the personal matter cited by the member.

If a member's participation from a remote location pursuant to this subsection is disapproved because such participation would violate the policy adopted pursuant to subsection D, such

disapproval shall be recorded in the minutes with specificity.

C. With the exception of local governing bodies, local school boards, planning commissions, architectural review boards, zoning appeals boards, and boards with the authority to deny, revoke, or suspend a professional or occupational license, any public body may hold all-virtual public meetings, provided that the public body follows the other requirements in this chapter for meetings, the public body has adopted a policy as described in subsection D, and:

1. An indication of whether the meeting will be an in-person or all-virtual public meeting is included in the required meeting notice along with a statement notifying the public that the method by which a public body chooses to meet shall not be changed unless the public body provides a new meeting notice in accordance with the provisions of § 2.2-3707;
2. Public access to the all-virtual public meeting is provided via electronic communication means;
3. The electronic communication means used allows the public to hear all members of the public body participating in the all-virtual public meeting and, when audio-visual technology is available, to see the members of the public body as well;
4. A phone number or other live contact information is provided to alert the public body if the audio or video transmission of the meeting provided by the public body fails, the public body monitors such designated means of communication during the meeting, and the public body takes a recess until public access is restored if the transmission fails for the public;
5. A copy of the proposed agenda and all agenda packets and, unless exempt, all materials furnished to members of a public body for a meeting is made available to the public in electronic format at the same time that such materials are provided to members of the public body;
6. The public is afforded the opportunity to comment through electronic means, including by way of written comments, at those public meetings when public comment is customarily received;
7. No more than two members of the public body are together in any one remote location unless that remote location is open to the public to physically access it;
8. If a closed session is held during an all-virtual public meeting, transmission of the meeting to the public resumes before the public body votes to certify the closed meeting as required by subsection D of § 2.2-3712;
9. The public body does not convene an all-virtual public meeting (i) more than two times per calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater, or (ii) consecutively with another all-virtual public meeting; and
10. Minutes of all-virtual public meetings held by electronic communication means are taken as required by § 2.2-3707 and include the fact that the meeting was held by electronic communication means and the type of electronic communication means by which the meeting was held. If a member's participation from a remote location pursuant to this subsection is disapproved because such participation would violate the policy adopted pursuant to subsection D, such disapproval shall be recorded in the minutes with specificity.

D. Before a public body uses all-virtual public meetings as described in subsection C or allows members to use remote participation as described in subsection B, the public body shall first

adopt a policy, by recorded vote at a public meeting, that shall be applied strictly and uniformly, without exception, to the entire membership and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting. The policy shall:

1. Describe the circumstances under which an all-virtual public meeting and remote participation will be allowed and the process the public body will use for making requests to use remote participation, approving or denying such requests, and creating a record of such requests; and
2. Fix the number of times remote participation for personal matters or all-virtual public meetings can be used per calendar year, not to exceed the limitations set forth in subdivisions B 4 and C 9.

Any public body that creates a committee, subcommittee, or other entity however designated of the public body to perform delegated functions of the public body or to advise the public body may also adopt a policy on behalf of its committee, subcommittee, or other entity that shall apply to the committee, subcommittee, or other entity's use of individual remote participation and all-virtual public meetings.

2022, c. [597](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

Agenda Item: Consideration of Petition for Rulemaking regarding acceptance of retired licensees in good standing for licensure by endorsement

Included in your agenda package:

- Petition for Rulemaking filed by Dr. David Baker to amend 18VAC125-20-42(6)(e) to permit licensure by endorsement applicants to present documentation of a retired license to practice psychology in another jurisdiction to obtain licensure by endorsement;
- Public comment filed on Town Hall during the public comment period;
- 18VAC125-20-42.

Action needed:

- Motion to either:
 - Take no action on the petition, clearly stating the reason; or
 - Accept the petition and initiate rulemaking.



Petition for Rule-making

The Code of Virginia (§ 2.2-4007) and the Public Participation Guidelines of this board require a person who wishes to petition the board to develop a new regulation or amend an existing regulation to provide certain information. Within 14 days of receiving a valid petition, the board will notify the petitioner and send a notice to the Register of Regulations identifying the petitioner, the nature of the request and the plan for responding to the petition. Following publication of the petition in the Register, a 21-day comment period will begin to allow written comment on the petition. Within 90 days after the comment period, the board will issue a written decision on the petition. If the board has not met within that 90-day period, the decision will be issued no later than 14 days after it next meets.

Please provide the information requested below. (Print or Type)

Petitioner's full name (Last, First, Middle initial, Suffix,)

David B. Baker, Ph.D.

Street Address

4000 Wilson Blvd #1410

Area Code and Telephone Number

(330) 701-3875

City

Arlington

State

Virginia

Zip Code:

2 2 2 0 3

Email Address (optional)

Bakerd@uakron.edu

Respond to the following questions:

1. What regulation are you petitioning the board to amend? Please state the title of the regulation and the section/sections you want the board to consider amending.

18VAC125-20-42. Prerequisites for licensure by endorsement, section 6e.

2. Please summarize the substance of the change you are requesting and state the rationale or purpose for the new or amended rule.

I am requesting that consideration be given to adding the term "or retired" to: e. If less than five years of active licensure or less than 24 months of active practice within the last 60 months, documentation of current OR RETIRED psychologist licensure in good standing....

This change would recognize that psychologists who retire a license in good standing due to personal circumstance (such as military service, university administration, etc.) are able to renew their license in Virginia under the provisions of Licensure by Endorsement.

3. State the legal authority of the board to take the action requested. In general, the legal authority for the adoption of regulations by the board is found in § 54.1-2400 of the Code of Virginia. If there is other legal authority for promulgation of a regulation, please provide that Code reference.

The legal authority for this change is covered under 54.1-2400 of the Code of Virginia.

