

September 19, 2019  
Training Room 2  
1:00 p.m.

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**Call to Order – Joseph Walsh, Ph.D, Committee Chair**

- Welcome and Introductions
  - Mission of the Board
  - Emergency Egress Procedures
  - Adoption of Agenda
- 

**Approval of Minutes**

- Regulatory Committee Meeting – March 14, 2019\*
- 

**Public Comment**

*The Committee will receive public comment related to agenda items at this time. The Committee 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.*

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**Unfinished Business**

- LMSW and Discussion of Need for Supervisee License
- 

**New Business**

- SubCommittee Recommendations for Regulatory and Statutory Items Needing Further Discussion or Updates --- *Dolores Paulson and Joseph Walsh*
    - Definitions and Reordering
      - Moral Turpitude
    - LBSW Experience Requirements
    - Continuing Education Requirements
    - Standards of Practice
      - Boundary Violations
      - Diagnosing and Permission to Treat
- 

**Next Meeting – December 5, 2019**

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**Meeting Adjournment**

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\*Indicates a Committee 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).

# Approval of Regulatory Committee Meeting Minutes March 14, 2019

**THE VIRGINIA BOARD OF SOCIAL WORK  
REGULATORY COMMITTEE MEETING MINUTES  
Thursday, March 14, 2019**

The Regulatory Committee of the Virginia Board of Social Work ("Board") convened a meeting at 1:00 p.m. on Thursday, March 14, 2019 at the Department of Health Professions, 9960 Mayland Drive, Henrico, Virginia, in Training Room 1.

**PRESIDING OFFICER:** Dolores Paulson, L.C.S.W., Ph.D., Board Vice- Chair

**COMMITTEE MEMBERS PRESENT:** Michael Hayter, L.C.S.W., C.S.A.C.  
Gloria Manns, L.C.S.W. (*Arrived at 1:16pm*)  
John Salay, L.C.S.W.

**COMMITTEE MEMBERS ABSENT:** Maria Eugenia del Villar, L.C.S.W.  
Joseph Walsh, L.C.S.W., Ph.D., Committee Chair

**STAFF PRESENT:** Latasha Austin, Licensing Manager  
Jaime Hoyle, Executive Director  
Jennifer Lang, Deputy Executive Director

**OTHERS PRESENT:** Elaine Yeatts, Senior Policy Analyst, DHP  
Sandie Cotman, Administrative Staff, Board of Counseling

**IN THE AUDIENCE:** Joseph G. Lynch, L.C.S.W.  
David Boehm, L.C.S.W.  
Debra Riggs, Executive Director, NASW-Virginia Chapter

**CALL TO ORDER:**  
Dr. Paulson called the meeting to order at 1:05 p.m.

**ROLL CALL/ESTABLISHMENT OF A QUORUM:**  
Dr. Paulson requested a roll call. Ms. Austin announced that three members of the Committee were present. With not enough members present at the time of roll call for a quorum, the meeting became a Regulatory Workgroup meeting, rather than a Regulatory Committee meeting.

**MISSION STATEMENT:**  
Dr. Paulson read the mission statement of the Department of Health Professions, which was also the mission statement of the Board.

**EMERGENCY EGRESS:**  
Dr. Paulson announced the Emergency Egress procedures.

**PUBLIC COMMENT:**  
Mr. Joseph Lynch provided public comment (see copy of information provided) regarding Resident License and VA Code 32.1-127.1:03(F). Mr. Lynch expressed concerns that the language in VA Code 32.1-127.1:03(F) is outdated. Mr. Lynch provided for the Committee a draft of changes to the Code and identified other Code sections he feels need updating.

*Ms. Manns arrived at the meeting at 1:16pm. With Ms. Mann's arrival, Ms. Austin re-took roll call at 1:22pm. A quorum was established and the Regulatory Committee Meeting resumed as scheduled.*

#### **ADOPTION OF AGENDA:**

Upon a motion by Mr. Hayter, which was properly seconded by Ms. Manns, the agenda was adopted. The motion passed unanimously with none abstaining.

#### **APPROVAL OF MINUTES:**

Upon a motion by Mr. Salay, which was properly seconded by Mr. Hayter, the meeting minutes from the Regulatory Committee Meeting held on December 6, 2018 were approved as written. The motion passed unanimously with none abstaining.

#### **UNFINISHED BUSINESS:**

- **Criminal Background Checks:** The Committee discussed criminal background checks for Social Work applicants. Ms. Hoyle provided an update on the background check process. There is a cost to state police. The Board of Nursing was the first Board at DHP to require background checks. They established a background check unit, and as other boards express interest, DHP could expand that unit to accommodate those needs. The Board of Pharmacy now requires background checks for certain applicants, and the Board of Physical Therapy will soon require criminal background checks now that it is joining a Compact. Counseling has expressed interest. The Committee expressed that criminal background checks were not a necessity at this time. The Committee made no motion regarding this topic.
- **Resident License:** The Committee discussed the possibility of establishing a resident license that would apply to supervisees in social work. The Committee discussed the potential requirements, including an exam to ensure competency. Ms. Hoyle informed the Committee that ASWB is scheduled to come to the June 13, 2019 Regulatory Board meeting to discuss exams. The Committee suggested that ASWB come to the Full Board meeting on June 14, 2019 instead, so the entire Board could weigh in on the topic.

#### **Suggested Questions for ASWB**

1. What is the process like in other states (Ohio for example)?
2. What are states surrounding Virginia doing (North Carolina, Maryland, DC, Tennessee, and West VA)?
3. What is the timing?

#### **NEW BUSINESS:**

- **Amend Code 32.1-127.1:03(F) (Health Records Privacy):** The Committee discussed Code 32.1-127.1:03(F) and proposed the following amendments to the document:

Upon a motion by Mr. Salay, which was properly seconded by Ms. Manns, the Committee voted unanimously to recommend to the full Board to add language to add licensed clinical social worker to Code 32.1-127.1:03(F)

- **Amend 18VAC140-20-30(B):** The Committee discussed 18VAC140-20-30(B) of the Virginia Regulations Governing the Practice of Social Work and proposed the following amendment to the regulations:

Strike the first sentence of **18VAC140-20-30(B)** which reads: "Fees shall be paid by check or money order made payable to the Treasurer of Virginia and forward to the board."

Upon a motion by Mr. Hayter, which was properly seconded by Ms. Manns, the Committee voted to recommend to the Board to amend 18VAC140-20-30(B) of the Virginia Regulations Governing the Practice of Social Work to allow online application payments via credit card by striking the first sentence. The motion passed unanimously.

- **Moral Turpitude**: The Committee discussed the meaning of moral turpitude. Mr. Salay will do more research and bring forward more information at the next regulatory meeting.

**Suggested agenda items for the next meeting**

- Discussion on boundary issues (dual relationships)
- Discussion on diagnosing and permission to treat

**NEXT MEETING:**

Dr. Paulson announced that the next Regulatory Committee meeting would occur on June 13, 2019 at 1:00pm.

**ADJOURNMENT:**

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

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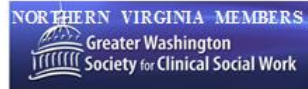
Joseph Walsh, L.C.S.W., Ph.D., Committee Chair

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Jaime Hoyle, Executive Director



AND



*Virginia Society for Clinical Social Work*  
*5537 Solaris Drive*  
*Chesterfield Virginia 23832*

**PUBLIC COMMENT**  
**To**  
**Regulatory Committee**  
**Virginia Board of Social Work**  
**March 14, 2019**

Good Afternoon. Thank you for the opportunity to make Public Comment to the Regulatory Committee. I speak for the Virginia Society for Clinical Social Work and the Northern Virginia members of the Greater Washington Society for Clinical Social Work. I wish to address two items on your agenda today:

1. **Resident License**

The minutes of the December 6, 2018 Regulatory Committee meeting note that the Committee discussed Resident License for Social Work Supervisees but decided to take no action at that time. Since the December meeting the 2019 session of the Virginia General Assembly passed legislation authorizing the Board of Counseling to issue a Temporary License to Residents in Counseling.

