



**Board of Social Work  
Regulatory Committee  
Friday, April 29, 2015, 11:00 a.m.  
9960 Mayland Drive, Suite 200  
Henrico, VA 23233**

11:00 a.m. Call to Order – Bernadette Winters, L.C.S.W., Committee Chair

Roll Call

Emergency Egress Instructions

Adoption of Agenda

Public Comment on Agenda Items (5 Minutes per Speaker)

Approval of Minutes of February 26, 2016 (Subcommittee & Regulatory)

Unfinished Business

- Scope of Practice
- Exemptions from Licensure
- Reinstatement/Reactivation

New Business

Next Meeting

2:00 p.m. Adjournment

**THE VIRGINIA BOARD OF SOCIAL WORK  
REGULATORY SUBCOMMITTEE MEETING MINUTES  
Friday, February 26, 2016**

The Regulatory Committee of the Virginia Board of Social Work ("Board") convened at 11:04 a.m. on Friday, February 26, 2016, at the Department of Health Professions, 9960 Mayland Drive, Richmond, Virginia. Bernadette Winters, Chair called the meeting to order.

**BOARD MEMBERS PRESENT:** Jaime Clancey  
Yvonne Haynes  
Dolores Paulson  
John Salay

**STAFF PRESENT:** Sarah Georgen, Licensing Manager  
Jaime Hoyle, Executive Director  
Jennifer Lang, Deputy Executive Director  
Charlotte Lenart, Licensing Specialist  
Elaine Yeatts, Senior Policy Analyst

**OTHERS PRESENT:** Jennifer Henkel, Director of Member Services, ASWB  
Dwight Hymans, Executive Vice President, ASWB

**EMERGENCY EGRESS:**

Ms. Haynes announced the Emergency Egress Procedures.

**ADOPTION OF AGENDA:**

Dr. Paulson moved to adopt agenda as presented. The motion was seconded and carried.

**PUBLIC COMMENT:**

Katie Hellebush of the National Association of Social Workers, Virginia Chapter provided public comment supporting mid-level licensure and said that careful research needs to be done to ensure that the practice of social work is not negatively impacted by the decision.

Joseph Lynch of the Virginia Society of Clinical Social Work provided public comment which summarized concerns for mid-level licensure and recommended that the Board make no changes in the regulations that would in any way diminish the license.

Brian Campbell, Senior Policy Analyst, Behavioral Health Integrated Care & Behavioral Services from the Department of Medical Assistance Services ("DMAS") presented information to the Board on the recent accomplishment of their Magellan Behavioral Service Administrator Contract and the Governor's Assistance Program and Community Mental Health Rehabilitation Services Changes. Mr. Campbell requested input from the Board as a stakeholder on the initiatives to better define licensed and unlicensed staff services. Ms. Hoyle stated that she will work as a liaison between the three Behavioral Sciences Boards and DMAS regarding a workforce team.

**MID-LEVEL LICENSURE DISCUSSION**

Ms. Haynes stated that the goal of the subcommittee was to provide recommendations to the full Regulatory Committee on mid-level licensure.

Ms. Haynes introduced Dwight Hymans, Executive Vice President of the Association of Social Work Board (“ASWB”) and asked him to provide information on the current initiatives of the ASWB. Mr. Hymans indicated that one of ASWB’s top initiatives is the mobility of licensure and to reduce barriers for licensure, protect the public and provide a better way to practice both nationally and internationally.

Following much discussion, the subcommittee decided that the first step in advancing the process was to determine a clear scope of practice of the mid-level license. As a result, the following recommendations were referred to the Regulatory Committee for consideration:

1. The Board should consider three levels of licensure.
  - a. BSW
  - b. MSW
  - c. Clinical
2. Determine and identify the scope of practice of BSW and MSW licensure.
  - a. Clearly define requirements for both licenses.
  - b. Areas of practice.
3. Board authority over registered supervisees.
  - a. Statutory change or regulation change.
4. Exemptions for licensure.

#### **ADJOURNMENT**

There being no further business to come before the subcommittee, the meeting was adjourned at 12:40 p.m.