Signature:

David B. Baker

Date: 06/07/2023



Department of Planning and Budget
An official website Here's how you know



Find a Commonwealth Resource



[Export to PDF](#)

[Export to Excel](#)

Agency Department of Health Professions

Board Board of Psychology

Chapter Regulations Governing the Practice of Psychology [18 VAC 125 - 20]

1 comments

All good comments for this forum [Show Only Flagged](#)

[Back to List of Comments](#)

Commenter: Anonymous

8/1/23 12:40 pm

I agree with this petition

I agree with this petition.

CommentID: **218264**

Part II. Requirements for Licensure

18VAC125-20-42. Prerequisites for licensure by endorsement.

Every applicant for licensure by endorsement shall submit:

1. A completed application;
2. The application processing fee prescribed by the board;
3. An attestation of having read and agreed to comply with the current Standards of Practice and laws governing the practice of psychology in Virginia;
4. Verification of all other health and mental health professional licenses, certificates, or registrations ever held in Virginia or any jurisdiction of the United States or Canada. In order to qualify for endorsement, the applicant shall not have surrendered a license, certificate, or registration while under investigation and shall have no unresolved action against a license, certificate, or registration;
5. A current report from the National Practitioner Data Bank; and
6. Further documentation of one of the following:
 - a. A current credential issued by the National Register of Health Service Psychologists;
 - b. Current diplomate status in good standing with the American Board of Professional Psychology in a category comparable to the one in which licensure is sought;
 - c. A Certificate of Professional Qualification in Psychology (CPQ) issued by the Association of State and Provincial Psychology Boards;
 - d. Five years of active licensure in a category comparable to the one in which licensure is sought with at least 24 months of active practice within the last 60 months immediately preceding licensure application; or
 - e. If less than five years of active licensure or less than 24 months of active practice within the last 60 months, documentation of current psychologist licensure in good standing obtained by standards substantially equivalent to the education, experience, and examination requirements set forth in this chapter for the category in which licensure is sought as verified by a certified copy of the original application submitted directly from the out-of-state licensing agency or a copy of the regulations in effect at the time of initial licensure and the following: (1) Verification of a passing score on all parts of the Examination for Professional Practice of Psychology that were required at the time of original licensure; and (2) Official transcripts documenting the graduate work completed

and the degree awarded in the category in which licensure is sought.

Statutory Authority

§§54.1-2400 and 54.1-3605 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 16, Issue 2, eff. November 10, 1999; amended, Virginia Register Volume 26, Issue 4, eff. November 25, 2009; Volume 28, Issue 19, eff. June 20, 2012; Volume 29, Issue 25, eff. September 26, 2013; Volume 31, Issue 20, eff. July 16, 2015; Volume 37, Issue 20, eff. June 23, 2021.

Agenda Item: Initiation of periodic review of public participation guidelines contained in 18VAC125-11

Included in your agenda packet:

- 18VAC125-11

Staff Note: Agencies are required to conduct periodic reviews of regulatory chapters every 4 years. Although this particular chapter is only changed when the Department of Planning and Budget provides new model language, the Board is still required to conduct a periodic review.

Action Needed:

- Motion to initiate periodic review of 18VAC125-11.

Commonwealth of Virginia



PUBLIC PARTICIPATION GUIDELINES

VIRGINIA BOARD OF PSYCHOLOGY

Title of Regulations: 18 VAC 125-11-10 et seq.

**Statutory Authority: §§ 54.1-2400 and 2.2-4007
of the *Code of Virginia***

Revised Date: January 12, 2017

9960 Mayland Drive, Suite 300
Richmond, VA 23233-1463

(804) 367-4697 (TEL)
(804) 527-4435 (FAX)
email: psybd@dhp.virginia.gov

TABLE OF CONTENTS

Part I Purpose and Definitions	3
18VAC125-11-10. Purpose.....	3
18VAC125-11-20. Definitions.....	3
Part II Notification of Interested Persons	4
18VAC125-11-30. Notification list.....	4
18VAC125-11-40. Information to be sent to persons on the notification list.....	5
Part III Public Participation Procedures	5
18VAC125-11-50. Public comment.....	5
18VAC125-11-60. Petition for rulemaking.	6
18VAC125-11-70. Appointment of regulatory advisory panel.	6
18VAC125-11-80. Appointment of negotiated rulemaking panel.....	7
18VAC125-11-90. Meetings.....	7
18VAC125-11-100. Public hearings on regulations.	7
18VAC125-11-110. Periodic review of regulations.	8

Part I

Purpose and Definitions

18VAC125-11-10. Purpose.

The purpose of this chapter is to promote public involvement in the development, amendment or repeal of the regulations of the Board of Psychology. This chapter does not apply to regulations, guidelines, or other documents exempted or excluded from the provisions of the Administrative Process Act (§2.2-4000 et seq. of the Code of Virginia).

18VAC125-11-20. Definitions.

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

"Administrative Process Act" means Chapter 40 (§2.2-4000 et seq.) of Title 2.2 of the Code of Virginia.

"Agency" means the Board of Psychology, which is the unit of state government empowered by the agency's basic law to make regulations or decide cases. Actions specified in this chapter may be fulfilled by state employees as delegated by the agency.

"Basic law" means provisions in the Code of Virginia that delineate the basic authority and responsibilities of an agency.

"Commonwealth Calendar" means the electronic calendar for official government meetings open to the public as required by §2.2-3707 C of the Freedom of Information Act.

"Negotiated rulemaking panel" or "NRP" means an ad hoc advisory panel of interested parties established by an agency to consider issues that are controversial with the assistance of a facilitator or mediator, for the purpose of reaching a consensus in the development of a proposed regulatory action.

"Notification list" means a list used to notify persons pursuant to this chapter. Such a list may include an electronic list maintained through the Virginia Regulatory Town Hall or other list maintained by the agency.

"Open meeting" means any scheduled gathering of a unit of state government empowered by an agency's basic law to make regulations or decide cases, which is related to promulgating, amending or repealing a regulation.