The independent practice of counseling requires a license (§ 54.1-3506. *License required*). The independent practice of social work also requires a license (§ 54.1-3706. *License required*). With the passage of the temporary license law an individual in counseling residency:

- Is allowed to practice counseling in a separate office from their supervisor.
- Is allowed to practice in their own office located in a different locality.
- Is allowed to practice under their own name, phone number, and schedule their own appointments.
- Is allowed to have a temporary license.

On February 8, 2019 the Board of Counseling heard a rulemaking petition “To amend regulations for residents in counseling to prohibit promoting or advertising their services independently to solicit business from the public.” The Board “... discussed the request to amend regulations and... **voted not to initiate rulemaking at this time...**” It is worth noting that (due in large part to the addition of QMHP’s) the Board of Counseling now regulates 25,584 persons; the Board of Social Work regulates 9,350 persons; and the Board of Psychology regulates 5,497 persons (\*See source at end of page 2).

It seems that residents in counseling have all of the elements of the independent practice of counseling except billing insurance companies directly for services rendered. All of these characteristics apparently present no threat to the public health, safety and welfare of the citizens of the Commonwealth. We ask that the Regulatory Committee reconsider the pursuit of Resident License for Social Work Supervisees.

2. **Code of Virginia §32.1-127.1:03 (F) Health Records Privacy**

We express great appreciation that the Committee is discussing this Code section. We have raised this concern with Senator Creigh Deeds the last few years as his Joint Subcommittee to Study Mental Health Services in the Twenty-First Century considers needed improvements in the Commonwealth’s Mental Health service delivery system. In §32.1-127.1:03 (F) the critical wording is

“...the individual's treating physician or the individual's treating clinical psychologist...”. Our position is that this language is outdated and is harmful to the citizens of the Commonwealth.

The phrase “treating physician” in mental health treatment in reality refers to Board Certified Psychiatrist. Due to medical malpractice concerns, standards of care concerns and insurance reimbursement for services rendered, the number physicians practicing Psychiatry who are not Board Certified Psychiatrist is very low. *The American Board of Psychiatry and Neurology* website identifies that there are 1,396 Board Certified Psychiatrist in Virginia. The Department of Health Professions 1<sup>st</sup> Quarter Report of Current Count of Licenses identifies that there are 3,541 Licensed Clinical Psychologists. Together there are 4,397 of these two providers (See attached infographic).

The Department of Health Professions 1<sup>st</sup> Quarter Report of Current Count of Licenses identifies that there are 5,417 Licensed Professional Counselors (LPC's), 874 Licensed Marriage & Family Therapists (LMFT's), and 6,806 Licensed Clinical Social Workers (LCSW's). Together there are 13,097 of these three Licensed Mental Professions (See attached infographic).

A citizen of the Commonwealth receiving Mental Health Services is 3.6 times more likely to be receiving services from an LPC, LMFT or LCSW mental health professional. The Code language needs to be updated to reflect the reality of which providers are likely to be providing mental health services and need to have the legal authority to protect the harmful release of a client's record.

For the Committee's information below are several other Code Sections that also contain the outdated language “...the individual's treating physician or the individual's treating clinical psychologist...”:

**§ 8.01-413. Certain copies of health care provider's records or ...**

**§ 8.01-581.1. Definitions**

**§ 8.01-581.20. Standard of care in proceeding before medical ...**

**§ 16.1-340.1. Involuntary temporary detention; issuance and ...**

**§ 20-124.6. Access to minor's records**

**§ 32.1-325. Board to submit plan for medical assistance ...**

**§ 37.2-809. Involuntary temporary detention; issuance and ...**

**§ 37.2-815. Commitment hearing for involuntary admission ...**

**§ 38.2-608. Access to recorded personal information**

**§ 53.1-40.1. Medical and mental health treatment of prisoners ...**

**§ 53.1-40.2. Involuntary admission of prisoners with mental ...**

**§ 54.1-2969. Authority to consent to surgical and medical ...**

Submitted by:  
Joseph G. Lynch LCSW

**\*Virginia Department of Health Professions, Current Count of Licenses, Quarterly Summary, Quarter 1 - Fiscal Year 2019, ending September 30, 2019**

**<https://www.dhp.virginia.gov/about/stats/2019Q1/04CurrentLicenseCountQ1FY2019.pdf>**



# Sub-Committee Draft Code Changes



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# Chapter 37 of Title 54.1 of the Code of Virginia

## Social Work

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21 § 54.1-3700. Definitions.

22 As used in this chapter, unless the context requires a different meaning:

23 "Administration" means the process of attaining the objectives of an organization through a  
24 system of coordinated and cooperative efforts to make social service programs effective  
25 instruments for the amelioration of social conditions and for the solution of social problems.

26 "Baccalaureate social worker" means a person who engages in the practice of social work under  
27 the supervision of a master's social worker and provides basic generalist services, including  
28 social work services ~~casework~~ management, and supportive services, and consultation, and  
29 education.

30 "Board" means the Board of Social Work.

31 "~~Casework~~" "Social Work Services Management" means both direct treatment, with an  
32 individual or several individuals, and intervention in the situation on the client's behalf with the  
33 objectives of meeting the client's needs, helping the client deal with the problem with which he is  
34 confronted, strengthening the client's capacity to function productively, lessening his distress,  
35 and enhancing his opportunities and capacities for fulfillment.

36 "~~Casework~~ management and supportive services" means assessment of presenting problems and  
37 perceived needs, referral services, policy interpretation, data gathering, planning, advocacy, and  
38 coordination of services.

39 "Clinical social worker" means a social worker who, by education and experience, is  
40 professionally qualified at the autonomous practice level to provide direct diagnostic, preventive  
41 and treatment services where functioning is threatened or affected by social and psychological  
42 stress or health impairment.

43 "Clinical Social Work Services" include the application of social work principles and methods in  
44 performing assessments and diagnoses based on a recognized manual or mental and emotional  
45 disorders or recognized system of problem definition, preventive and early intervention services  
46 ans treatment services, including psychotherapy, psychosocial interventions, and counseling  
47 interventions for mental disorders, substance abuse, marriage and family dysfunction, and  
48 problems caused by social and psychological stress or health impairment.

49 "Consultation ~~and education~~" means program consultation in social work to agencies,  
50 organizations, or community groups.;

51 "Education" means academic programs and other training such as staff development activities,  
52 seminars, and workshops using social work principles and theories of social work education.

53 "Group work" means helping people, in the realization of their potential for social functioning,  
54 through group experiences in which the members are involved with common concerns and in  
55 which there is agreement about the group's purpose, function, and structure.

56 "Master's social worker" means a person who engages in the practice of social work and provides  
57 ~~non-clinical~~ generalist services, including staff supervision and management.

58 "Planning and community organization" means helping organizations and communities analyze  
59 social problems and human needs; planning to assist organizations and communities in  
60 organizing for general community development; and improving social conditions through the  
61 application of social planning, resource development, advocacy, and social policy formulation.

62 "Practice of social work" means rendering or offering to render to individuals, families, groups,  
63 organizations, governmental units, ~~or~~ and the general public service which is guided by special  
64 knowledge of human growth and development, human capabilities, human pathology, social  
65 systems, and social resources, ~~social systems, human capabilities, and the part conscious and~~  
66 ~~unconscious motivation play in determining behavior. Any person regularly employed by a~~  
67 ~~licensed hospital or nursing home who offers or renders such services in connection with his~~  
68 ~~employment in accordance with patient care policies or plans for social services adopted~~  
69 ~~pursuant to applicable regulations when such services do not include group, marital or family~~  
70 ~~therapy, psychosocial treatment or other measures to modify human behavior involving child~~  
71 ~~abuse, newborn intensive care, emotional disorders or similar issues, shall not be deemed to be~~  
72 ~~engaged in the "practice of social work." Subject to the foregoing, T~~the disciplined application of  
73 social work values, principles and methods includes, but is not restricted to, casework social  
74 work services management and supportive services, casework, individual group work, planning  
75 and community organization, administration, consultation, and education, and research.

