

10:00 a.m. Call to Order – Eboni Bugg, LCSW, Board Vice-Chairperson

- Welcome/Introductions
- Establishment of a Quorum
- Mission of the Board/Evacuation 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

November 3, 2023, Board Meeting* ----- Page 5

Agency Director Report (Verbal Report) - James Jenkins, RN, Chief Deputy, Department of Health Professions (DHP)

Chair Report (Verbal Report) – Ms. Bugg

Legislation and Regulatory Report – Matt Novak, DHP Policy and Economic Analyst

- Chart of Regulatory Actions-----Page 10
- Consideration of Stephenson Petition for Rulemaking*-----Page 12

Staff Reports

- Executive Director’s Report – Jaime Hoyle, JD, Executive Director, Boards of Counseling, Psychology, and Social Work (Verbal Report)
 - Outreach
 - Appointments
 - Committees
 - Staffing Updates
- Deputy Executive Director’s Report – Jennifer Lang, Deputy Executive Director, Boards of Counseling, Psychology, and Social Work (Verbal Report)
- Deputy Executive Director’s Report, Licensing - Charlotte Lenart, Boards of Counseling, Psychology, and Social Work-----Page 20

Committee Reports

- Ad Hoc Committee (Verbal Report) – Sherwood Randolph, LCSW, and Eboni Bugg, LCSW
- Board of Health Professions (Verbal Report)– Jaime Hoyle
- Nomination Committee Update (Verbal Report)– Gloria Manns, LCSW and Sherwood Randolph, LCSW....Page 23

Meeting Dates

- Next Full Board Meeting: July 12, 2024

▪ Meeting Adjournment

*Indicates a Board vote is required.

This information is in **DRAFT** form and is subject to change. The official agenda and packet will be approved by the Board at the meeting. One printed copy of the agenda and packet will be available for the public to view at the meeting pursuant to Virginia Code Section 2.2-3707(F).

DRAFT

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.



DRAFT
Virginia Board of Social Work
Quarterly Board Meeting Minutes
Friday, November 3, 2023, at 10:00 a.m.
9960 Mayland Drive, Henrico, VA 23233
Board Room 1

- PRESIDING OFFICER:** Canek Aguirre, Citizen Member, Board Chairperson
- BOARD MEMBERS PRESENT:** Eboni Bugg, MSW, LCSW
Elke Cox, MSW, LCSW
Martha Meadows, MSW, LCSW
Denise Purgold, MSW, LCSW
Sherwood Randolph, MSW, LCSW
- BOARD MEMBERS ABSENT:** Gloria Manns, MSW, LCSW
Teresa Reynolds, MSW, LCSW
Ruth Ann Smulik, Citizen Member
- BOARD STAFF PRESENT:** Jaime Hoyle, JD, Executive Director
Shaderra Jefferson, Licensing Specialist
Jennifer Lang, Deputy Executive Director- Discipline
Charlotte Lenart, Deputy Executive Director- Licensing
Sharniece Vaughan, Licensing Specialist
- DHP STAFF PRESENT:** Erin Barrett, JD, Director of Legislative and Regulatory Affairs, Department of Health Professions
James Jenkins, RN, Agency Deputy Director, Special Advisor to the Governor on Workforce
Matt Novak, Policy & Economic Analyst, Department of Health Professions
- BOARD COUNSEL PRESENT:** James Rutkowski, Assistant Attorney General
- PRESENTATION SPEAKERS:** Barbara Hodgdon, PhD, Deputy Director, Healthcare Workforce Data Center, DHP
- PUBLIC ATTENDEES:** Demetria Davis, LCSW
Debra Riggs, Executive Director, National Association of Social Workers (NASW)
- CALL TO ORDER:** Mr. Aguirre called the Board Meeting to order at 10:06 a.m.
- ROLL CALL/ESTABLISHMENT OF A QUORUM:** An introduction was done of all Board members and staff. Six members of the Board were present at roll call; therefore, a quorum was established.
- MISSION STATEMENT:** Mr. Aguirre read the mission statement of the Department of Health Professions, which was also the mission statement of the Board.
- ADOPTION OF AGENDA:** Mr. Aguirre announced that two petitions for rulemaking need to be added to the legislative report. Mr. Randolph made a motion, which was properly seconded by Ms. Cox, to adopt the agenda with the two additions. The motion passed unanimously.
- PUBLIC COMMENT:** No public comment was provided.
- APPROVAL OF MINUTES:** The Board reviewed the minutes from the last meeting held on August 18, 2023.

Motion: Ms. Randolph made a motion, which Ms. Purgold properly seconded, to approve the minutes from the August 18, 2023 meeting as presented. The motion passed unanimously.

AGENCY REPORT:

Mr. Jenkins thanked the Board members for their commitment and service to the Board and profession.

Mr. Jenkins provided an overview of the Behavioral Health Care efforts and indicated that he and Ms. Hoyle will be providing a presentation in November on the Right Help Right Now updates sharing the progress on workforce developments and initiatives.