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Yvonne Haynes, Chair

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Jaime Hoyle, Executive Director

**THE VIRGINIA BOARD OF SOCIAL WORK  
REGULATORY COMMITTEE MEETING MINUTES  
Friday, February 26, 2016**

The Regulatory Committee of the Virginia Board of Social Work ("Board") convened at 1:38 p.m. on Friday, February 26, 2016, at the Department of Health Professions, 9960 Mayland Drive, Richmond, Virginia. Bernadette Winters, Chair called the meeting to order.

**BOARD MEMBERS PRESENT:** Jaime Clancy, L.C.S.W.  
Yvonne Haynes, L.C.S.W.  
Dolores Paulson, L.C.S.W., Ph.D.  
John Salay, L.C.S.W.  
Joseph Walsh, L.C.S.W., Ph.D.  
Bernadette Winters, L.C.S.W., Ph.D.

**BOARD MEMBERS ABSENT:** Kristi Wooten

**STAFF PRESENT:** Sarah Georgen, Licensing Manager  
Jaime Hoyle, Executive Director  
Jennifer Lang, Deputy Executive Director  
Charlotte Lenart, Licensing Specialist  
Elaine Yeatts, Senior Policy Analyst

**OTHERS PRESENT:** Jennifer Henkel, Director of Member Services, Association of Social Work Boards (ASWB)  
Dwight Hymans, Executive Vice President, Association of Social Work Boards (ASWB)

**ESTABLISHMENT OF A QUORUM:**

With six members of the Committee present, a quorum was established.

**MISSION STATEMENT:**

Dr. Winters read the mission statement of the Department of Health Professions, which was also the mission statement of the Board.

**EMERGENCY EGRESS:**

Dr. Winters announced the Emergency Egress Procedures.

**ADOPTION OF AGENDA:**

The agenda was accepted as written.

**PUBLIC COMMENT:**

Joseph Lynch of the Virginia Society of Clinical Social Work provided public comment which summarized concerns for mid-level licensure and recommended that the Board make no changes in the regulations that would in any way diminish the licenses.

Debra Riggs, Executive Director of the National Association of Social Workers, Virginia Chapter provided written public comment in support of multitier licensure.

### **APPROVAL OF MINUTES:**

Dr. Walsh motioned that the minutes from December 4, 2015 meetings minutes be approved as written. The motion was seconded and carried.

### **UNFINISHED BUSINESS:**

Ms. Haynes reported that the subcommittee met prior to the full Regulatory Committee meeting and recommends the following topics of discussion regarding mid-level licensure:

1. The Board should consider three levels of licensure.
  - a. BSW
  - b. MSW
  - c. Clinical
2. Determine and identify the scope of practice of BSW and MSW licensure.
  - a. Clearly define requirements for both licenses.
  - b. Areas of practice.
3. Board authority over registered supervisees.
  - a. Statutory change or regulation change.
4. Exemptions for licensure.

After discussion by the Committee, Ms. Clancey made a motion which was properly seconded, to recommend that the Board consider beginning the process of multitier licensure and assigning the Regulatory Committee the authority to define the scope of practice. The motion passed unanimously.

Ronnie Zuessman, Supervisor of the Prince William County Community Services Board provided comment for consideration regarding “mental health skill building” and requested feedback. The Committee determined that mental health skill building alone does not constitute “clinical social work services” as it does not have diagnostic responsibility; therefore Ms. Haynes suggested that board staff contact Mr. Zuessman and refer him to the definition of clinical social work services in the Regulations and in Guidance Document 140-10.

Dr. Paulson made a motion, which was properly seconded, to update Regulations 18VAC140-20-110(B)(3) and 18VAC140-20-110(C)(3) to require that a minimum of one hour of face-to-face supervision must be provided per 40 hours of work experience at the appropriate level of licensure for which the applicant is applying. The motion carried with one member in opposition (Mr. Salay), who expressed concerns about the clarity of the wording.

### **NEW BUSINESS:**

There was not new business.

### **NEXT MEETING:**

Dr. Winters scheduled the next Regulatory Committee meeting for Friday, April 29, 2016 from 11:00 a.m. to 1:00 p.m.