"Person" means any individual, corporation, partnership, association, cooperative, limited liability company, trust, joint venture, government, political subdivision, or any other legal or commercial entity and any successor, representative, agent, agency, or instrumentality thereof.

"Public hearing" means a scheduled time at which members or staff of the agency will meet for the purpose of receiving public comment on a regulatory action.

"Regulation" means any statement of general application having the force of law, affecting the rights or conduct of any person, adopted by the agency in accordance with the authority conferred on it by applicable laws.

"Regulatory action" means the promulgation, amendment, or repeal of a regulation by the agency.

"Regulatory advisory panel" or "RAP" means a standing or ad hoc advisory panel of interested parties established by the agency for the purpose of assisting in regulatory actions.

"Town Hall" means the Virginia Regulatory Town Hall, the website operated by the Virginia Department of Planning and Budget at www.townhall.virginia.gov, which has online public comment forums and displays information about regulatory meetings and regulatory actions under consideration in Virginia and sends this information to registered public users.

"Virginia Register" means the Virginia Register of Regulations, the publication that provides official legal notice of new, amended and repealed regulations of state agencies, which is published under the provisions of Article 6 (§2.2-4031 et seq.) of the Administrative Process Act.

Part II

Notification of Interested Persons

18VAC125-11-30. Notification list.

A. The agency shall maintain a list of persons who have requested to be notified of regulatory actions being pursued by the agency.

B. Any person may request to be placed on a notification list by registering as a public user on the Town Hall or by making a request to the agency. Any person who requests to be placed on a notification list shall elect to be notified either by electronic means or through a postal carrier.

C. The agency may maintain additional lists for persons who have requested to be informed of specific regulatory issues, proposals, or actions.

D. When electronic mail is returned as undeliverable on multiple occasions at least 24 hours apart, that person may be deleted from the list. A single undeliverable message is insufficient cause to delete the person from the list.

E. When mail delivered by a postal carrier is returned as undeliverable on multiple occasions, that person may be deleted from the list.

F. The agency may periodically request those persons on the notification list to indicate their desire to either continue to be notified electronically, receive documents through a postal carrier, or be deleted from the list.

18VAC125-11-40. Information to be sent to persons on the notification list.

A. To persons electing to receive electronic notification or notification through a postal carrier as described in 18VAC125-11-30, the agency shall send the following information:

1. A notice of intended regulatory action (NOIRA).
2. A notice of the comment period on a proposed, a repropoed, or a fast-track regulation and hyperlinks to, or instructions on how to obtain, a copy of the regulation and any supporting documents.
3. A notice soliciting comment on a final regulation when the regulatory process has been extended pursuant to §2.2-4007.06 or 2.2-4013 C of the Code of Virginia.

B. The failure of any person to receive any notice or copies of any documents shall not affect the validity of any regulation or regulatory action.

Part III Public Participation Procedures

18VAC125-11-50. Public comment.

A. In considering any nonemergency, nonexempt regulatory action, the agency shall afford interested persons an opportunity to (i) submit data, views, and arguments, either orally or in writing, to the agency; and (ii) be accompanied by and represented by counsel or other representative. Such opportunity to comment shall include an online public comment forum on the Town Hall.

1. To any requesting person, the agency shall provide copies of the statement of basis, purpose, substance, and issues; the economic impact analysis of the proposed or fast-track regulatory action; and the agency's response to public comments received.
2. The agency may begin crafting a regulatory action prior to or during any opportunities it provides to the public to submit comments.

B. The agency shall accept public comments in writing after the publication of a regulatory action in the Virginia Register as follows:

1. For a minimum of 30 calendar days following the publication of the notice of intended regulatory action (NOIRA).
2. For a minimum of 60 calendar days following the publication of a proposed regulation.
3. For a minimum of 30 calendar days following the publication of a repropoed regulation.

4. For a minimum of 30 calendar days following the publication of a final adopted regulation.
5. For a minimum of 30 calendar days following the publication of a fast-track regulation.
6. For a minimum of 21 calendar days following the publication of a notice of periodic review.
7. Not later than 21 calendar days following the publication of a petition for rulemaking.

C. The agency may determine if any of the comment periods listed in subsection B of this section shall be extended.

D. If the Governor finds that one or more changes with substantial impact have been made to a proposed regulation, he may require the agency to provide an additional 30 calendar days to solicit additional public comment on the changes in accordance with § [2.2-4013](#) C of the Code of Virginia.

E. The agency shall send a draft of the agency's summary description of public comment to all public commenters on the proposed regulation at least five days before final adoption of the regulation pursuant to § [2.2-4012](#) E of the Code of Virginia.

18VAC125-11-60. Petition for rulemaking.

A. As provided in §2.2-4007 of the Code of Virginia, any person may petition the agency to consider a regulatory action.

B. A petition shall include but is not limited to the following information:

1. The petitioner's name and contact information;
2. The substance and purpose of the rulemaking that is requested, including reference to any applicable Virginia Administrative Code sections; and
3. Reference to the legal authority of the agency to take the action requested.

C. The agency shall receive, consider and respond to a petition pursuant to §2.2-4007 and shall have the sole authority to dispose of the petition.

D. The petition shall be posted on the Town Hall and published in the Virginia Register.

E. Nothing in this chapter shall prohibit the agency from receiving information or from proceeding on its own motion for rulemaking.

18VAC125-11-70. Appointment of regulatory advisory panel.

A. The agency may appoint a regulatory advisory panel (RAP) to provide professional specialization or technical assistance when the agency determines that such expertise is necessary to address a specific regulatory issue or action or when individuals indicate an interest in working with the agency on a specific regulatory issue or action.

B. Any person may request the appointment of a RAP and request to participate in its activities. The agency shall determine when a RAP shall be appointed and the composition of the RAP.

C. A RAP may be dissolved by the agency if:

1. The proposed text of the regulation is posted on the Town Hall, published in the Virginia Register, or such other time as the agency determines is appropriate; or
2. The agency determines that the regulatory action is either exempt or excluded from the requirements of the Administrative Process Act.