Mr. Jenkins announced that the Agency is currently planning for the next General Assembly session.

BOARD CHAIR REPORT:

Nothing to report.

PRESENTATIONS:

- **Virginia's Licensed Master's Social Work Workforce**
Dr. Hodgdon presented a PowerPoint presentation on the Master's Social Work Workforce in Virginia. The presentation concluded that there was an increase in LMSWs, two thirds of LMSW have a micro concentration and a fourth have a macro concentration, of the macro LMSWs licensees, 68% stated they provide clinical services and 82% of micro LMSW stated that they provide clinical services, a majority of the LMSWs are not eligible for licensure and the lowest concentration of LMSWs are located in the South and Southwest Virginia.
- **Virginia's Licensed Clinical Social Work Workforce**
Dr. Hodgdon presented a PowerPoint presentation on the Clinical Social Work Workforce in Virginia. The presentation concluded that there was an increase in licensees, a younger age distribution of licensees, diversity index is increasing overtime for LCSWs, median income is higher than median education dept and the percentage of LCSW intending to retire by 65 years of age has decreased.

LEGISLATION & REGULATORY REPORT:

- **Chart of Regulatory Actions**
Ms. Barrett reviewed with the Board the current regulatory actions for the Board of Social work as of October 23, 2023. A copy of the chart was included in the agenda packet.

Legislative Actions

Ms. Barrett indicated that during Governor Younkin recent visit he announced that he may be supporting legislation to eliminate the Board of Health Professions. Ms. Barnett explained that the Board of Health Professions does not develop any policies for the Agency. Therefore, it is unlikely that there will be any appointments to the Board of Health Professions until the Governor makes a decision.

Ms. Barrett gave an update on the Music Therapy Regulations and advised the Board that the Music Therapy Advisory Board recently met to come up with proposed reduction in requirement for Music Therapist. The proposed reduction in regulations from the Music Therapy Advisory Board will not come before the Board until she receives guidance from Secretary's office.

- **Definition of “generalist social work”**

Ms. Barrett stated that the Office of Attorney General suggested the Board define “generalist social work” in the proposed regulations. Ms. Barrett stated that the Board could either amend the proposed regulations with a definition of generalist social work or could delete section C in 18VAC140-20-37 from the current proposed action. After a lengthy discussion, the Board decided to leave section 37 as is and to review it at a later date.

Motion: Mr. Randolph made a motion, which Ms. Bugg properly seconded, to keep the original language in 18VAC140.20.37 of the current proposed regulations and issue a Notice of Intended Action (NOIRA) to amend section 37 of regulations 18VAC140.20. The motion passed unanimously.

- **Completion of Periodic Review of Public Participation Guidelines Contained in 18VAC140-11**

Ms. Barrett reviewed the Public Participation Guidelines with the Board.

Motion: Ms. Buggs made a motion, which Ms. Meadows properly seconded, to retain 18VAC140-11 as is. The motion passed unanimously.

Consideration of petition for rulemaking (Petitioner-Erin Tomlinson)

The Board considered the request to amend 18VAC140-20-105(B)(1)(d) to include Eye Movement Desensitization and Reprocessing International Association (EMDRIA) and American Psychology Association (APA) as approved trainings. The Board accepted the petition for rulemaking for adding APA as a continuing education provider but did not elect to include EMDRIA training in the list of approved providers, as most EMDRIA training is approved by one of the entities already listed in the regulation or by the APA.

Motion: Mr. Randolph made a motion, which Ms. Purgold properly seconded, to accept the petition and initiate rule making and accept APA as an approved provider and to initiate a Notice of Intended Action (NOIRA) to amend rule 18VAC140-20-105(B)(1)(d). The motion passed unanimously.

Consideration of petition for rulemaking (Petitioner – Shanta Clay)

The Board considered the request to amend 18VAC140-20-70 to set passage of the licensure examination at 99 for all levels of licensure. The Board does not control or evaluate the passing score on the national examination, the passing score changes depending on the test version used, and the Board does include individual passing scores in regulations for examinations as a policy.

Motion: Ms. Purgold made a motion, which Ms. Bugg properly seconded, to deny the petitioner request. The motion passed unanimously.

EXECUTIVE DIRECTOR’S REPORT:

Ms. Hoyle thanked staff and announced that the Governor had appointed Ruth Ann Smulik as the Board’s citizen member.

Ms. Hoyle informed the Board that as part of her work for the Governor’s Right Help, Right Now behavioral health initiative, she attended a faith-based forum, and that Ms. Cox was also in attendance.

With respect to workforce, the Board of Social Work continues to be praised for its

actions to balance protecting the public but also reducing barriers to help address the workforce shortage. Ms. Hoyle indicated that she had reached out to the bordering states to discuss reciprocity. She hopes to have more information by the next meeting.