76 "Research" means the application of systematic procedures for the purpose of developing,  
77 modifying, and expanding knowledge of social work practice which can be communicated and  
78 verified.

79 "Social worker" means a person trained to provide service and action to effect changes in human  
80 behavior, emotional responses, and the social conditions by the application of the values,  
81 principles, methods, and procedures of the profession of social work.

82 1976, c. 608, § 54-941; 1979, c. 398; 1981, c. 555; 1988, c. 765; 2018, c. [451](#).

### 83 **§ 54.1-3701. Exemption from requirements of licensure.**

84 The requirements for licensure provided for in this chapter shall not be applicable to:

85 1. Persons who render services that are like or similar to those falling within the scope of the  
86 classifications or categories in this chapter, so long as the recipients or beneficiaries of such  
87 services are not subject to any charge or fee, or any financial requirement, actual or implied, and  
88 the person rendering such service is not held out, by himself or otherwise, as a licensed  
89 practitioner.

90 2. The activities or services of a student pursuing a course of study in social work in an  
91 institution recognized by the Board for purposes of licensure upon completion of the course of

92 study or under the supervision of a practitioner licensed under this chapter; if such activities or  
93 services constitute a part of his course of study and are adequately supervised.

94 3. The activities of rabbis, priests, ministers or clergymen of any religious denomination or sect  
95 when such activities are within the scope of the performance of their regular or specialized  
96 ministerial duties, and no separate charge is made or when such activities are performed, whether  
97 with or without charge, for or under auspices or sponsorship, individually or in conjunction with  
98 others, of an established and legally cognizable church, denomination or sect, and the person  
99 rendering service remains accountable to its established authority.

100 4. Persons employed as salaried employees or volunteers of the federal government, the  
101 Commonwealth, a locality, or of any agency established or funded, in whole or part, by any such  
102 governmental entity or of a private, nonprofit organization or agency sponsored or funded, in  
103 whole or part, by a community-based citizen group or organization. Any person who renders  
104 psychological services, as defined in Chapter 36 (§ 54.1-3600 et seq.) of this title, shall be  
105 subject to the requirements of that chapter. Any person who, in addition to the above enumerated  
106 employment, engages in an independent private practice shall not be exempt from the  
107 requirements for licensure.

108 5. Persons regularly employed by private business firms as personnel managers, deputies or  
109 assistants so long as their counseling activities relate only to employees of their employer and in  
110 respect to their employment.

111 (1976, c. 608, § 54-944; 1986, c. 581; 1988, c. 765.)

112 **§ 54.1-3702. Administration or prescription of drugs not permitted.**

113 This chapter shall not be construed as permitting the administration or prescribing of drugs or in  
114 any way infringing upon the practice of medicine as defined in Chapter 29 (§ 54.1-2900 et seq.)  
115 of this title.

116 (1976, c. 608, § 54-945; 1988, c. 765.)

117 **§ 54.1-3703. Board of Social Work; members.**

118 The Board of Social Work shall regulate the practice of social work.

119 The Board shall be composed of nine nonlegislative citizen members appointed by the Governor,  
120 seven of whom shall be licensed social workers who have been in active practice of social work  
121 for at least five years prior to appointment and two of whom shall be nonlegislative citizen  
122 members at large. The terms of the members of the Board shall be four years.

123 (1976, c. 608, § 54-942; 1981, cc. 447, 555; 1986, c. 464; 1988, cc. 42, 765; 2006, c. 685.)

124 **§ 54.1-3704. Nominations.**

125 Nominations for professional members may be made from a list of at least three names for each  
126 vacancy submitted to the Governor by the Virginia Chapter of the National Association of Social  
127 Workers and by the Virginia Society for Clinical Social Work. The Governor may notify such  
128 organizations of any professional vacancy other than by expiration. In no case shall the Governor  
129 be bound to make any appointment from among the nominees.

130 (1986, c. 464, § 54-942.1; 1988, c. 765.)

131 **§ 54.1-3705. Specific powers and duties of the Board.**

132 In addition to the powers granted in § 54.1-2400, the Board shall have the following specific  
133 powers and duties:

134 1. To cooperate with and maintain a close liaison with other professional boards and the  
135 community to ensure that regulatory systems stay abreast of community and professional needs.

136 2. To conduct inspections to ensure that licensees conduct their practices in a competent manner  
137 and in conformance with the relevant regulations.

138 3. To designate specialties within the profession.

139 4. Expired.

140 5. To license baccalaureate social workers, master's social workers, and clinical social workers to  
141 practice consistent with the requirements of the chapter and regulations of the Board.

142 6. To register persons proposing to obtain supervised post-degree experience in the practice of  
143 social work required by the Board for licensure as a clinical social worker.

144 1976, c. 608, §§ 54-929, 54-931; 1983, c. 115; 1986, cc. 64, 100, 464; 1988, c. 765; 1994, c. [778](#);  
145 2018, c. [451](#).

146 **§ 54.1-3706. License required.**

147 In order to engage in the practice of social work, it shall be necessary to hold a license.

148 (1979, c. 408, § 54-943.1; 1988, c. 765.)

149 **§ 54.1-3707. Licenses continued.**

150 All licenses heretofore issued by the Board of Social Work and its predecessors shall continue in  
151 effect, and be renewable under this chapter.

152 (1976, c. 608, § 54-943; 1988, c. 765.)

153 **§ 54.1-3707.1. Educational requirements.**

154 The Board shall accept proof of the successful completion of the following as evidence of the  
155 satisfaction of the educational requirements for licensure as a clinical social worker: (i) a master's  
156 degree in social work with a clinical course of study from a program accredited by the Council  
157 on Social Work Education, (ii) a master's degree in social work with a non-clinical concentration  
158 from a program accredited by the Council on Social Work Education together with successful  
159 completion of the educational requirements for a clinical course of study through a graduate  
160 program accredited by the Council on Social Work Education, or (iii) a program of education  
161 and training in social work at an educational institution outside the United States recognized by  
162 the Council on Social Work Education. For the purposes of this section, "clinical course of  
163 study" means graduate coursework that includes specialized advanced courses in human  
164 behavior and the social environment, social justice and policy, psychopathology, and diversity  
165 issues; research; clinical practice with individuals, families, and groups; and clinical practicum  
166 that focuses on diagnostic, prevention, and treatment services.

167 (2013, c. [533](#).)

168 **§ 54.1-3708. Continuing education requirements.**

169 The Board shall establish in regulations requirements for the continuing education of licensed  
170 social workers.

171 The Board may approve persons who provide continuing education or accredit continuing  
172 education programs in order to accomplish the purposes of this section.

173 (1999, c. 575.)

174 **§ 54.1-3709. Unlawful designation as social worker.**

175 A. It shall be unlawful for any person not licensed under this chapter to use the title "Social  
176 Worker" in writing or in advertising in connection with his practice unless he simultaneously  
177 uses clarifying initials that signify receiving a baccalaureate or master's degree in social work  
178 from an accredited social work school or program approved by the Council on Social Work  
179 Education or a doctorate in social work.

180 B. If a complaint or report of a possible violation of this section is made against any person who  
181 is licensed, certified, registered, or permitted, or who holds a multistate licensure privilege issued  
182 by any of the health regulatory boards within the Department of Health Professions, that  
183 complaint shall be referred to the applicable board within the Department for disciplinary action.  
184 A violation of this section shall be a Class 1 misdemeanor.