18VAC125-11-80. Appointment of negotiated rulemaking panel.

A. The agency may appoint a negotiated rulemaking panel (NRP) if a regulatory action is expected to be controversial.

B. A NRP that has been appointed by the agency may be dissolved by the agency when:

1. There is no longer controversy associated with the development of the regulation;
2. The agency determines that the regulatory action is either exempt or excluded from the requirements of the Administrative Process Act; or
3. The agency determines that resolution of a controversy is unlikely.

18VAC125-11-90. Meetings.

Notice of any open meeting, including meetings of a RAP or NRP, shall be posted on the Virginia Regulatory Town Hall and Commonwealth Calendar at least seven working days prior to the date of the meeting. The exception to this requirement is any meeting held in accordance with §2.2-3707 D of the Code of Virginia allowing for contemporaneous notice to be provided to participants and the public.

18VAC125-11-100. Public hearings on regulations.

A. The agency shall indicate in its notice of intended regulatory action whether it plans to hold a public hearing following the publication of the proposed stage of the regulatory action.

B. The agency may conduct one or more public hearings during the comment period following the publication of a proposed regulatory action.

C. An agency is required to hold a public hearing following the publication of the proposed regulatory action when:

1. The agency's basic law requires the agency to hold a public hearing;
2. The Governor directs the agency to hold a public hearing; or
3. The agency receives requests for a public hearing from at least 25 persons during the public comment period following the publication of the notice of intended regulatory action.

D. Notice of any public hearing shall be posted on the Town Hall and Commonwealth Calendar at least seven working days prior to the date of the hearing. The agency shall also notify those persons who requested a hearing under subdivision C 3 of this section.

18VAC125-11-110. Periodic review of regulations.

- A. The agency shall conduct a periodic review of its regulations consistent with:
 1. An executive order issued by the Governor pursuant to §2.2-4017 of the Administrative Process Act to receive comment on all existing regulations as to their effectiveness, efficiency, necessity, clarity, and cost of compliance; and
 2. The requirements in §2.2-4007.1 of the Administrative Process Act regarding regulatory flexibility for small businesses.
- B. A periodic review may be conducted separately or in conjunction with other regulatory actions.
- C. Notice of a periodic review shall be posted on the Town Hall and published in the Virginia Register.

PSYPACT Commission

Meeting Minutes

July 13, 2023



PSYPACT Commission Meeting Minutes

Thursday, July 13, 2023

Zoom Teleconference

Sitting Commissioners

Lori Rall, Alabama

Heidi Paakkonen, Arizona

Lisa Fitzgibbons, Arkansas

Nate Brown, Colorado

Glenda George, Commonwealth of the Northern Mariana Islands

Christian Andresen, Connecticut

Shauna Slaughter, Delaware

LaTrice Herndon, District of Columbia

TBD, Florida

Don Meck, Georgia (Chair)

Katie Stuart, Idaho

Cecilia Abundis, Illinois

Stephen Ross, Indiana

David Fye, Kansas

TBD, Kentucky

Jayne Boulos, Maine

Lorraine Smith, Maryland

Amy Gumbrecht, Michigan

Robin McLeod, Minnesota

Pam Goose, Missouri

Johnna Williams, Nebraska

Gary Lenkeit, Nevada

Deborah Warner, New Hampshire

Sean Evers, New Jersey

Susan Hurt, North Carolina

Sara Quam, North Dakota (Effective 8/1/2023)

Ronald Ross, Ohio

Teanne Rose, Oklahoma

Steven Erickson, Pennsylvania

Peter Oppenheimer, Rhode Island

Mark Fleming, Tennessee

Patrick Hyde, Texas

Jana Johansen, Utah

TBD, Vermont (Effective 7/1/2024)

Jaime Hoyle, Virginia

Leslie Cohn, Washington

Scott Fields, West Virginia

Daniel Schroeder, Wisconsin

JoAnn Reid, Wyoming

* PSYPACT state with enacted but not yet effective legislation. If appointed, Commissioner present was non-voting.

PSYPACT Commission

Meeting Minutes

July 13, 2023



Ex-Officio Present

Mariann Burnett-Atwell, Association of State and Provincial Psychology Boards (ASPPB)

Commission Staff Present

Janet Orwig, PSYPACT Executive Director

Regina Polk, PSYPACT Specialist

Others

Dennis Bucholz, Board Member, Kentucky

Thursday, July 13, 2023

Welcome and Introductions

- Chair D. Meck (Georgia) welcomed attendees to the PSYPACT Commission meeting on July 13 2023.

Call to Order

- Roll Call
 - Chair D. Meck (Georgia) called the meeting to order at 11:00 AM, Eastern. Regina Polk called the roll for PSYPACT Commissioners.
 - Alabama: Lori Rall – present
 - Arizona: Heidi Paakkonen – present
 - Arkansas: Lisa Fitzgibbons – not present
 - Colorado: Nate Brown – present
 - Connecticut: Christian Andresen – present – arrived after roll call
 - Delaware: Shauna Slaughter – present
 - District of Columbia: LaTrice Herndon - not present
 - Georgia: Don Meck – present
 - Idaho: Katie Stuart – present
 - Illinois: Cecilia Abundis – not present
 - Indiana: Stephen Ross – not present
 - Kansas: David Fye – present
 - Kentucky: TBD
 - Maine: Jayne Boulos –Present
 - Maryland: Lorraine Smith – present
 - Minnesota: Robin McLeod – present
 - Missouri: Pam Groose –present
 - Nebraska: Johnna Williams - present
 - Nevada: Gary Lenkeit - present
 - New Hampshire: Debi Warner – present
 - New Jersey: Sean Evers – not present
 - North Carolina: Susan Hurt – present
 - North Dakota: Sara Quam – not present
 - Ohio: Ronald Ross - present