Ms. Hoyle also informed the Board that the conference for the Association of Social Work Boards conflicted with the Board meeting, but that Ms. Austin was currently attending on behalf of the Board and will provide a report at the next meeting.

DISCIPLINE REPORT:

Ms. Lang reported that from January 1 to October 31, 2023, the Board of Social Work received 128 completed investigations from the Enforcement Division. This represents a 41% increase when compared to the same time frame in 2022.

Staffing

Ms. Lang reported that in addition to herself, the discipline unit has one other full-time staff member, Christy Evans. Ms. Lang and Ms. Evans manage the disciplinary process for the three behavioral science boards and, in addition to the discipline cases, Ms. Evans also manages compliance monitoring and the annual continuing education audits. However, Ms. Lang reported that Cheryl Branch was recently hired as a part-time audit specialist, which will allow Ms. Evans more time to focus on discipline and managing the informal conference process.

Hearings

Ms. Lang announced that a formal hearing will be scheduled for March 29, 2024, following the quarterly board meeting. She requested that board members advise her as soon as possible if they will not be available to attend, so that she can ensure a panel of the board is available to move forward with the hearing.

LICENSING REPORT:

Ms. Lenart report on the licensure statistics and satisfaction survey results for the Board of Social Work. A copy of the report given was included in the agenda packet. She indicated that staff continue to work hard which is reflective of the 97% satisfaction survey and applications are currently being processed within 7- 10 business days.

Ms. Lenart stated that Shaderra Jefferson was recently hired by the Board as a licensing specialist and Darlene Graham retired from her part-time position with the Board.

Ms. Lenart reported that staff recently updated the licensure process handbook and application instructions immediately following the recent changes to the regulations.

COMMITTEE REPORTS:

- **Ad Hoc Committee**

Mr. Randolph and Ms. Buggs met on October 30, 2023 to discuss if the Board needed to present testing information to local institutions and colleges. The committee determined that a better use of the Board's time and resources would be to have ongoing communication with the social work community by having timely communication to address regulatory issues, ASWB pass rates, ASWB's Fifth Theory support program for test takers, Social Work Compact, Board's mission and the limitation of the Board.

NEXT MEETING DATES:

The next meeting is scheduled for Friday, March 29, 2024.

ADJOURNMENT:

Mr. Aguirre adjourned the meeting at 12:09 p.m.

Canek Aguirre, Citizen Member, Chair

Jaime Hoyle, JD, Executive Director

DRAFT

Board of Social Work
Current Regulatory Actions
As of March 20, 2024

In the Governor’s office

None.

In the Secretary’s office

VAC	Stage	Subject Matter	Date submitted	Office; time in office	Notes
18VAC140-30	Proposed	Initial regulations for licensure of music therapists	1/19/2022	HHR; 791 days	Implements licensure of music therapists pursuant to directive by the General Assembly
18VAC140-20	Final	Reduction in CE hours for continuation of approval to be a supervisor	6/3/2022	HHR; 656 days	Amendment following recommendation of Regulatory Committee to eliminate a burdensome requirement.
18VAC140-20	NOIRA	2022 periodic review changes to section 37	11/16/2023	HHR: 125 days	Separated from other NOIRA action to address concerns regarding definition of “generalist social work”
18VAC140-20	NOIRA	Acceptance of APA approved trainings as CE	11/16/2023	HHR: 125 days	Outcome from a petition for rulemaking that requested APA trainings be approved as CE

At DPB/OAG

VAC	Stage	Subject Matter	Date submitted	Office; time in office	Notes
18VAC140-20	Proposed	Amendments resulting from 2022 periodic review	12/19/2022	OAG; 138 days	Amendments from 2022 periodic review excluding the section 37 changes that were filed in a separate action

Regulations that recently became effective

VAC	Stage	Subject Matter	Publication date	Effective date
18VAC140-20	Exempt/Final	Exempt action to allow agency subordinates to hear credentials cases	10/9/2023	Effective date 11/8/2023

Agenda Item: Consideration of Stephenson Petition for Rulemaking

Included in your agenda packet:

- Petition for rulemaking to amend requirements for supervisors to include licensed professional counselors
- 18VAC140-20-50(B)
- A summary of comments provided on TownHall.

Staff Note: 11 comments were provided on this petition: 10 opposed the petition and one provided partial support

Action Needed:

- Motion or accept the petition for rulemaking and issue a NOIRA to amend requirements pursuant to the petition

Or

- Motion to deny the petition for rulemaking



Virginia Department of
Health Professions
Board of Social Work

RECEIVED
JAN 10 2024
BEHAVIOR/
SCIENCES

9960 Mayland Drive, Suite 300
Henrico, VA 23233-1463
www.dhp.virginia.gov/social

Email: socialwork@dhp.virginia.gov
(804) 367-4441 (Tel)
(804) 977-9915 (Fax)
DHP - MAILROOM

JAN 10 2024

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,)

Stephenson, Sophia, K.