185 C. Notwithstanding the provisions of this section, any individual meeting the qualifications  
186 provided for in 42 C.F.R. Part 483 may practice as a "qualified social worker" in any licensed  
187 nursing home using such title. However, any such individual may only use the title "social  
188 worker" in connection with the activities of the nursing home.

189 D. Notwithstanding the provisions of this section, any individual meeting the qualifications  
190 provided for in 42 C.F.R. § 418.114(b) (3) may practice as a "social worker" in any licensed  
191 hospice using such title. However, any such individual may only use the title "social worker" in  
192 connection with the activities of the hospice.

193 E. That nothing in this act shall be construed as requiring the Department of Social Services, or  
194 any other entity, to hire licensed social workers or social workers with a baccalaureate or  
195 master's degree in social work from an accredited social work school or program approved by the  
196 Council on Social Work Education or a doctorate in social work.

197 (2011, c. 794.)

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# Sub-Committee Draft Regulation Changes



*Commonwealth of Virginia*



# **REGULATIONS**

## **GOVERNING THE PRACTICE OF SOCIAL WORK**

**VIRGINIA BOARD OF SOCIAL WORK**

**Title of Regulations: 18 VAC 140-20-10 et seq.**

**Statutory Authority: §§ 54.1-2400 and Chapter 37 of Title 54.1  
of the *Code of Virginia***

**Revised Date: August 8, 2019**

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## Part I. General Provisions.

### 18VAC140-20-10. Definitions.

A. The following words and terms when used in this chapter shall have the meanings ascribed to them in § 54.1-3700 of the Code of Virginia:

Baccalaureate social worker

Board

~~Casework~~ Social Work Services Management

~~Casework in~~ Management and supportive services

Clinical Social Work Services

Clinical social worker

Master's social worker

Practice of social work

Social worker

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

"Accredited school of social work" means a school of social work accredited by the Council on Social Work Education.

"Active practice" means post-licensure practice at the level of licensure for which an applicant is seeking licensure in Virginia and shall include at least 360 hours of practice in a 12-month period.

~~"Ancillary services" means activities such as case management, recordkeeping, referral, and coordination of services.~~ Record keeping, referral, intervention into situations on clients' behalves with the objectives of meeting clients' needs, and participation in required staff meetings.

"Clinical course of study" means graduate course work that includes specialized advanced courses in human behavior and the social environment, social justice and policy, psychopathology and diversity issues; research; clinical practice with individuals, families, and groups; and a clinical practicum that focuses on diagnostic, prevention and treatment services.

~~"Clinical social work services" include the application of social work principles and methods in performing assessments and diagnoses based on a recognized manual of mental and emotional disorders or recognized system of problem definition, preventive and early intervention services and treatment services, including psychosocial interventions, psychotherapy and counseling for mental disorders, substance abuse, marriage and family dysfunction, and problems caused by social and psychological stress or health impairment.~~

"Exempt practice" is that which meets the conditions of exemption from the requirements of licensure as defined in § 54.1-3701 of the Code of Virginia.

"Face-to-face supervision" means the physical presence of the individuals involved in the supervisory relationship during either individual or group supervision or the use of technology that provides real-time, visual contact among the individuals involved.

"LBSW" means a licensed baccalaureate social worker.

"LCSW" means a licensed clinical social worker.

"LMSW" means a licensed master's social worker.

"Moral turpitude" means illegal activity outside the context of professional practice that reflects negatively on one's professional character as determined by the Board.

"Nonexempt practice" ~~is that which~~ means practice that does not meet the conditions of exemption from the requirements of licensure as defined in § 54.1-3701 of the Code of Virginia.

"Supervisee" means an individual who has submitted a supervisory contract and has received board approval to provide clinical services in social work under supervision.

"Supervision" means a professional relationship between a supervisor and supervisee in which the supervisor directs, monitors and evaluates the supervisee's social work practice while promoting development of the supervisee's knowledge, skills and abilities to provide social work services in an ethical and competent manner.

**18VAC140-20-20. [Repealed]**

**18VAC140-20-30. Fees.**

A. The board has established fees for the following:

1. Registration of supervision	\$50
2. Addition to or change in registration of supervision	\$25
3. Application processing	
a. <del>LBSW. Licensed clinical social worker</del>	<del>\$165</del> 115
b. <u>LMSW</u>	<u>\$115</u> 140
b. <del>LBSW</del>	\$115
c. LCSW	<del>\$115</del> 165
4. Annual license renewal	
a. Registered social worker	\$25
b. Associate social worker	\$25
c. LBSW	\$65

d. <del>LMSW</del> LMSW	\$6578
e. <del>Licensed clinical social worker</del> <u>LCSW</u>	\$90
5. Penalty for late renewal	
a. Registered social worker	\$10
b. Associate social worker	\$10
c. LBSW	\$20
d. LMSW	\$2025
e. <del>Licensed clinical social worker</del> <u>LCSW</u>	\$30
6. Verification of license to another jurisdiction	\$25
7. Additional or replacement licenses	\$15
8. Additional or replacement wall certificates	\$25
9. Returned check	\$35
10. Reinstatement following disciplinary action	\$500

B. Fees shall be paid by check or money order made payable to the Treasurer of Virginia and forwarded to the board. All fees are nonrefundable.

C. Examination fees shall be paid directly to the examination service according to its requirements.

**18VAC140-20-35. Sex offender treatment provider certification.**

Anyone licensed by the board who is seeking certification as a sex offender treatment provider shall obtain certification under the Board of Psychology and adhere to the board's Regulations Governing the Certification of Sex Offender Treatment Providers, 18VAC125-30-10 et seq.

**18VAC140-20-37. Licensure; general.**

- A. In accordance with § 54.1-3700 of the Code of Virginia, an LBSW shall engage in the practice of social work under the supervision of a master's social worker.
- B. LBSWs and LMSWs may practice in exempt practice settings under appropriate supervision.
- C. LMSWs may practice generalist social work.
- D. Only ~~licensed clinical social workers~~ LCSWs may practice at the autonomous level.

**Part II. Requirements for Licensure.**

**18VAC140-20-40. Requirements for licensure by examination as a clinical social worker.**

Every applicant for examination for licensure as a licensed clinical social worker shall:

1. Meet the education requirements prescribed in 18VAC140-20-49 and experience requirements prescribed in 18VAC140-20-50.
2. Submit a completed application to the board office within two years of completion of supervised experience to include:
  - a. Documentation, on the appropriate forms, of the successful completion of the supervised experience requirements of 18VAC140-20-50 along with documentation of the supervisor's out-of-state license where applicable. Applicants whose former supervisor is deceased, or whose whereabouts is unknown, shall submit to the board a notarized affidavit from the present chief executive officer of the agency, corporation or partnership in which the applicant was supervised. The affidavit shall specify dates of employment, job responsibilities, supervisor's name and last known address, and the total number of hours spent by the applicant with the supervisor in face-to-face supervision;
  - b. The application fee prescribed in 18VAC140-20-30;
  - c. Official transcript or documentation submitted from the appropriate institutions of higher education that verifies successful completion of educational requirements set forth in 18VAC140-20-49;
  - d. Documentation of any other health or mental health licensure or certification, if applicable; and
  - e. A current report from the U.S. Department of Health and Human Services National Practitioner Data Bank (NPDB).
3. Provide evidence of passage of the examination prescribed in 18VAC140-20-70.

**18VAC140-20-45. Requirements for licensure by endorsement.**

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

1. A completed application and the application fee prescribed in 18VAC140-20-30.
2. Documentation of active social work licensure in good standing obtained by standards required for licensure in another jurisdiction as verified by the out-of-state licensing agency. Licensure in the other jurisdiction shall be of a comparable type as the licensure that the applicant is seeking in Virginia, and the licensure standard in the previous state must meet or equal the standards in Virginia.
3. Verification of a passing score on a board-approved national exam at the level for which the applicant is seeking licensure in Virginia.
4. Documentation of any other health or mental health licensure or certification, if applicable.