PSYPACT Commission

Meeting Minutes

July 13, 2023



- Oklahoma: Teanne Rose - present
- Pennsylvania: Steven Erickson – present
- Rhode Island: Peter Oppenheimer – present
- South Carolina: TBD
- Tennessee: Mark Fleming - present
- Texas: Patrick Hyde – present
- Utah: Jana Johansen – present
- Virginia: Jaime Hoyle – present
- Washington: Leslie Cohn – present
- West Virginia: Scott Fields – present
- Wisconsin: Daniel Schroeder – present
- Wyoming: JoAnn Reid - present
- ASPPB Ex-Officio: Mariann Burnetti-Atwell - present

Overview and Adoption of Agenda

- J. Orwig reviewed the agenda.
 - Chair D. Meck (Georgia) called for a motion to adopt the agenda for the July 13, 2023 PSYPACT Commission meeting.
 - **Motion:** Nevada moved that the PSYPACT Commission adopt the agenda for the July 13, 2023 Commission meeting. Missouri seconded the motion.
 - Chair D. Meck (Georgia) asked for any further discussion. There was none.
 - A vote was called for the motion. All present voted yes. The motion carried. The agenda for the July 13, 2023 PSYPACT Commission meeting was adopted.

Opportunity for Public Comment and Questions

- Chair D. Meck (Georgia) opened the floor for public comment. No comments were made.

Review and Vote of Meeting Minutes

- Chair D. Meck (Georgia) called for a motion to approve the meeting minutes from the November 17, 2022 PSYPACT Commission meeting.
- **Motion:** Washington moved to approve the meeting minutes from the November 17, 2022 PSYPACT Commission meeting. Alabama seconded the motion.
 - Chair D. Meck (Georgia) asked for any further discussion. There were 3 changes proposed.
 - A vote was called for the motion. All others present voted yes. The motion carried. The meeting minutes from the November 17, 2022 PSYPACT Commission meeting as revised were approved.

Executive Director's Report

- J. Orwig provided updates to the PSYPACT Commission.
 - Commission Housekeeping Items
 - Legislative Updates
 - 11 bills introduced in 2023 and 5 bills enacted
 - 40 enacted bills
 - 37 effective
 - Program Updates

PSYPACT Commission

Meeting Minutes

July 13, 2023



- 9,688 APIT issued up 2,145 since November
- 534 TAP issued up from 179 since November
- Changes to the PSYPACT Directory are under way based on the APIT and TAP renewals beginning on October 1, 2023.
- Other Updates
 - Home State Legal Advisory was discussed. The advisory is currently on the PSYPACT website. It was the consensus of the Commission to refer the legal advisory to the PSYPACT Rules Committee for further study and to ascertain if any modifications are needed for Rule 4 or 5 regarding the home state.
 - PSYPACT staff is working with the American Psychological Association to draft responses to inquiries PSYPACT receives regarding insurance reimbursements.
- Annual Meeting 2023 will be conducted virtually November 16-17, 2023
- Overview of the Agenda Book Materials
 - The Agenda Book has the Rules that needed to be reviewed and voted on listed within the Rules Committee Report and as a separate agenda item.

Executive Board Report

- Chair D. Meck (Georgia), presented the PSYPACT Commission with the Summary of Executive Board Actions.
- J. Hoyle (Virginia) Chair of Compliance Committee, presented the PSYPACT Commission with the Compliance Committee Report.
- D. Schroeder (Wisconsin) Chair of the Elections Committee, presented the PSYPACT Commission with the Elections Committee Report.
- T. Rose (Oklahoma) Chair of the Finance Committee, presented the PSYPACT Commission with the Finance Committee Report.
- G. Lenkeit (Nevada) Chair of the Requirements Review Committee, presented the PSYPACT Commission with the Requirements Review Committee Report.
 - A discussion was held regarding the requirements for the E.Passport. G. Lenkeit updated the Commission on the work of the committee and its liaison relationship with the ASPPB Mobility Committee. Dialogues between the two committees continue.
- P. Hyde (Texas) Chair of the Rules Committee, presented the PSYPACT Commission with the Rules Committee Report.
- L. Rall (Alabama) Chair of the Training and Public Relations Committee, presented the PSYPACT Commission with the Training and Public Relations Committee Report.

Break 12:15 – 12:45

Review of Public Comments and Voting on Proposed Rules

- **Rule on Compact Privilege to Practice Telepsychology**
- Chair D. Meck presented the PSYPACT Commission with necessary rule revisions.
 - Rule 4.13 & 5.13 Authorization Validity Addition
 - Chair D. Meck (Georgia) called for a motion to approve authorization validity, 4.13 addition to Rule 4.
 - **Motion:** Oklahoma moved to approve Rule 4.13 to be sent for public comment. North Carolina seconded the motion.
 - Chair D. Meck (Georgia) asked for any further discussion. proposed. A discussion was

held regarding the addition of 4.13 as being too limiting. It was the consensus of the Commission to vote on the proposed addition with the one suggested grammar change.

- A vote was called for the motion. One no-vote and one abstention were recorded. All others present voted yes. The motion carried. Rule 4.13 was approved for public comment.
- Rule 4.11 and 5.11 Attestation Form Addition
 - Chair D. Meck (Georgia) called for a motion to approve authorization validity, 5.13 addition to Rule 5.
- **Motion:** Nevada moved to approve Rule 5.13 to be sent for public comment. Nebraska seconded the motion.
- Chair D. Meck (Georgia) asked for any further discussion. proposed. A discussion was held regarding the addition of 5.13 as being too limiting. It was the consensus of the Commission to vote on the proposed addition with the one suggested grammar change.
- A vote was called for the motion. One no-vote and one abstention were recorded. All others present voted yes. The motion carried. Rule 5.13 was approved for public comment.

Strategic Planning Process

- D. Schroeder (Wisconsin) Chair of the Strategic Planning Process Workgroup presented the work of the workgroup. An overview of the strategic process as well as an outline for the November Commission meeting regarding the strategic planning was presented. The workgroup reminded the Commission that a survey will be coming out soon for them to complete as part of the strategic planning process.