Street Address

3629 Mullis Ct

Area Code and Telephone Number

804-543-2060

City

Hayes

State

Virginia

Zip Code:

2 3 0 7 2

Email Address (optional)

sophiekestephenson@gmail.com

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.

I am petitioning for the board to amend the 'Regulations Governing the Practice of Social Work', 18VAC140-20-50, section B.

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 for the board to change the limitation for supervisors to change to include Licensed Professional Counselors (LPC's) as approved supervisors. If a social worker intends to practice as an LCSW in a therapeutic field, a LPC is more than qualified to provide the appropriate supervision needed for them to receive supervisory hours. The licensing requirements for an LPC and LCSW are very similar in terms of hours needed to receive those certifications and the education that they would receive in the field while being supervised. Keeping the requirements for supervisors so limited makes it incredibly difficult for social workers to obtain supervision hours in areas that are in need of more LCSW's, further limiting the opportunities for future social workers, or the desire for them to pursue licensure. Changing this limitation to include LPC's as approved supervisors would allow for social workers to have more opportunities to pursue licensure and enrich the field of social work.

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.

Signature:

Date: 01/03/2024

18VAC140-20-50. Experience requirements for a licensed clinical social worker.

B. Requirements for supervisors.

1. The supervisor shall hold an active, unrestricted license as a licensed clinical social worker in the jurisdiction in which the clinical services are being rendered with at least two years of post-licensure clinical social work experience. The board may consider supervisors with commensurate qualifications if the applicant can demonstrate an undue burden due to geography or disability or if supervision was obtained in another United States jurisdiction.
2. The supervisor shall have received professional training in supervision, consisting of a three credit-hour graduate course in supervision or at least 14 hours of continuing education offered by a provider approved under 18VAC140-20-105. The graduate course or hours of continuing education in supervision shall be obtained by a supervisor within five years immediately preceding registration of supervision.
3. The supervisor shall not provide supervision for a family member or provide supervision for anyone with whom the supervisor has a dual relationship.
4. The board may consider supervisors from jurisdictions outside of Virginia who provided clinical social work supervision if they have commensurate qualifications but were either (i) not licensed because their jurisdiction did not require licensure or (ii) were not designated as clinical social workers because the jurisdiction did not require such designation.



[Export to PDF](#) [Export to Excel](#)

Agency Department of Health Professions

Board Board of Social Work

Chapter Regulations Governing the Practice of Social Work [[18 VAC 140 - 20](#)]

11 comments

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

[Back to List of Comments](#)

Commenter: Bernard Curry

2/13/24 11:30 am

Opposed to the petition unless LCSWs can provide supervision to those seeking the LPC

I am an L.C.S.W. My son is an LPC. I have watched and mentored him through his graduate program, supervision, and studying for the LPC exam. I am intimately familiar with what is required to become eligible to take the LPC exam. I have hosted grad students in various programs working towards earning a degree that would enable them to pursue the LPC credential. There are at least 3 grad degrees that can lead to the LPC as opposed to one MSW degree for the LCSW. At one time I could provide at least a year of supervision for those seeking the LPC. I am opposed to the petition unless the Board of Counseling approves LCSWs to provide supervision to those seeking the LPC credential. I take offense to the Board of Counseling excluding LCSWs from providing supervision to those seeking the LPC credential as I take offense to the petition that seeks to allow LPCs to provide supervision to those with an MSW. I intend to submit my own petition asking that LCSWs be allowed to provide supervision towards those seeking the LPC credential.

CommentID: 222213

Commenter: Joseph G Lynch LCSW

2/20/24 11:58 pm

Opposed to Petition for Rulemaking #402

I want to voice opposition to the Petition for Rulemaking #402 that request an “ *Amendment to requirements for supervisors to include licensed professional counselors* ” The Board of Social Work has made progress over the last 30 years to move toward the goal of LCSW’s who are Board Approved Supervisors being the sole providers of supervision for those seeking the LCSW license. There are over 800 Board Approved Supervisors and a supervisee in social work may arrange for virtual supervision from any of those 800+ supervisors. There no longer exist a claim of a lack of available supervisors based on geography. Any supervisee can now find a LCSW Board Approved Supervisor so I am opposed to this petition.

CommentID: 222221

Commenter: Debra ARiggs

2/22/24 2:03 pm

Professional Counselors Supervising Social Workers for a license

Thank you for the opportunity to comment on the Petition for Rule Making and proposal to allow licensed professional counselors to supervise social workers under the jurisdiction of the Virginia Board of Social Work. This rule is ill-advised and potentially detrimental to the integrity and efficacy of social work practice. There are several compelling reasons why this rule should be vehemently opposed:

Divergent Educational Backgrounds: Licensed counselors and social workers undergo vastly different educational trajectories. While social work education emphasizes a comprehensive understanding of social justice, human rights, and systemic oppression, counseling programs typically focus on individual mental health and therapeutic interventions. These distinct educational backgrounds do not adequately prepare counselors to supervise social workers, as they lack the necessary knowledge and skills related to macro-level social work practice and clinical practice.