5. A current report from the U.S. Department of Health and Human Services National Practitioner Data Bank (NPDB).

6. Verification of:

a. Active practice at the level for which the applicant is seeking licensure in another United States jurisdiction for 24 out of the past 60 months;

b. Active practice in an exempt setting at the level for which the applicant is seeking licensure for 24 out of the past 60 months; or

c. Evidence of supervised experience requirements substantially equivalent to those outlined in 18VAC140-20-50 A 2 and A 3 and 18VAC140-20-60 C 2 and C 3.

7. Certification that the applicant is not the respondent in any pending or unresolved board action in another jurisdiction or in a malpractice claim.

B. If an applicant for licensure by endorsement has not passed a board-approved national examination at the level for which the applicant is seeking licensure in Virginia, the board may approve the applicant to sit for such examination.

**18VAC140-20-49. Educational requirements for a ~~licensed clinical social worker~~ LCSW.**

A. The applicant for licensure as a clinical social worker shall document successful completion of one of the following: (i) a master's degree in social work with a clinical course of study from a program accredited by the Council on Social Work Education, (ii) a master's degree in social work with a nonclinical concentration from a program accredited by the Council on Social Work Education together with successful completion of the educational requirements for a clinical course of study through a graduate program accredited by the Council on Social Work Education, or (iii) a program of education and training in social work at an educational institution outside the United States recognized by the Council on Social Work Education.

B. The requirement for a clinical practicum in a clinical course of study shall be a minimum of 600 hours, which shall be integrated with clinical course of study coursework and supervised by a person who is a licensed clinical social worker or who holds a master's or doctor's degree in social work and has a minimum of three years of experience in clinical social work services after earning the graduate degree. An applicant who has otherwise met the requirements for a clinical course of study but who did not have a minimum of 600 hours in a supervised field placement/practicum in clinical social work services may meet the requirement by obtaining an equivalent number of hours of supervised practice in clinical social work services in addition to the experience required in 18VAC140-20-50.

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

A. Supervised experience. Supervised post-master's degree experience without prior written board approval will not be accepted toward licensure, except supervision obtained in another United States jurisdiction may be accepted if it met the requirements of that jurisdiction.

1. Registration. An individual who proposes to obtain supervised post-master's degree experience in Virginia shall, prior to the onset of such supervision, or whenever there is an addition or change of supervised practice, supervisor, clinical social work services or location:

a. Register on a form provided by the board and completed by the supervisor and the supervised individual; and

b. Pay the registration of supervision fee set forth in 18VAC140-20-30.

2. Hours. The applicant shall have completed a minimum of 3,000 hours of supervised post-master's degree experience in the delivery of clinical social work services and in ancillary services that support such delivery. A minimum of one hour and a maximum of four hours of face-to-face supervision shall be provided per 40 hours of work experience for a total of at least 100 hours. No more than 50 of the 100 hours may be obtained in group supervision, nor shall there be more than six persons being supervised in a group unless approved in advance by the board. The board may consider alternatives to face-to-face supervision if the applicant can demonstrate an undue burden due to hardship, disability or geography.

a. Supervised experience shall be acquired in no less than two nor more than four consecutive years.

b. Supervisees shall obtain throughout their hours of supervision a minimum of 1,380 hours of supervised experience in face-to-face client contact in the delivery of clinical social work services. The remaining hours may be spent in ancillary services supporting the delivery of clinical social work services.

3. An individual who does not complete the supervision requirement after four consecutive years of supervised experience may request an extension of up to 12 months. The request for an extension shall include evidence that demonstrates extenuating circumstances that prevented completion of the supervised experience within four consecutive years.

B. Requirements for supervisors for candidates for LCSW.

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~~ 12 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 he has a dual relationship.

4. The supervisor shall not violate the boundaries of the supervisee during the course of supervision.

5. 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.

C. Responsibilities of supervisors of candidates for LCSW. The supervisor shall:

1. Be responsible for the social work activities of the supervisee as set forth in this subsection once the supervisory arrangement is accepted;

2. Review and approve the diagnostic assessment and treatment plan of a representative sample of the clients assigned to the applicant during the course of supervision. The sample should be representative of the variables of gender, age, diagnosis, length of treatment and treatment method within the client population seen by the applicant. It is the applicant's responsibility to assure the representativeness of the sample that is presented to the supervisor;

3. Provide supervision only for those social work activities for which the supervisor has determined the applicant is competent to provide to clients;

4. Provide supervision only for those activities for which the supervisor is qualified by education, training and experience;

5. Evaluate the supervisee's knowledge and document minimal competencies in the areas of an identified theory base, application of a differential diagnosis, establishing and monitoring a treatment plan, development and appropriate use of the professional relationship, assessing the client for risk of imminent danger, understanding the requirements of law for reporting any harm or risk of harm to self or others, and implementing a professional and ethical relationship with clients;

6. Be available to the applicant on a regularly scheduled basis for supervision;

7. Maintain documentation, for five years post-supervision, of which clients were the subject of supervision; and

8. Ensure that the board is notified of any change in supervision or if supervision has ended or been terminated by the supervisor.

9. Ensure that the supervisor makes clear the billing arrangements with the supervisee.

D. Responsibilities of supervisees.

1. Supervisees may not ~~directly~~ bill for services rendered or in any way represent themselves as independent, autonomous practitioners, or licensed clinical social workers.
2. During the supervised experience, supervisees shall use their names and the initials of their degree, and the title "Supervisee in Social Work" in all written communications.
3. Clients shall be informed in writing of the supervisee's status and the supervisor's name, professional address, and phone number.
4. Supervisees shall not supervise the provision of clinical social work services provided by another person.

**18VAC140-20-51. Requirements for licensure by examination as an LBSW or LMSW.**

A. In order to be approved to sit for the board-approved examination as an LBSW ~~or an LMSW~~, an applicant shall:

1. Meet the education requirements prescribed in 18VAC140-20-60.
2. Submit a completed application to the board office to include:
  - a. The application fee prescribed in 18VAC140-20-30; and
  - b. Official transcripts submitted from the appropriate institutions of higher education.

B. In order to be licensed by examination as an LBSW ~~or an LMSW~~, an applicant shall:

1. Meet the requirements prescribed in 18VAC140-20-60; and
2. Submit, in addition to the application requirements of subsection A of this section, the following:
  - a. Verification of a passing score on the board-approved national examination;
  - b. Documentation of any other health or mental health licensure or certification, if applicable; and
  - c. A current report from the U.S. Department of Health and Human Services National Practitioner Data Bank (NPDB).

~~3. For licensure as a LBSW, submit documentation, on the appropriate forms, of the successful completion of the supervised experience requirements of 18VAC140-20-60 along with documentation of the supervisor's out of state license where applicable. An applicant, whose former supervisor is deceased or whose whereabouts is unknown, shall submit to the board a notarized affidavit from the present chief executive officer of the agency, corporation, or partnership in which the applicant was supervised. The affidavit shall specify dates of employment, job responsibilities, supervisor's name and last known address, and the total number of hours spent by the applicant with the supervisor in face to face supervision.~~

C. In order to be approved to sit for the board-approved examination as an LMSW, an applicant shall:

1. Meet the education requirements prescribed in 18VAC140-20-60.

2. Submit a completed application to the board office to include:

a. The application fee prescribed in 18VAC140-20-30; and

b. Official transcripts submitted from the appropriate institutions of higher education.

D. In order to be licensed by examination as an LMSW, an applicant shall:

1. Meet the requirements prescribed in 18VAC140-20-60; and

2. Submit, in addition to the application requirements of subsection A of this section, the following:

a. Verification of a passing score on the board-approved national examination prescribed in 18VAC140-20-70;

b. Documentation of any other health or mental health licensure or certification, if applicable; and

c. A current report from the U.S. Department of Health and Human Services National Practitioner Data Bank (NPDB).