Annual Review of the Memorandum of Understanding (MOU) with ASPPB

- J. Orwig reminded the Commission that every year a review is conducted by the PSYPACT Executive Director of the MOU. This review has been conducted and no changes are recommended to the agreement. The agreement is evergreen and will roll to next year unless a change is suggested. It was the consensus of the Commission to continue with the MOU as it stands with no changes.

New Business

- Chair D. Meck asked for new business. There was none.

Adjourn

- **Motion:** Oklahoma moved that the PSYPACT Commission adjourn the July 13, 2023 PSYPACT Commission Midyear Meeting. Alabama seconded the motion.
- A vote was called for the motion. All present voted yes. The motion carried. Chair D. Meck (Georgia) adjourned the July 13, 2023 PSYPACT Commission Midyear Meeting at 1:30 PM Eastern.

Discipline Reports

05/06/2023 - 08/31/2023

NEW CASES RECEIVED BY BOARD 05/06/2023 - 08/31/2023
47

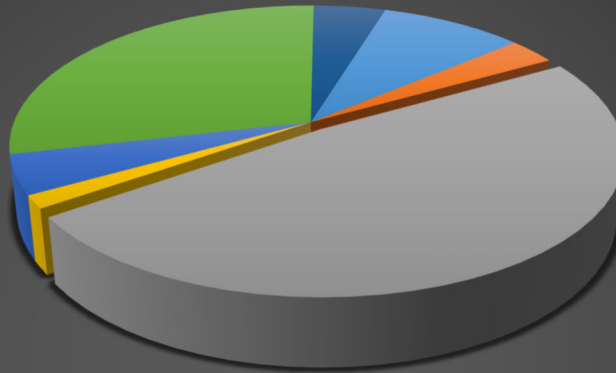
TOTAL OPEN INVESTIGATIONS (ENFORCEMENT)
36

OPEN CASE STAGES as of August 31, 2023	
Probable Cause Review	110
Scheduled for Informal Conferences	3
Scheduled for Formal Hearings	5
Other (pending CCA, PHCO, hold, etc.)	7
Cases with APD for processing (IFC, FH, Consent Order)	3
TOTAL CASES AT BOARD LEVEL	128

UPCOMING CONFERENCES AND HEARINGS	
Informal Conferences	Conferences Held: n/a Scheduled Conferences: September 18, 2023 (Agency Subordinate)
Formal Hearings	Hearings Held: n/a Scheduled Hearings: December 5, 2023

CASES CLOSED (05/06/2023 - 08/31/2023)	
Closed – No violation	64
Closed – Undetermined	1
Closed – Violation	0
Closed – Confidential Consent Agreement	1
Credentials/Reinstatement – Denied	0
Credentials/Reinstatement – Approved	0
TOTAL CASES CLOSED	66

Closed Case Categories



- Business Practice Issues (6)
- Confidentiality Breach (2)
- Diagnosis/Treatment (32)
1 CCA entered (LCP)
- Fraud, non-patient care (1)
- Inappropriate Relationship (3)
- No jurisdiction (19)
- Records Release (3)

AVERAGE CASE PROCESSING TIMES (counted on closed cases)	
Average time for case closures	572 days
Avg. time in Enforcement (investigations)	97 days
Avg. time in APD (IFC/FH preparation)	45 days
Avg. time in Board (includes hearings, reviews, etc).	474 days

Behavioral Science Boards

Boards of Counseling, Psychology, and Social Work

CASES RECEIVED YEAR-TO-DATE PER BOARD January 1, 2023 – August 31, 2023	
Board of Counseling	296
Board of Psychology	84
Board of Social Work	88
TOTAL CASES RECEIVED	468

CURRENT OPEN CASES PER BOARD as of August 31, 2023	
Board of Counseling	118
Board of Psychology	128
Board of Social Work	119
TOTAL CASES WITH BOARD STAFF	365

HEARINGS/MEETINGS HELD 05/06/2023 - 08/31/2023	
Board of Counseling	Informal Conferences (8) Formal Hearings (1) Summary Suspension Hearings (1) Quarterly Board Board Meetings (1) Art Therapy Advisory Board Meetings (0) Regulatory Committee Meetings (1)
Board of Psychology	Informal Conferences (0) Formal Hearings (0) Summary Suspension Hearings (0) Quarterly Board Meetings (1) Regulatory Committee Meetings (0)
Board of Social Work	Informal Conferences (0) Formal Hearings (0) Summary Suspension Hearings (0) Quarterly Board Meetings (1) Music Therapy Advisory Board Meetings (1) Regulatory Committee Meetings (0) HB2146 Workgroup Meeting (1)

Discipline Staff for 3 Boards

Jennifer Lang, Deputy Executive Director
 Christy Evans, Discipline and Compliance Case Manager
 Vacant, Audit Specialist (part-time)
 Discipline Reviewer, Board of Counseling (part-time)
 Discipline Reviewer, Board of Psychology (part-time)
 Discipline Reviewer, Board of Social Work (part-time)

PSYCHOLOGY LICENSING REPORT

Satisfaction Survey Results	
2023 3 rd Quarter (January 1, 2023 - March 31, 2023)	100.0%
2023 4 th Quarter (April 1, 2023 – July 31, 2023)	100.0%

Totals as of September 8, 2023*

Current Licenses	
Clinical Psychologists	4,331
Resident in Training	395
Applied Psychologist	21
School Psychologists	93
Resident in School Psychology	29
School Psychologist-Limited	567
Sex Offender Treatment Provider	437
Sex Offender Treatment Provider Trainee	78
Total	5,951

*Unofficial numbers (for informational purposes only)

APPLICATIONS RECEIVED

Applications Received	March 2023*	April 2023*	May 2023*	June 2023*	July 2023*	August 2023*
Clinical Psychologists	34	29	34	28	35	52
Resident in Training	3	2	3	4	5	11
Applied Psychologist	1	0	1	0	0	2
School Psychologists	0	0	1	3	2	2
Resident in School Psychology	1	1	2	2	1	1
School Psychologist-Limited	3	2	8	3	12	8
Sex Offender Treatment Provider	5	1	1	3	5	7
Sex Offender Treatment Provider Trainee	2	0	4	5	7	5
Total	49	35	54	48	67	88