Incompatibility of Ethical Codes: Social workers adhere to a distinct Code of Ethics established by the National Association of Social Workers (NASW), which emphasizes principles such as social justice, cultural competence, and advocacy. Conversely, licensed counselors adhere to ethical guidelines set forth by organizations like the American Counseling Association (ACA) or the American Psychological Association (APA), which may prioritize different values and priorities. Allowing counselors to supervise social workers may create ethical conflicts and undermine the integrity of social work practice.

Differences in Scope of Practice: Social workers and counselors serve distinct roles within the mental health and human services field. Social workers are trained to address a broad range of social issues, including poverty, homelessness, and systemic injustices, while counselors primarily focus on providing therapy and mental health interventions to individuals, couples, or families. The supervision provided by counselors may not adequately address the multifaceted needs of social work clients or prepare social workers to address systemic barriers to well-being.

Risk to Client Welfare: Social work supervision plays a critical role in ensuring the safety and well-being of clients served by social workers. Supervisors are responsible for guiding practitioners in ethical decision-making, professional development, and the application of evidence-based interventions. Allowing counselors to supervise social workers may compromise the quality of supervision and place clients at risk of receiving inadequate or inappropriate services.

Educational Curriculum Disparities: The educational curriculum for social work and counseling programs differs significantly in terms of content, focus, and skill development. Social work education emphasizes a holistic understanding of human behavior within the context of social systems, while counseling programs prioritize clinical assessment, diagnosis, and therapeutic interventions. These differences in educational curriculum may result in gaps in knowledge and skill development that hinder counselors' ability to effectively supervise social workers.

In conclusion, the proposal to allow licensed counselors to supervise social workers is misguided and poses significant risks to the integrity and effectiveness of social work practice. Rather than blurring the lines between distinct professions, efforts should be focused on enhancing collaboration and communication between social workers and counselors while upholding the unique roles and contributions of each profession.

CommentID: 222222

Commenter: Anonymous

2/22/24 3:59 pm

Oppose this

I oppose this ruling and #402. Thank you for giving us our freedom to voice our opinion.

CommentID: 222223

Commenter: Karen Martin

2/26/24 2:54 pm

Oppose

LPCs should not be able to supervise for LCSWs as they have different guiding principals, different course work and different scope of practice. One cannot adqutely supervise/train the other.

CommentID: **222227****Commenter:** Autumn Richardson, Innovative Care LLC

2/29/24 11:57 am

Oppose

I want to voice opposition to the Petition for Rulemaking #402 that request an “ *Amendment to requirements for supervisors to include licensed professional counselors*” The Board of Social Work has made progress over the last 30 years to move toward the goal of LCSW’s who are Board Approved Supervisors being the sole providers of supervision for those seeking the LCSW license. There are over 800 Board Approved Supervisors and a supervisee in social work may arrange for virtual supervision from any of those 800+ supervisors. There no longer exist a claim of a lack of available supervisors based on geography. Any supervisee can now find a LCSW Board Approved Supervisor so I am opposed to this petition.

CommentID: **222242****Commenter:** Anonymous

2/29/24 12:00 pm

Oppose

I believe this proposed change in regulations is not in the best interest of the SW Profession and may potentially detrimental to the integrity and efficacy of social work practice. There are several compelling reasons why this rule should be strongly opposed:

Divergent Educational Backgrounds: Licensed counselors and social workers undergo vastly different educational trajectories. While social work education emphasizes a comprehensive understanding of social justice, human rights, and systemic oppression, counseling programs typically focus on individual mental health and therapeutic interventions. These distinct educational backgrounds do not adequately prepare counselors to supervise social workers, as they lack the necessary knowledge and skills related to macro-level social work practice and clinical practice.

Incompatibility of Ethical Codes: Social workers adhere to a distinct Code of Ethics established by the National Association of Social Workers (NASW), which emphasizes principles such as social justice, cultural competence, and advocacy. Conversely, licensed counselors adhere to ethical guidelines set forth by organizations like the American Counseling Association (ACA) or the American Psychological Association (APA), which may prioritize different values and priorities. Allowing counselors to supervise social workers may create ethical conflicts and undermine the integrity of social work practice.

Differences in Scope of Practice: Social workers and counselors serve distinct roles within the mental health and human services field. Social workers are trained to address a broad range of social issues, including poverty, homelessness, and systemic injustices, while counselors primarily focus on providing therapy and mental health interventions to individuals, couples, or families. The supervision provided by counselors may not adequately address the multifaceted needs of social work clients or prepare social workers to address systemic barriers to well-being.

Risk to Client Welfare: Social work supervision plays a critical role in ensuring the safety and well-being of clients served by social workers. Supervisors are responsible for guiding practitioners in ethical decision-making, professional development, and the application of evidence-based

interventions. Allowing counselors to supervise social workers may compromise the quality of supervision and place clients at risk of receiving inadequate or inappropriate services.