### **18VAC140-20-60. Education ~~and experience~~ requirements for an LBSW ~~or~~ LMSW.**

~~A. Education.~~The applicant for licensure as an LBSW shall hold a bachelor's ~~or a master's~~ degree from an accredited school of social work. ~~The applicant for licensure as an LMSW shall hold a master's degree from an accredited school of social work.~~ Graduates of foreign institutions must establish the equivalency of their education to this requirement through the Foreign Equivalency Determination Service of the Council on Social Work Education.

~~B. Master's degree applicant.~~ An applicant who holds a master's degree may apply for licensure as a licensed social worker an LMSW without documentation of supervised experience.

~~C. Supervised experience requirement for bachelor's degree applicants. Supervised experience without prior written board approval will not be accepted toward licensure, except supervision obtained in another United States jurisdiction may be accepted if it met the requirements of that jurisdiction.~~

~~1. Registration. Prior to the onset of supervision, an individual who proposes to obtain supervised experience in Virginia shall:~~

~~a. Register on a form provided by the board and completed by the supervisor and the supervised individual; and~~

~~b. Pay the registration of supervision fee set forth in 18VAC140-20-30.~~

~~2. Hours. Bachelor's degree applicants shall have completed a minimum of 3,000 hours of supervised post bachelor's degree experience in casework management and supportive services under supervision satisfactory to the board. A minimum of one hour and a maximum of four hours of face-to-face supervision shall be provided per 40 hours of work experience for a total of at least 100 hours.~~

~~3. Supervised experience shall be acquired in no less than two nor more than four consecutive years from the beginning of the supervised experience. An individual who does not complete the supervision requirement after four consecutive years of supervised experience may request an extension of up to 12 months. The request for an extension shall include evidence that demonstrates extenuating circumstances that prevented completion of the supervised experience within four consecutive years.~~

~~D. Requirements for supervisors.~~

~~1. The supervisor providing supervision shall hold an active, unrestricted license as a licensed social worker with a master's degree, or a licensed social worker with a bachelor's degree and at least three years of post licensure social work experience or a licensed clinical social worker in the jurisdiction in which the social work services are being rendered. If this requirement places an undue burden on the applicant due to geography or disability, the board may consider individuals with comparable qualifications.~~

~~2. The supervisor shall:~~

~~a. Be responsible for the social work practice of the prospective applicant once the supervisory arrangement is accepted by the board;~~

~~b. Review and approve the assessment and service plan of a representative sample of cases assigned to the applicant during the course of supervision. The sample should be representative of the variables of gender, age, assessment, length of service and casework method within the client population seen by the applicant. It is the applicant's responsibility to assure the representativeness of the sample that is presented to the supervisor. The supervisor shall be available to the applicant on a regularly scheduled basis for supervision. The supervisor will maintain documentation, for five years post supervision, of which clients were the subject of supervision;~~

~~e. Provide supervision only for those casework management and support services activities for which the supervisor has determined the applicant is competent to provide to clients;~~

~~d. Provide supervision only for those activities for which the supervisor is qualified;~~

~~e. Evaluate the supervisee in the areas of professional ethics and professional competency; and~~

~~f. Ensure that the board is notified of any change in supervision or if the supervision has ended or has been terminated by the supervisor.~~

~~3. The supervisor shall not provide supervision for a family member or provide supervision for anyone with whom the supervisor has a dual relationship.~~

### **18VAC140-20-XX. Education and experience requirements for an LMSW.**

A. The applicant for licensure as an LMSW shall hold a Master's degree from an accredited school of social work. Graduates of foreign institutions must establish the equivalency of their education to this requirement through the Foreign Equivalency Determination Service of the Council on Social Work Education.

## **Part III Examinations**

### **18VAC140-20-70. Examination requirement.**

A. An applicant for licensure by the board as an LBSW, an LMSW, or ~~clinical social worker~~ LCSW shall pass a written examination prescribed by the board.

~~1. The examination prescribed for licensure as an LBSW shall be the licensing examination of the Association of Social Work Boards at the bachelor's level. The examination prescribed for licensure as a clinical social worker the LCSW shall be the licensing examination of the Association of Social Work Boards at the clinical level.~~

~~2. The examination prescribed for licensure as an LBSW shall be the licensing examination of the Association of Social Work Boards at the bachelor's level. The examination prescribed for licensure as an LMSW shall be the licensing examination of the Association of Social Work Boards at the Master's level.~~

3. The examination prescribed for licensure as a clinical social worker the LCSW shall be the licensing examination of the Association of Social Work Boards at the clinical level.

B. An applicant approved by the board to sit for an examination shall take that examination within two years of the date of the initial board approval. If the applicant has not passed the examination by the end of the two-year period here prescribed, the applicant shall reapply according to the requirements of the regulations in effect at that time in order to be approved for another two years in which to pass the examination.

C. If an applicant for clinical social work licensure has not passed the examination within the second two-year approval period, the applicant shall be required to register for supervision and complete one additional year as a supervisee before approval for another two-year period in which to re-take the examination may be granted.

**18VAC140-20-80 to 18VAC140-20-90. [Repealed]**

**Part IV. Licensure Renewal; Reinstatement.**

**18VAC140-20-100. Licensure renewal.**

A. ~~Beginning with the 2017 renewal,~~ Licensees shall renew their licenses on or before June 30 of each year and pay the renewal fee prescribed by the board.

B. Licensees who wish to maintain an active license shall pay the appropriate fee and document on the renewal form compliance with the continued competency requirements prescribed in 18VAC140-20-105. Newly licensed individuals are not required to document continuing education on the first renewal date following initial licensure.

C. A licensee who wishes to place his license in inactive status may do so upon payment of a fee equal to one-half of the annual license renewal fee as indicated on the renewal form. No person shall practice social work or clinical social work in Virginia unless he holds a current active license. A licensee who has placed himself in inactive status may become active by fulfilling the reactivation requirements set forth in 18VAC140-20-110.

D. Each licensee shall furnish the board his current address of record. All notices required by law or by this chapter to be mailed by the board to any such licensee shall be validly given when mailed to the latest address of record given by the licensee. Any change in the address of record or the public address, if different from the address of record, shall be furnished to the board within 30 days of such change.

**18VAC140-20-105. Continued competency requirements for renewal of an active license.**

A. LBSWs shall be required to have completed a minimum of 15 contact hours of continuing education prior to licensure renewal in even years. A minimum of 2 of those hours must pertain to ethics or the standards of practice for the behavioral health professions or to laws governing the practice of social work in Virginia.

B. LMSWs shall be required to have completed a minimum of 22 contact hours of continuing education prior to licensure renewal in even years. A minimum of 4 of those hours must pertain to ethics or the standards of practice for the behavioral health professions or to laws governing the practice of social work in Virginia

~~C. Licensed clinical social workers LCSWs shall be required to have completed a minimum of 30 contact hours of continuing education and LBSWs and LMSWs shall be required to have completed a minimum of 15 contact hours of continuing education prior to licensure renewal in even years. A minimum of six of those hours must pertain to ethics or the standards of practice for the behavioral health professions or to laws governing the practice of social work in Virginia.~~

~~D. Courses or activities shall be directly related to the practice of social work or another behavioral health field. A minimum of two of those hours must pertain to ethics or the standards of practice for the behavioral health professions or to laws governing the practice of social work in Virginia.~~ Up to two continuing education hours required for renewal may be satisfied through delivery of social work services, without compensation, to low-income individuals receiving health services through a local health department or a free clinic organized in whole or primarily for the delivery of those services, as verified by the department or clinic. Three hours of volunteer service is required for one hour of continuing education credit.