LICENSES ISSUED

Licensed Issued	March 2023	April 2023	May 2023	June 2023	July 2023	August 2023*
Clinical Psychologists	36	34	27	31	32	45
Resident in Training	2	3	4	3	1	10
Applied Psychologist	0	0	0	0	0	0
School Psychologists	2	1	0	2	2	0
Resident in School Psychology	1	1	1	2	2	1
School Psychologist-Limited	3	1	7	3	7	9
Sex Offender Treatment Provider	8	1	2	0	6	7
Sex Offender Treatment Provider Trainee	2	0	2	5	7	5
Total	54	41	43	46	57	77

*Unofficial numbers (for informational purposes only)

Additional Information:

- **Board of Psychology Staffing Information:**

- The Board currently has one full-time position to answer phone calls, emails and to process applications across all license types.
 - Licensing Staff:
 - Vacant – Licensing Manager (Full-Time)

- **New Technology**

- All applications are now online.
- New fillable supplemental forms.
- Ability for applicants to upload documents during the application process.
- Updated Board Website (New look-same content)
- BOT technology sending standardized emails.

VIRGINIA BOARD OF PSYCHOLOGY

BYLAWS

ARTICLE I: AUTHORIZATION

A. Statutory Authority

The Virginia Board of Psychology ("Board") is established and operates pursuant to Sections 54.1-2400 and 54.1-3600 et seq., of the Code of Virginia. Regulations promulgated by the Board of Psychology may be found in 18 VAC 125-20-10 et seq., "Regulations Governing the Practice of Psychology" and 18 VAC 125-30-10 et seq., "Regulations Governing the Certification of Sex Offender Treatment Providers."

B. Duties

The Virginia Board of Psychology is charged with promulgating and enforcing regulations governing the licensure and practice of clinical, applied, and school psychology and the certification and practice of sex offender treatment providers in the Commonwealth of Virginia. This includes, but is not limited to: setting fees; creating requirements for and issuing licenses or certificates; setting standards of practice; and implementing a system of disciplinary action.

C. Mission

To ensure the delivery of safe and competent patient care by licensing health professionals, enforcing standards of practice, and providing information to healthcare practitioners and the public.

ARTICLE II: THE BOARD

A. Membership

1. The Board shall consist of nine (9) members, appointed by the Governor as follows:
 - a. Five (5) persons who are licensed as clinical psychologists;
 - b. One (1) person licensed as a school psychologist
 - c. One (1) person licensed in any category of psychology; and,
 - d. Two (2) citizen members.
2. At least one of the seven psychologist members of the Board shall be a member of the faculty at an accredited college or university in the Commonwealth and shall be actively engaged in teaching psychology.
3. The terms of the members of the Board shall be four (4) years.
4. Members of the Board shall not hold a voting office in any related professional association within the Commonwealth of Virginia or one that takes a policy position on the regulations of the Board. Members of the Board holding a voting office in a national professional association shall abstain from voting on issues where there may be a conflict of interest present. This section shall not apply to members who hold a committee membership or an office with the Association of State and Provincial Psychology Boards.

B. Officers of the Board

1. The Chair or designee shall preserve order and conduct all proceedings according to parliamentary rules, the Virginia Freedom of Information Act, and the Administrative Process Act. Roberts Rules of Order will guide parliamentary procedure for the meetings. Except where specifically provided otherwise by the law or as otherwise ordered by the Board, the Chair shall appoint all committees, and shall sign as Chair to the certificates authorized to be signed by the Chair.
2. The Vice-Chair shall act as Chair in the absence of the Chair and assume the duties of Chair in the event of an unexpired term.
3. In the absence of the Chair and Vice-Chair, the Chair shall appoint another board member to preside at the meeting and/or formal administrative hearing.
4. The Chair of the Board may function as an ex-officio voting member of any committee.

C. Duties of Members

1. Each member shall participate in all matters before the Board.
2. Members shall attend all regular and special meetings of the Board unless prevented by illness or similar unavoidable cause. In the event of two (2) consecutive unexcused absences at any meeting of the Board or its committees, the Chair shall make a recommendation to the Director of the Department of Health Professions who may notify the Secretary of Health and Human Resources and Secretary of the Commonwealth.
3. The Governor may remove any Board member for cause, and the Governor shall be sole judge of the sufficiency of the cause for removal pursuant to § 2.2-108.

D. Election of Officers

1. All officers shall be elected for a term of two (2) years and may serve no more than two (2) consecutive terms.
2. The election of officers shall occur at the first scheduled Board meeting following July 1 of each odd year, and elected officers shall assume their duties at the end of the meeting.
 - a. Officers shall be elected at a meeting of the Board with a quorum present.
 - b. The Chair shall ask for nominations from the floor by office.
 - c. The election shall occur in the following order: Chair, Vice-Chair
 - d. Voting shall be by voice unless otherwise decided by a vote of the members present. The results shall be recorded in the minutes.
 - e. A simple majority shall prevail with the Current Chair casting a vote only to break a tie.

- f. Special elections to fill an unexpired term shall be held in the event of a vacancy of an officer at the subsequent Board meeting following the occurrence of an office being vacated.

E. Meetings

1. The Board shall meet quarterly, unless a meeting is not required to conduct Board business.
2. Order of Business at Meetings
 - a. Adoption of Agenda
 - b. Period of Public Comment
 - c. Approval of Minutes of preceding regular Board meeting and any called meeting since the last regular meeting of the Board
 - d. Reports of Officers and staff
 - e. Reports of Committees
 - f. Election of Officers (as needed)
 - g. Unfinished Business
 - h. New Business
3. The order of business may be changed at any meeting by a majority vote.