Educational Curriculum Disparities: The educational curriculum for social work and counseling programs differs significantly in terms of content, focus, and skill development. Social work education emphasizes a holistic understanding of human behavior within the context of social systems, while counseling programs prioritize clinical assessment, diagnosis, and therapeutic interventions. These differences in educational curriculum may result in gaps in knowledge and skill development that hinder counselors' ability to effectively supervise social workers.

In conclusion, the proposal to allow licensed counselors to supervise social workers is misguided and poses significant risks to the integrity and effectiveness of social work practice. Rather than blurring the lines between distinct professions, efforts should be focused on enhancing collaboration and communication between social workers and counselors while upholding the unique roles and contributions of each profession.

CommentID: 222243

Commenter: Lindsay Pugh

3/2/24 10:57 am

Oppose

Due to the significant difference in LPC and LCSW requirements, ethics, and education, I am opposed to the power imbalance inherent in this role and oppose the proposed decision to allow LPCs to provide supervision to license-eligible social workers.

CommentID: 222248

Commenter: William, M.A.; Doctoral Candidate

3/2/24 4:59 pm

Partial Support - Possibility of Flexibility and Compromise

Until 2019, the Board of Counseling allowed LCSWs (and Psychologists) to supervise LPCs towards licensure. I want to say at the beginning of this comment that I also support changing those new rules to allow LCSWs to supervise Residents in Counseling as well. I do not think it unreasonable to ask both Boards to work together to ensure there is a two-way arrangement.

I think that at least **part** of the supervised hours should be able to come from people in other, closely related, disciplines. Perhaps the Board could decide that only up to half of supervised experience hours could come from an LPC. I also think it could be fair to say that an LPC must have a doctorate in order to supervise Social Workers towards becoming LCSWs. I certainly see no reason that an LPC with a doctorate should not be allowed to supervise some portion of a Social Worker's hours if that Social Worker wants.

To respond to some of the concerns others have here, I would point out that, in terms of codes of ethics, everyone with a license is bound to follow the rules of the licensure Board they are licensed under. Social Workers would have to follow their Board's regulations regardless of who is supervising them. Even within a discipline individuals only have to follow their professional association's Code of Ethics if they are a member of that organization, which many professionals are not - so we already have many professionals in these fields who are not actually bound by their professional organization's code of ethics. This may be unfortunate, but it is already the case. However, they are all bound by state licensure Board regulations, which does not change under this proposed new flexibility in supervision. *This rule would not change anything about the regulations that Social Workers in Virginia have to follow, aside from the new option for supervision.* Some individuals in this public comment section may make broad claims about risk to the public, but I see no actual evidence of that. I do not think that having LCSWs supervise LPC Residents before 2019 was a risk to the public.

This new rule would increase access to options for supervision. Yes, supervision may be completed online, but many people prefer in-person supervision, and may wish to work at a site that only has an LPC available as a potential supervisor. On-site supervision has numerous advantages, including that your supervisor may know the area, population, or even a specific client's situation. Finally, many individuals in our fields specialize. It is not unreasonable for a Social Worker who is accruing hours towards licensure to want a supervisor who has specific knowledge of a population they are interested in. What are they to do if no approved supervisor Social Workers in their area have knowledge with that population? For example, if one wants to work with individuals with Cluster C personality disorders, it may be hard to find a supervisor with that particular skill set. If an LPC with such a skill set happens to be available, and both parties are willing to agree to that supervision arrangement, why not have some flexibility to allow it?

In summary, I think it would be beneficial to allow LPCs and LCSWs (at the very least those who have doctorates) to supervise each other for a portion of hours towards licensure in each other's disciplines. I believe this is a very moderate compromise that would help a lot of people, share specialized knowledge across disciplines, and increase access to high quality and specialized supervision. Thank you for considering this, and I do hope both Boards can work this out.

CommentID: 222250

Commenter: Angelica Gehlich

3/4/24 4:04 pm

Oppose

Hello,

I am writing in opposition of this petition for change based on the different paths and backgrounds of LPCs and LCSW and the detrimental impacts to the SW field if LPCs are held at a higher esteem than LCSWs stemming from the suggestion that LPCs can supervise MSW supervisees but LCSWs are unable to supervise LPCs. I support collaboration between the fields, but this petition would create an incorrect hierarchy in mental healthcare. It would be terrible for the community and people we serve to disregard the differences between LPCs and LCSWs.

CommentID: 222251

Commenter: Jackson Caswell

3/4/24 8:20 pm

Oppose

As a supervisee in social work, I would feel concerned about the differences in licensure, education, and requirements between myself in pursuing my LCSW and an LPC supervisor.