**ADJOURNMENT:**

There being no further business to come before the Committee, the meeting was adjourned at 3:46 p.m.

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Bernadette Winters, Chair

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Jaime Hoyle, Executive Director

DRAFT

**THE VIRGINIA BOARD OF SOCIAL WORK  
MINUTES  
Friday, March 25, 2016**

The Virginia Board of Social Work ("Board") meeting convened at 10:10 a.m. on Friday, March 25, 2016, at the Department of Health Professions, 9960 Mayland Drive, Richmond, Virginia. Bernadette Winters, Chair called the meeting to order.

**BOARD MEMBERS PRESENT:** Maria Eugenia del Villar, L.C.S.W.  
Yvonne Haynes, L.C.S.W.  
Dolores Paulson, L.C.S.W., Ph.D.  
John Salay, L.C.S.W.  
Joseph Walsh, L.C.S.W., Ph.D.  
Bernadette Winters, L.C.S.W., Ph.D.  
Kristi Wooten

**BOARD MEMBERS ABSENT:** Jamie Clancy, L.C.S.W.  
Angelia Allen

**STAFF PRESENT:** Sarah Georgen, Licensing Manager  
Lisa Hahn, Chief Deputy Director of DHP  
Jaime Hoyle, Executive Director  
Jennifer Lang, Deputy Executive Director  
Charlotte Lenart, Licensing Specialist  
Elaine Yeatts, Senior Policy Analyst

**BOARD COUNSEL:** James Rutkowski, Assistant Attorney General

**ESTABLISHMENT OF A QUORUM:**

With seven members of the Board present, a quorum was established.

**MISSION STATEMENT:**

Ms. Haynes read the mission statement of the Department of Health Professions, which was also the mission statement of the Board.

**EMERGENCY EGRESS:**

Ms. Haynes announced the Emergency Egress Procedures.

**ADOPTION OF AGENDA:**

The agenda was accepted as written.

**PUBLIC COMMENT:**

Debra Riggs, Executive Director of the National Association of Social Workers, Virginia Chapter provided public comment.

**APPROVAL OF MINUTES:**

Ms. Wooten motioned to approve the October 30, 2015 meeting minutes as written. The motion was seconded and carried.

### **DIRECTOR'S REPORT:**

Ms. Hahn provided the Director's report stating that DHP's Healthcare Workforce Data Center is actively participating in outreach efforts to high school and career counselors to raise interest in the healthcare field.

### **REGULATORY/LEGISLATIVE UPDATE:**

Ms. Yeatts reviewed a report of bills presented to the 2016 General Assembly. Ms. Yeatts indicated that the Board will need to address House Bill 319 at the next full Board meeting for continuing education for certain individuals.

### **EXECUTIVE DIRECTOR'S REPORT:**

Ms. Hoyle thanked the staff for their hard work and dedication and acknowledged that the Behavioral Science Boards are currently short staffed with two licensing managers on leave. She reported that Ms. Lang, Ms. Georgen and Ms. Lenart continue to provide coverage for the other Behavioral Sciences Boards during the staffing shortage.

Ms. Hoyle announced that Ms. Georgen was participating in a DHP Licensing Workgroup which shares best practices among Boards and identifies licensing process resolutions to areas of concern. Ms. Hoyle acknowledged Ms. Georgen's leadership in the creation of the Social Work Licensure Process Handbook which is now utilized by the Board of Counseling.

Ms. Hoyle announced that Ms. Lang was participating in a DHP Discipline Workgroup and a DHP Compliance Workgroup which helps identify efficient case processes.

Ms. Hoyle stated that she and Ms. Georgen recently provided a presentation to Virginia Commonwealth University students as a form of outreach to help emerging students obtain licensure. They plan to continue this particular outreach each semester.

Ms. Hoyle stated that Peggy Woods, with the Health Practitioners' Monitoring Program, and Dr. Elizabeth Carter, with Healthcare Workforce Data Center, will provide a presentation to the Board at the next meeting.