1. The board may grant an extension for good cause of up to one year for the completion of continuing education requirements upon written request from the licensee prior to the renewal date. Such extension shall not relieve the licensee of the continuing education requirement.

2. The board may grant an exemption for all or part of the continuing education requirements due to circumstances beyond the control of the licensee such as temporary disability, mandatory military service, or officially declared disasters upon written request from the licensee prior to the renewal date.

B. Hours may be obtained from a combination of board-approved activities in the following two categories:

1. Category I. Formally Organized Learning Activities. A minimum of 10 hours for LBSWs, 15 hours for LMSWs, or 20 hours for licensed clinical social workers LCSWs, licensed social workers shall be documented in this category, which shall include one or more of the following:

a. Regionally accredited university or college academic courses in a behavioral health discipline. A maximum of 15 hours will be accepted for each academic course.

b. Continuing education programs offered by universities or colleges accredited by the Council on Social Work Education.

c. Workshops, seminars, conferences, or courses in the behavioral health field offered by federal, state or local social service agencies, public school systems or licensed health facilities and licensed hospitals.

d. Workshops, seminars, conferences or courses in the behavioral health field offered by an individual or organization that has been certified or approved by one of the following:

- (1) The Child Welfare League of America and its state and local affiliates.
- (2) The National Association of Social Workers and its state and local affiliates.
- (3) The Association of Black Social Workers and its state and local affiliates.
- (4) The Family Service Association of America and its state and local affiliates.
- (5) The Clinical Social Work Association and its state and local affiliates.

(6) The American Association for Psychoanalysis in Clinical Social Work and its state and local affiliates.

(7) The Virginia Association of Sex Offender Treatment Providers

(8) The Association of Social Work Boards.

~~(7)~~ (9) Any state social work board.

2. Category II. Individual Professional Activities. A maximum of 10 of the required 30 hours for licensed clinical social workers or a maximum of five of the required 15 hours for licensed social workers may be earned in this category, which shall include one or more of the following:

a. Participation in an Association of Social Work Boards item writing workshop. (Activity will count for a maximum of two hours.)

b. Publication of a professional social work-related book or initial preparation or presentation of a social work-related course. (Activity will count for a maximum of 10 hours.)

c. Publication of a professional social work-related article or chapter of a book, or initial preparation or presentation of a social work-related in-service training, seminar or workshop. (Activity will count for a maximum of five hours.)

d. Provision of a continuing education program sponsored or approved by an organization listed under Category I. (Activity will count for a maximum of two hours and will only be accepted one time for any specific program.)

e. Field instruction of graduate students in a Council on Social Work Education-accredited school. (Activity will count for a maximum of two hours.)

f. Serving as an officer or committee member of one of the national professional social work associations listed under subdivision B 1 d of this section or as a member of a state social work licensing board. (Activity will count for a maximum of two hours.)

g. Attendance at formal staffings at federal, state or local social service agencies, public school systems or licensed health facilities and licensed hospitals. (Activity will count for a maximum of five hours.)

h. Individual or group study including listening to audio tapes, viewing video tapes, reading, professional books or articles. (Activity will count for a maximum of five hours.)

**18VAC140-20-106. Documenting compliance with continuing education requirements.**

A. All licensees in active status are required to maintain original documentation for a period of three years following renewal.

B. The board may conduct an audit of licensees to verify compliance with the requirement for a renewal period.

C. Upon request, a licensee shall provide documentation as follows:

1. Documentation of Category I activities by submission of:

a. Official transcripts showing credit hours earned; or

b. Certificates of participation.



2. Attestation of completion of Category II activities.

D. Continuing education hours required by disciplinary order shall not be used to satisfy renewal requirements.

**18VAC140-20-110. Late renewal; reinstatement; reactivation.**

A. An LBSW, LMSW, or ~~clinical social worker~~ LCSW whose license has expired may renew that license within one year after its expiration date by:

1. Providing evidence of having met all applicable continuing education requirements.
2. Paying the penalty for late renewal and the renewal fee as prescribed in 18VAC140-20-30.

B. An LBSW, LMSW, or ~~clinical social worker~~ LCSW who fails to renew the license after one year and who wishes to resume practice shall apply for reinstatement and pay the reinstatement fee, which shall consist of the application processing fee and the penalty fee for late renewal, as set forth in 18VAC140-20-30. An applicant for reinstatement shall also provide:

1. Documentation of having completed all applicable continued competency hours equal to the number of years the license has lapsed, not to exceed four years;
2. Documentation of any other health or mental health licensure or certification held in another United States jurisdiction, if applicable; and
3. A current report from the U.S. Department of Health and Human Services National Practitioner Data Bank.

C. In addition to requirements set forth in subsection B of this section, an applicant for reinstatement whose license has been lapsed for 10 or more years shall also provide evidence of competency to practice by documenting:

1. Active practice in another United States jurisdiction for at least 24 out of the past 60 months immediately preceding application;
2. Active practice in an exempt setting for at least 24 out of the past 60 months immediately preceding application; or
3. Practice as a supervisee under supervision for at least 360 hours in the 12 months immediately preceding reinstatement of licensure in Virginia. The supervised practice shall include a minimum of 60 hours of face-to-face direct client contact and nine hours of face-to-face supervision.

D. An LBSW, LMSW, or ~~clinical social worker~~ LCSW wishing to reactivate an inactive license shall submit the difference between the renewal fee for active licensure and the fee for inactive licensure renewal and document completion of continued competency hours equal to the number of years the license has been inactive, not to exceed four years. An applicant for reactivation who has been inactive for 10 or more years shall also provide evidence of competency to practice by documenting:

1. Active practice in another United States jurisdiction for at least 24 out of the past 60 months immediately preceding application;
2. Active practice in an exempt setting for at least 24 out of the past 60 months immediately preceding application; or
3. Practice as a supervisee under supervision for at least 360 hours in the 12 months immediately preceding reactivation of licensure in Virginia. The supervised practice shall include a minimum of 60 hours of face-to-face direct client contact and nine hours of face-to-face supervision.

**18VAC140-20-120. [Repealed]**

**18VAC140-20-130. Renewal of registration for associate social workers and registered social workers.**

The registration of every associate social worker and registered social worker with the former Virginia Board of Registration of Social Workers under former §54-775.4 of the Code of Virginia shall expire on June 30 of each year.

1. Each registrant shall return the completed application before the expiration date, accompanied by the payment of the renewal fee prescribed by the board.
2. Failure to receive the renewal notice shall not relieve the registrant from the renewal requirement.

**18VAC140-20-140. [Repealed]**

**Part V. Standards of Practice.**

**18VAC140-20-150. Professional conduct.**

A. The protection of the public health, safety, and welfare and the best interest of the public shall be the primary guide in determining the appropriate professional conduct of all persons whose activities are regulated by the board. Regardless of the delivery method, whether in person, by telephone or electronically, these standards shall apply to the practice of social work.

B. Persons licensed as LBSWs, LMSWs, and ~~clinical social workers~~ LCSWs shall:

1. Be able to justify all services rendered to or on behalf of clients as necessary for diagnostic or therapeutic purposes.
2. Provide for continuation of care when services must be interrupted or terminated.
3. Practice only within the competency areas for which they are qualified by education and experience.

4. Report to the board known or suspected violations of the laws and regulations governing the practice of social work.

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

6. Ensure that clients are aware of fees and billing arrangements before rendering services. Billing must clearly state credentials of person rendering services. Supervisees in Social Work may not bill.

7. Inform clients of potential risks and benefits of services and the limitations on confidentiality and ensure that clients have provided informed written consent to diagnosis and treatment.

8. Keep confidential their therapeutic relationships with clients and disclose client records to others only with written consent of the client, with the following exceptions: (i) when the client is a danger to self or others; or (ii) as required by law.