CommentID: 222252



Virginia Department of
Health Professions
Board of Social Work

Perimeter Center
9960 Mayland Drive, Suite 300
Henrico, VA 23233-1463

Email: socialwork@dhp.virginia.gov
Phone: (804) 367-4441
E-Fax: (804) 977-9915
Website: www.dhp.virginia.gov/social

LICENSING REPORT

Satisfaction Survey Results	
2024 1st Quarter (July 1 – September 30, 2023)	91.8%
2024 2 nd Quarter (October 1 – December 31, 2023)	94.8%

Total as of March 21, 2024*

Current Licenses	
Associate Social Worker	1
Licensed Baccalaureate Social Worker	58
Licensed Clinical Social Work	10,837
Licensed Master's Social Worker	1,407
Registered Social Worker	6
Supervisees in Social Work	3,466
Total	15,775

*Unofficial numbers (for informational purposes only)



Virginia Department of
Health Professions
Board of Social Work

Perimeter Center
9960 Mayland Drive, Suite 300
Henrico, VA 23233-1463

Email: socialwork@dhp.virginia.gov
Phone: (804) 367-4441
E-Fax: (804) 977-9915
Website: www.dhp.virginia.gov/social

Licenses and Registrations Issued

Licenses and Registrations Issued	October 2023	November 2023	December 2023	January 2024	February 2024
Licensed Baccalaureate Social Worker (LBSW)	2	2	2	2	1
Licensed Clinical Social Worker (LCSW)	108	154	90	128	144
Licensed Master's Social Worker (LMSW)	27	45	21	30	36
Supervisees in Social Work	145	97	81	103	110
Total	282	298	194	263	291

Applications Received

Licenses and Registrations Issued	October 2023*	November 2023*	December 2023*	January 2024*	February 2024*
Licensed Baccalaureate Social Worker (LBSW)	2	2	4	5	2
Licensed Clinical Social Worker (LCSW)	159	143	110	142	153
Licensed Master's Social Worker (LMSW)	49	34	23	50	33
Supervisees in Social Work	121	94	81	119	104
Total	331	273	218	316	292

*Unofficial numbers (for informational purposes only)



Additional Information:

• Board of Social Work Staffing Information:

- The Board currently has three full-time and one part-time staff members to answer phone calls, emails and to process applications across all license types.
 - Licensing Staff:
 - Latasha Austin – Licensing Manager (Full-Time)
 - Sharniece Vaughan – Licensing Specialist (Full-Time)
 - Shaderra Jefferson– Licensing Specialist (Full-Time)
 - Gabriella Smith – Licensing Administration Assistant (Part-Time)

• Technology

- BOT technology sending standardized emails.
- Ability for applicants to upload documents during the application process.

VIRGINIA BOARD OF SOCIAL WORK BYLAWS

ARTICLE I: AUTHORIZATION

A. Statutory Authority

The Virginia Board of Social Work (“Board”) is established and operates pursuant to Va. Code §§ 54.1-2400 *et seq.* and 54.1-3700 *et seq.* Regulations promulgated by the Virginia Board of Social Work may be found in 18VAC140-20-10 *et seq.*, Regulations Governing the Practice of Social Work.

B. Duties

The Virginia Board of Social Work is charged with promulgating and enforcing regulations governing the licensure and practice of social work and clinical social work in the Commonwealth of Virginia. This includes, but is not limited to: setting fees; creating requirements for and issuing licenses, certificates, or registrations; 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 pursuant to Va. Code § 54.1-3703.
2. The terms of the members of the Board shall be four (4) years.
3. Members of the Board of Social Work holding a voting office in any related professional association or one that takes a policy position on the regulations of the Board shall abstain from voting on issues where there may be a conflict of interest present.

B. Officers

1. The Chairperson or designee shall preserve order and conduct all proceedings according to parliamentary rules, the Virginia Freedom of Information Act, Va. Code § 2.2-3700 *et seq.*, and the Virginia Administrative Process Act, Va. Code § 2.2-4000 *et seq.* 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 Chairperson shall appoint all committees, and shall sign as Chairperson to the certificates authorized to be signed by the Chairperson.
2. The Vice-Chairperson shall act as Chairperson in the absence of the Chairperson and assume the duties of Chairperson in the event of an unexpired term.

3. In the absences of the Chairperson and Vice-Chairperson, the Chairperson shall appoint another board member to preside at the meeting or formal administrative hearing.

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 Chairperson shall make a recommendation to the Director of the Department of Health Professions for referral to 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 Va. Code § 2.2-108.

D. Election of Officers

1. The Nomination Committee shall present a slate of officers for Chairman and Vice-Chairman prior to the meeting at which the election of officers is held. The election of officers shall occur at the first scheduled Board meeting following July 1 of each year, and elected officers shall assume their duties at the end of the meeting.
2. Officers shall be elected at a meeting of the Board with a quorum present.
3. The Chairperson shall ask for additional nominations from the floor by office.
4. Voting shall be by voice vote, roll call, or show of hands. A simple majority shall prevail with the current Chairperson casting a vote only to break a tie.
5. Special elections shall be held in the same manner in the event of a vacancy of a position to fill the unexpired term.
6. The election shall occur in the following order: Chairperson, Vice-Chairperson.
7. All officers shall be elected for a term of one year, and may serve no more than two consecutive terms.