### **DEPUTY EXECUTIVE DIRECTOR'S REPORT:**

Ms. Lang referred to the agency's statistics for discipline cases and noted that the Board's data for the past quarter showed significant improvement. She thanked board members for their time in reviewing disciplinary matters but acknowledged that that backlog of cases for review continues. She specifically thanked Dr. Paulson and Mr. Salay for their participation in a recent informal conference and noted that following the conference they were able to review ten cases for probable cause.

Ms. Lang discussed further review of discipline processes and noted that in an effort to ensure more consistent Board decisions, Mr. Salay and Dr. Paulson have agreed to hear the majority of informal conferences as a dedicated Special Conference Committee. Additional Committees will also be appointed

as needed but this process will make the process easier when attempting to ensure a panel of board members at formal hearings. Ms. Lang also noted that she is working on a process to allow an Agency Subordinate to hear credentials matters, in order to allow board members the opportunity to preside over discipline cases. Following a review by an Agency Subordinate, the decision will be presented to the Board as a Recommended Decision, which will require a majority vote before a final order is entered. It is hopeful that this process will allow applicant appeals to be heard more quickly.

#### **LICENSING MANAGER’S REPORT:**

Ms. Georgen announced that for Quarter 2 of the 2016 Fiscal Year, the Board of Social Work regulated 6,690 licensees and licensed 125 individuals. Ms. Georgen stated that the satisfaction rate for the Board was 94.4%. She also stated that the updated forms were implemented and have been received positively by the public and applicants.

#### **REGULATORY COMMITTEE REPORT:**

Dr. Winters announced that the Sub-Committee and Regulatory Committee had met in February. She provided the Board with a recommendation to consider three types of licensure for consideration: Bachelors of Social Work (“BSW”), Masters of Social Work (“MSW”), and Clinical Social Work (“LCSW”). Dr. Winters recommended that the Regulatory Committee discuss and identify the scope of practice and define the requirements for BSW and MSW licensure. Additionally, Dr. Winters identified exemptions from licensure as a continued topic of discussion.

Dr. Winters reviewed the highlights from the Regulatory Committee meeting and announced the next meeting for April 29, 2016.

Ms. del Villar requested to be appointed to the Regulatory Committee. Ms. Hahn reminded the Board of possible budgetary concerns of the Regulatory Committee consisting of all nine Board members. Ms. Hoyle and Ms. Haynes would review the budget of the Board and will provide a decision to Ms. del Villar.

#### **CREDENTIALS COMMITTEE REPORT:**

No report.

#### **SPECIAL CONFERENCE COMMITTEE REPORT:**

This report was included in the Deputy Executive Director’s report.

#### **BOARD OF HEALTH PROFESSIONS REPORT:**

Ms. Haynes reported that Dr. Elizabeth Carter continues to refine the Healthcare Workforce data and provided a presentation of the interactive program on the Board of Health Professions website which provided current profession-based information for the public.

Ms. Haynes announced that the Board of Health Professions approved the recommendation of the Regulatory Committee that a letter be sent to Senator Alexander explaining findings, to date, and advise of the availability of the Board’s standard policies and procedures process for evaluating the need to regulate any new profession. Inherent in this action is the request for the new classification of ‘funeral counselor’.

Ms. Haynes reported that Mr. Robert Patron, Citizen Member, was elected Board Chair and Dr. Helene Clayton-Jeter, Board of Optometry was elected, Vice Chair of the Board of Health Professions.

Lastly, Ms. Haynes reported that a presentation was provided regarding the Wilder School of Government and Public affairs, capstone project. The deliverable was a comprehensive review of the literature and insights into current best practices in the regulation of telehealth practice. The final report will be submitted to the various boards for review and placement on the web site when completed.

**BREAK:**

At 11:03 a.m., the Board took a 5 minute break. At 11:08 a.m., the Board reconvened.

**NEW BUSINESS:**

Ms. Yeatts discussed the adoption of Proposed Regulations pursuant to the Notice of Intended Regulatory Action (“NOIRA”) published on January 11, 2016. When the Board adopted regulatory changes pursuant to a periodic review by a fast-track action, the Department of Planning and Budget determined that 3 of the proposed amendments did not qualify for fast-track. Therefore, this NOIRA was published to identify those changes through the normal Administrative Process Act. The comment period for the NOIRA closed on February 10, 2016. There were no public comments. Mr. Salay motioned to approve the proposed Regulatory changes. The motion was seconded and carried.