ARTICLE III: COMMITTEES

A. Duties and Frequency of Meetings

1. Members appointed to a committee shall faithfully perform the duties assigned to the committee.
2. All standing committees shall meet as necessary to conduct the business of the Board.

B. Standing Committees

Standing committees of the Board shall consist of the following:

Regulatory/Legislative Committee
Special Conference Committee
Any other Standing Committees created by the Board

1. Regulatory/Legislative Committee
 - a. The Chair of the Committee shall be appointed by the Chair of the Board.
 - b. The Regulatory/Legislative Committee shall consist of at least three (3) Board members appointed by the Chair of the Board.

- c. The Committee shall consider all questions bearing upon State legislation and regulation governing the professions regulated by the Board.
- d. The Committee shall recommend to the Board changes in law and regulations as it may deem advisable and, at the discretion of the Board, shall take such steps as may further the desire of the Board in matters of legislation and regulation.
- e. The Chair of the Committee shall submit proposed changes in applicable law and regulations in writing to the Board prior to any scheduled meeting.

2. Special Conference Committee

- a. The Special Conference Committee shall:
 - i. consist of two (2) Board members;
 - ii. conduct informal conferences pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400 of the *Code of Virginia* as necessary to adjudicate cases in a timely manner in accordance with the agency standards for case resolution.
 - iii. Hold informal conferences at the request of the applicant or licensee to determine if Board requirements have been met.
- b. The Chair of the Board shall designate another board member as an alternate on this committee in the event one of the standing committee members is unable to attend a scheduled conference date or has a conflict of interest.
- c. Should the caseload increase to the level that additional special conference committees are needed, the Chair of the Board may appoint additional committees.

ARTICLE IV: GENERAL DELEGATION OF AUTHORITY

The Board delegates the following functions:

- 1. The Executive Director shall be the custodian of all Board records. He/she shall preserve a correct list of all applicants and licensees, shall manage the correspondence of the Board, and shall perform all such other duties as naturally pertain to this position.
- 2. The Board delegates to Board staff the authority to issue and renew licenses, certificates, and registrations, and to approve supervision applications that meet regulatory and statutory qualifications. If there is basis upon which the Board could refuse to issue or renew the license, certification, or registration, or to deny the supervision application, the Executive Director may only issue a license, certificate, or registration upon consultation with a member of the Board, or in accordance with delegated authority provided in a guidance document of the Board.

3. The Board delegates to the Executive Director the authority to develop and approve any and all forms used in the daily operations of Board business, to include, but not limited to, licensure, certification, and registration applications, renewal forms, and documents used in the disciplinary process.
4. The Board delegates to the Executive Director the authority to grant an accommodation of additional testing time or other requests for accommodation to candidates for Board-required examinations pursuant to the Americans with Disabilities Act, provided the candidate provides documentation that supports such an accommodation.
5. The Board delegates to the Executive Director authority to grant an extension for good cause of up to one (1) year for the completion of continuing education requirements upon written request from the licensee or certificate holder prior to the renewal date.
6. The Board delegates to the Executive Director authority to grant an exemption for all or part of the continuing education requirements due to circumstances beyond the control of the licensee or certificate holder, such as temporary disability, mandatory military service, or officially declared disasters.
7. The Board delegates to the Executive Director the authority to reinstate a license or certificate when the reinstatement is due to the lapse of the license or certificate rather than a disciplinary action, and there is no basis for the Board to refuse to reinstate.
8. The Board delegates authority to the Executive Director to close non-jurisdictional cases and fee dispute cases without a review by a Board member.
9. The Board delegates authority to the Executive Director, who may consult with a member of the Board, to provide guidance to the agency's Enforcement Division in situations wherein a complaint is of questionable jurisdiction and an investigation may not be necessary.
10. The Board delegates authority to the Executive Director to review information regarding alleged violations of law or regulations and, in consultation with a member of the Board, make a determination as to whether probable cause exists to proceed with possible disciplinary action.
11. The Board delegates authority to the Executive Director to issue an Advisory Letter to the person who is the subject of a complaint pursuant to Virginia Code § 54.1-2400.2(F), when it is determined that a probable cause review indicates a disciplinary proceeding will not be instituted.
12. The Board delegates authority to the Executive Director to assign the determination of probable cause to a board member to proceed with possible disciplinary action.
13. The Board delegates the authority to the Executive Director to assign the determination of probable cause to the Board's professional disciplinary review coordinator who may offer a confidential consent agreement or a pre-hearing consent order, cause the scheduling of an informal conference, request additional information, or close the case after consultation with Board staff.

14. In accordance with established Board guidance documents, the Board delegates to the Executive Director the determination of probable cause, to offer a confidential consent agreement, a pre-hearing consent order, or schedule an informal conference.
15. The Board delegates to the Executive Director the convening of a quorum of the Board by telephone conference call, to consider the summary suspension of a license or to consider settlement proposals.
16. The Board delegates to the Executive Director the authority to sign as entered any Order or Consent Order resulting from the disciplinary process or other administrative proceeding.
17. The Board delegates to the Executive Director the authority to sign as entered a Pre-Hearing Consent Order for Indefinite Suspension or revocation of a license, certificate, or registration.
18. The Board delegates to the Executive Director the selection of the agency subordinate who is deemed appropriately qualified to conduct a proceeding based on the qualifications of the subordinate and the type of case being convened.
19. The Board delegates to the Chair the authority to represent the Board in instances where Board "consultation" or "review" may be requested where a vote of the Board is not required and a meeting is not feasible.
20. The Board authorizes the Executive Director to delegate tasks to the Deputy Executive Director.

ARTICLE V: AMENDMENTS

Proposed amendments to these bylaws shall be presented in writing to all Board members, the Executive Director of the Board, and the Board's legal counsel prior to any scheduled Board meeting. Amendments to the bylaws shall become effective with a favorable vote of at least two-thirds of the members present at that regular meeting.

Revised: May 7, 2013, November 5, 2013, August 15, 2017, April 16, 2020