E. Meetings

1. The full Board shall meet quarterly, unless a meeting is not required to conduct Board business.
2. Order of business at meetings:
 - a. Public Comment;
 - b. Approval of Minutes of preceding regular Board meeting(s) and any called meeting since the last regular meeting of the Board;
 - c. Reports of officers and staff;
 - d. Reports of committees;
 - e. Election of officers (as needed);
 - f. Unfinished business; and
 - g. 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;
Credentials Committee;
Nomination Committee; and
Any other standing committees created by the Board.

1. Regulatory/Legislative Committee

- a. The Regulatory/Legislative Committee shall consist of at least two (2) Board members appointed by the Chairperson of the Board.
- b. The Chairperson of the Committee shall be appointed by the Chairperson 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 direction of the Board, shall take such steps as may further the desire of the Board in matters of legislation and regulation.
- e. The Chairperson of the Committee shall submit proposed changes in applicable laws and regulations in writing to the Board prior to any scheduled meeting.

2. Special Conference Committee

- a. The Special Conference Committee shall consist of two (2) Board members.
- b. The Special Conference Committee shall 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.
- c. The Special Conference Committee shall hold informal conferences at the request of the applicant or licensee to determine if Board requirements have been met.
- d. The Chairperson of the Board shall designate another board member as an alternate on this committee in the event one of the standing committee members becomes ill or is unable to attend a scheduled conference date.
- e. Should the caseload increase to the level that additional special conference committees are needed, the Chairperson of the Board may appoint additional committees.

3. Credentials Committee

- a. The Credentials Committee shall consist of at least two (2) Board members appointed by the Chairman of the Board, with the Chairman of the Committee to be appointed by the Chairman of the Board.
- b. The members of the committee shall review non-routine licensure applications to determine the credentials of the applicant and the applicability of the statutes and regulations.
- c. The Committee member who conducted the initial review shall provide guidance to staff on action to be taken.
- d. The Credentials Committee shall not be required to meet collectively to conduct initial reviews.

4. Nomination Committee

- a. The Nomination Committee shall be composed of at least two members of the Board appointed by the Chairman of the Board, with the Chairman of the Committee to be appointed by the Chairman of the Board.
- b. The Nomination Committee shall consult with Board members and staff to recommend nominee(s) for the Board positions of Chairman and Vice-Chairman.
- c. Sitting officers shall not serve on the Nomination Committee.

ARTICLE IV: GENERAL DELEGATION OF AUTHORITY

The Board delegates the following functions:

1. The Board delegates to Board staff the authority to issue and renew licenses, certificates, or registrations and to approve supervision applications for which regulatory and statutory qualifications have been met. If there is basis upon which the Board could refuse to issue or renew the license or certification or to deny the supervision application, the Executive Director may only issue a license, certificate, or registration upon consultation with a member of the Credentials Committee, or in accordance with delegated authority provided in a guidance document of the Board.
2. The Board delegates to Board staff the authority to develop and approve any and all forms used in the daily operations of Board business, including, but limited to, licensure and registration applications, renewal forms, and documents used in the disciplinary process.
3. The Executive Director shall be the custodian of all Board records. He or 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.

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) renewal cycle for the completion of continuing education requirements upon written request from the licensee 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 upon which the Board could refuse to reinstate.
8. 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.
9. The Board delegates to the Executive Director, who may consult with a member of the Special Conference Committee, the authority 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 close non-jurisdictional cases and fee dispute cases without review by a Board member.
11. The Board delegates to the Executive Director the authority to review alleged violations of law or regulations with a Board member to make a determination as to whether probable cause exists to proceed with possible disciplinary action.
12. The Board delegates to the Executive Director the authority to assign the determination of probable cause for disciplinary action to a board member or to the staff disciplinary review coordinator, who, in consultation with Board staff, may offer a confidential consent agreement, offer a pre-hearing consent order, cause the scheduling of an informal conference, request additional information, or close the case.
13. In accordance with established Board guidance documents, the Board delegates to the Executive Director the determination of probable cause, for the purpose of offering a confidential consent agreement, a pre-hearing consent order, or for scheduling an informal conference.

14. 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.
15. The Board delegates to the Executive Director the convening of a quorum of the Board by telephone conference call, for the purpose of considering the summary suspension of a license or for the purpose of considering settlement proposals.
16. The Board delegates to the Chairperson 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.
17. 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 a probable cause review indicates a disciplinary proceeding will not be instituted.
18. The Board delegates authority to the Executive Director to delegate tasks to the Deputy Executive Director, as necessary.

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 be adopted by a favorable vote of at least two-thirds of the members present at that regular meeting.