



Economic Impact Analysis Virginia Department of Planning and Budget

18 VAC 115-60 – Regulations Governing the Practice of Licensed Substance Abuse Treatment Professionals Department of Health Professions, Board of Counseling

January 30, 2002

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with Section 9-6.14:7.1.G of the Administrative Process Act and Executive Order Number 25 (98). Section 9-6.14:7.1.G requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the Proposed Regulation

Chapter 863 of the 1999 Acts of Assembly amended § 54.1-3508 of the *Code of Virginia* to require the Board of Counseling to develop alternative licensure requirements for substance abuse treatment professionals who do not meet the board's licensure requirements exactly, but in the board's judgment are qualified to practice independently. In response to that mandate, the Board of Counseling is proposing a one-year waiver of current licensure requirements for individuals who may have spent many years in the profession but find the licensure requirements (i.e., a master's degree with 60 graduate hours) unfeasible.

To be eligible for licensure during the one-year waiver period, individuals will have to hold a current Virginia certification in substance abuse counseling in good standing, pass a board approved examination in substance abuse treatment, submit comprehensive reports from three licensed mental health professionals affirming competence in all areas of practice, and meet one of two combinations of education and work experience in substance abuse treatment.

Estimated Economic Impact

Formal education opportunities in the emerging substance abuse treatment profession have been scarce. Many of the most highly skilled counselors have gained their knowledge from a combination of courses, workshops, seminars, and independent study. The proposed “grandfather clause” provides an avenue for individuals who have substantial education and experience in substance abuse treatment, but do not meet the current requirements to obtain licensure. Licensure allows these individuals to practice independently and opens more employment opportunities in private settings and public sectors where employers are increasingly requiring licensure for their staff in order to obtain third party payments.

The cost of obtaining the license will vary from individual to individual. For individuals who choose this route or employers who choose to underwrite these costs for their staff, the costs can be expected to be less than the benefits of obtaining licensure. By granting licensure to individuals who, in the board’s opinion, are qualified and possess the same level of competence, the proposed provision has the potential to increase the supply of licensed providers without compromising the level of protection provided to the public engaging the services of licensees. The education, examination, and experience requirements set by board are based on the board’s judgment, and there is no information available to independently assess whether they ensure the same level of competence as the current licensure standards.

The requirement that an applicant must have a current Virginia board certification as a substance abuse counselor, however, does not appear to provide any additional benefit to justify the costs imposed on applicants. The education, experience, and testing requirements for licensure are considerably more comprehensive and rigorous than those required for certification and would provide no additional assurance of an individual’s ability to practice independently. The board argues that the requirement will provide a disciplinary history, yet there is nothing specifying the length of time the applicant must be certified, and for individuals applying under the one-year waiver provision, the relatively short period of certification would fail to provide any meaningful record of discipline-free certified practice.

While many of the applicants for licensure under the proposed grandfather clause are likely to already have the Virginia board certification, there are potentially many practitioners who may have chosen to obtain a national certification, which is frequently more rigorous than

state certification, to demonstrate their skills and abilities or who may be working in a setting where credentialing is not required. For these otherwise qualified applicants, the certification requirement is burdensome and costly with no apparent value.

Businesses and Entities Affected

The proposed regulatory provision will affect certain qualified substance abuse treatment counselors who do not meet the current requirements for licensure. The board estimates approximately 100 of the 1,200 Virginia certified substance abuse counselors might seek licensure under the waiver provisions. In addition, there may also be qualified individuals without a Virginia board certification who may apply for licensure under the proposed waiver provision.

Localities Particularly Affected

The proposed changes to this regulation will not uniquely affect any particular localities.

Projected Impact on Employment

The proposed changes to this regulation are not likely to affect the overall level of employment in Virginia. However, providing the waiver may open more employment opportunities in private settings and public sectors where employers are increasingly requiring licensure for their staff in order to obtain third party payments.

Effects on the Use and Value of Private Property

The proposed changes to this regulation are not likely to affect the use and value of private property in Virginia.