The Regulatory Committee recommended issuing a NOIRA to require of those applying for reinstatement or reactivation of licensure to complete a minimum of one hour of face-to-face supervision per 40 hours of work experience. After a lengthy discussion Dr. Winters made a motion to amend the general language for the supervision experience for reinstatement and reactivation of licensure, and refer the issue back to the Regulatory Committee for further discussion. The motion was seconded and carried.

The Regulatory Committee also recommended issuing a NOIRA to amend and broaden the current definition of clinical social work services to include the addition of “psychosocial interventions”. Dr. Walsh motioned to accept the recommendation of the Regulatory Committee. The motion was seconded and carried.

The Board discussed the Petition for Rule-Making that requested to amend section 18VAC140-20-70 to allow persons who have failed the licensing examination to count their supervision hours beyond the 2 years currently prescribed. The amendment would grandfather those applicants who do not meet current requirements for registration of supervision. Ms. Wooten motioned to deny the Petition for Rule-Making as the section reference in the petition was not applicable. The motion was seconded and carried.

**NEXT MEETING:**

Ms. Haynes announced that the next full Board meeting would occur on July 29, 2016.

**ACTION ITEMS:**

**For the Regulatory Committee:**

- Discuss the requirements for supervision and reinstatement

**For the Full Board:**

- Discuss House Bill 319 for continuing education for certain individuals
- Receive a presentation from Peggy Woods with the Health Practitioners' Monitoring Program
- Receive a presentation from Dr. Elizabeth Carter with Healthcare Workforce Data Center

**ADJOURNMENT:**

There being no further business to come before the Committee, the meeting was adjourned at 11:34 p.m.

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Yvonne Haynes, Chair

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Jaime Hoyle, Executive Director

*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: December 30, 2015**

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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:

Board

Casework

Casework management and supportive services

Clinical 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.

"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 but not limited to 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.

"Nonexempt practice" is that which 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. Licensed clinical social worker	\$165
b. Licensed social worker	\$115
4. Annual license renewal	
a. Registered social worker	\$25
b. Associate social worker	\$25
c. Licensed social worker	\$65
d. Licensed clinical social worker	\$90
5. Penalty for late renewal	
a. Registered social worker	\$10
b. Associate social worker	\$10
c. Licensed social worker	\$20
d. Licensed clinical social worker	\$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.**

Licensed social workers may practice in exempt practice settings under appropriate supervision. Only licensed clinical social workers 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 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 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 transcripts submitted from the appropriate institutions of higher education; and
  - d. Documentation of applicant's out-of-state licensure or certification where applicable.
3. An applicant for licensure by examination shall provide evidence of passage of the examination prescribed in 18VAC140-20-70. If the examination was not passed within five years preceding application for licensure, the applicant may qualify by documentation of providing clinical social work services in an exempt setting for at least 360 hours per year for two of the past five years.

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

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 social work licensure in good standing obtained by standards required for licensure in another jurisdiction as verified by the out-of-state licensing agency on a board-approved

form. Licensure in the other jurisdiction shall be of a comparable type as the licensure that the applicant is seeking 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. Verification of active practice in another jurisdiction or practice in an exempt setting at the level for which the applicant is seeking licensure for 36 out of the past 60 months or evidence of supervised experience requirements substantially equivalent to those outlined in 18VAC140-20-50 and 18VAC140-20-60.

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

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

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.**

A. Supervised experience. Supervised post-master's degree experience in all settings obtained in Virginia without prior written board approval will not be accepted toward licensure.

1. Registration. An individual who proposes to obtain supervised post-master's degree experience in Virginia shall, prior to the onset of such supervision:

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. 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. Experience shall be acquired in no less than two nor more than four years.

b. Supervisees shall average no less than 15 hours per 40 hours of work experience in face-to-face client contact for a minimum of 1,380 hours. 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 years of supervised experience shall submit evidence to the board showing why the training should be allowed to continue.