9. When advertising their services to the public, ensure that such advertising is neither fraudulent nor misleading.

10. As treatment requires and with the written consent of the client, collaborate with other health or mental health providers concurrently providing services to the client.

11. Refrain from undertaking any activity in which one's personal problems are likely to lead to inadequate or harmful services.

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

C. In regard to client records, persons licensed by the board shall comply with provisions of § 32.1-127.1:03 of the Code of Virginia on health records privacy and shall:

1. Maintain written or electronic clinical records for each client to include identifying information and assessment that substantiates diagnosis and treatment plans. Each record shall include a diagnosis and treatment plan, progress notes for each case activity, information received from all collaborative contacts and the treatment implications of that information, and the termination process and summary.

2. Maintain client records securely, inform all employees of the requirements of confidentiality, and provide for the destruction of records that are no longer useful in a manner that ensures client confidentiality.

3. Disclose or release records to others only with clients' expressed written consent or that of their legally authorized representative or as mandated by law.

4. Ensure confidentiality in the usage of client records and clinical materials by obtaining informed consent from clients or their legally authorized representative before (i) videotaping, (ii) audio recording, (iii) permitting third-party observation, or (iv) using identifiable client records and clinical materials in teaching, writing or public presentations.

5. Maintain client records for a minimum of six years or as otherwise required by law from the date of termination of the therapeutic relationship with the following exceptions:

a. At minimum, records of a minor child shall be maintained for six years after attaining the age of majority or 10 years following termination, whichever comes later.

b. Records that are required by contractual obligation or federal law to be maintained for a longer period of time.

c. Records that have been transferred to another mental health professional or have been given to the client or his legally authorized representative.

D. In regard to maintaining professional boundaries ~~dual relationships~~, persons licensed by the board shall:

1. Not engage in boundary violations ~~a dual relationship~~ with a client or a supervisee that could impair professional judgment or increase the risk of exploitation or harm to the client or supervisee. (Examples Violations of such a relationship include familial, social, financial, business, bartering, or a close personal relationship with a client, a former client, or supervisee, inappropriate physical contact such as cradeling, caressing, or in loco parentis permission..) Social workers shall take appropriate professional precautions when a dual relationship cannot be avoided, such as informed consent, consultation, supervision, and documentation to ensure that judgment is not impaired and no exploitation occurs.

2. Not have any type of romantic relationship or sexual intimacies with a client or those included in collateral therapeutic services, and not provide services to those persons with whom they have had a romantic or sexual relationship. Social workers shall not engage in romantic relationship or sexual intimacies with a former client within a minimum of five years after terminating the professional relationship. Social workers who engage in such a relationship after five years following termination shall have the responsibility to examine and document thoroughly that such a relationship did not have an exploitive nature, based on factors such as duration of therapy, amount of time since therapy, termination circumstances, client's personal history and mental status, adverse impact on the client. A client's consent to, initiation of or participation in sexual behavior or involvement with a social worker does not change the nature of the conduct nor lift the regulatory prohibition.

3. Not engage in any romantic or sexual relationship or establish a therapeutic relationship with a current supervisee ~~or student~~. Social workers shall avoid any nonsexual dual relationship with a supervisee ~~or student~~ in which there is a risk of exploitation or potential harm to the supervisee ~~or student~~, or the potential for interference with the supervisor's professional judgment.

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

5. Not engage in a personal relationship with a former client in which there is a risk of exploitation or potential harm or if the former client continues to relate to the social worker in his professional capacity.

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

**18VAC140-20-160. Grounds for disciplinary action or denial of issuance of a license or registration.**

The board may refuse to admit an applicant to an examination; refuse to issue a license or registration to an applicant; or reprimand, impose a monetary penalty, place on probation, impose such terms as it may designate, suspend for a stated period of time or indefinitely, or revoke a license or registration for one or more of the following grounds:

1. Conviction of a felony or of a misdemeanor involving moral turpitude;
2. Procurement of license by fraud or misrepresentation;
3. Conducting one's practice in such a manner so as to make the practice a danger to the health and welfare of one's clients or to the public. In the event a question arises concerning the continued competence of a licensee, the board will consider evidence of continuing education.
4. Being unable to practice social work with reasonable skill and safety to clients by reason of illness, excessive use of alcohol, drugs, narcotics, chemicals or any other type of material or as a result of any mental or physical condition;
5. Conducting one's practice in a manner contrary to the standards of ethics of social work or in violation of 18VAC140-20-150, standards of practice;
6. Performing functions outside the board-licensed area of competency;
7. Failure to comply with the continued competency requirements set forth in 18VAC140-20-105; and
8. Violating or aiding and abetting another to violate any statute applicable to the practice of social work or any provision of this chapter; and
9. Failure to provide supervision in accordance with the provisions of 18VAC140-20-50 or 18VAC140-20-60.

**18VAC140-20-170. Reinstatement following disciplinary action.**

Any person whose license has been suspended, revoked, or denied renewal by the board under the provisions of 18VAC140-20-160 shall, in order to be eligible for reinstatement, (i) submit a new application to the board for a license, (ii) pay the appropriate reinstatement fee, and (iii) submit any other credentials as prescribed by the board. After a hearing, the board may, at its discretion, grant the reinstatement.

**18VAC140-20-171. Criteria for delegation of informal fact-finding proceedings to an agency subordinate.**

A. Decision to delegate. In accordance with § 54.1-2400 (10) of the Code of Virginia, the board may delegate an informal fact-finding proceeding to an agency subordinate upon determination that probable cause exists that a practitioner may be subject to a disciplinary action.

B. Criteria for delegation. Cases that may not be delegated to an agency subordinate include violations of standards of practice as set forth in 18 VAC 140-20-150, except as may otherwise be determined by the probable cause committee in consultation with the board chair.

C. Criteria for an agency subordinate.

1. An agency subordinate authorized by the board to conduct an informal fact-finding proceeding may include board members and professional staff or other persons deemed knowledgeable by virtue of their training and experience in administrative proceedings involving the regulation and discipline of health professionals.

2. The executive director shall maintain a list of appropriately qualified persons to whom an informal fact-finding proceeding may be delegated.

3. The board may delegate 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 heard.



# BSW Supervision Requirement Comparison

**LBSW EXAM FOLLOWING  
GRADUATION-NO SUPERVISION**

**NO LBSW  
IN STATE**

**REQUIRE  
SUPERVISION**

ALASKA  
ARKANSAS  
ARIZONA  
DC  
HAWAII  
IDAHO  
INDIANA  
IOWA  
KANSAS  
KENTUCKY  
LOUISIANA  
MAINE  
MARYLAND  
MASSACHUSETTS  
MICHIGAN  
MINNESOTA  
MISSISSIPPI  
NEBRASKA  
NEVADA  
NEW JERSEY  
NEW MEXICO  
NORTH CAROLINA  
NORTH DAKOTA  
OHIO  
OKLAHOMA  
OREGON  
PENNSYLVANIA  
SOUTH CAROLINA  
TENNESSEE  
TEXAS  
UTAH  
WEST VIRGINIA  
WISCONSIN  
WYOMING  
INDIANA

COLORADO  
CONNECTICUT  
DELAWARE  
FLORIDA  
GEORGIA  
MONTANA  
NEW HAMPSHIRE  
NEW YORK  
RHODE ISLAND  
VERMONT  
WASHINGTON  
CALIFORNIA

MISSOURI  
VIRGINIA  
ALABAMA  
MICHIGAN

**SOUTH DAKOTA DOES NOT REQUIRE A BSW ACCEPTS BA AND BS AND REQUIRES  
UNSPECIFIED SUPERVISION**

**ILLINOIS REQUIRES 3 YEARS SUPERVISED THEN THE MASTER'S EXAM**

**35 NO SUPERVISION FOLLOWING GRADUATION  
12 HAVE NO LBSW  
4 REQUIRE SUPERVISION (INCLUDING VIRGINIA)**