#### 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 three years of postlicensure 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.

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 member of his immediate family or provide supervision for anyone with whom he 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.

#### C. Responsibilities of supervisors:

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, and implementing a professional and ethical relationship with clients;

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

7. Maintain documentation, for five years postsupervision, of which clients were the subject of supervision.

D. Supervisees may not directly bill for services rendered or in any way represent themselves as independent, autonomous practitioners, or licensed clinical social workers. 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. Clients shall be informed in writing of the supervisee's status and the supervisor's name, professional address, and phone number.

**18VAC140-20-51. Requirements for licensure by examination as a licensed social worker.**

A. In order to be approved to sit for the board-approved examination for a licensed social worker, an applicant shall:

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

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

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

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

B. In order to be licensed by examination as a licensed social worker, an applicant shall:

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

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

a. 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. Verification of a passing score on the board-approved national examination; and

d. Documentation of applicant's out-of-state licensure or certification where applicable.

3. Provide evidence of passage of the examination prescribed in 18VAC140-20-70. If the examination was not passed within five years preceding application for licensure, the applicant may qualify by documentation of providing social work services in an exempt setting for at least 360 hours per year for two of the past five years.

#### **18VAC140-20-60. Education and experience requirements for licensed social worker.**

A. Education. The applicant shall hold a bachelor's or 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 without documentation of supervised experience.

C. Bachelor's degree applicant. Supervised experience in all settings obtained in Virginia without prior written board approval will not be accepted toward licensure.

1. 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.

2. Experience shall be acquired in no less than two nor more than four years from the beginning of the supervised experience.

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 postlicensure 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;
  - c. 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; and
  - e. Evaluate the supervisee in the areas of professional ethics and professional competency.
3. Supervision between members of the immediate family (to include spouses, parents, and siblings) will not be approved.

### **Part III. Examinations.**

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

- A. An applicant for licensure by the board as a social worker or clinical social worker shall pass a written examination prescribed by the board.
  - 1. The examination prescribed for licensure as a clinical social worker shall be the licensing examination of the Association of Social Work Boards at the clinical level.
  - 2. The examination prescribed for licensure as a social worker shall minimally be the licensing examination of the Association of Social Work Boards at the bachelor's level.
- B. A candidate 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 candidate 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.

#### **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. Licensed clinical social workers shall be required to have completed a minimum of 30 contact hours of continuing education and licensed social workers shall be required to have completed a minimum of 15 contact hours of continuing education prior to licensure renewal in even years. 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.

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 20 hours for licensed clinical social workers or 10 hours for 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 National 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 Association of Social Work Boards.
- (7) 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/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/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. A social worker or clinical social worker 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. A social worker or clinical social worker 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 documentation of having completed all applicable continued competency hours equal to the number of years the license has lapsed, not to exceed four years. An applicant for reinstatement shall also provide evidence of competency to practice by documenting:

1. Active practice in another U.S. jurisdiction for at least three of the past five years immediately preceding application;

2. Active practice in an exempt setting for at least three of the past five years immediately preceding application; or

3. Practice as a supervisee under supervision for at least 360 hours in the 12 months immediately preceding licensure in Virginia.

C. A social worker or clinical social worker wishing to reactivate an inactive license shall submit the renewal fee for active licensure minus any fee already paid 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 shall also provide evidence of competency to practice by documenting:

1. Active practice in another U.S. jurisdiction for at least three of the past five years immediately preceding application;
2. Active practice in an exempt setting for at least three of the past five years immediately preceding application; or
3. Practice as a supervisee under supervision for at least 360 hours in the 12 months immediately preceding licensure in Virginia.

**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 social workers and clinical social workers 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 ~~or~~ 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.

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 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 dual relationships, persons licensed by the board shall:

1. Not engage in a dual relationship with a client or a former client that could impair professional judgment or increase the risk of harm to the client. (Examples of such a relationship include, but are not limited to, familial, social, financial, business, bartering, or a close personal relationship with a client.) 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 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 sexual relationship. Social workers shall not engage in 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 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.

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

The board may refuse to admit an applicant to an examination; refuse to issue a license 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 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.

**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.