

**THE VIRGINIA BOARD OF SOCIAL WORK  
REGULATORY COMMITTEE MEETING MINUTES**  
Thursday, March 12, 2020

The Regulatory Committee of the Virginia Board of Social Work ("Committee") convened a meeting at 1:00 p.m. on Thursday, March 12, 2020 at the Department of Health Professions, 9960 Mayland Drive, Henrico Virginia, in Board Room 4.

**PRESIDING OFFICER:** Joseph Walsh, L.C.S.W., Ph.D., Committee Chair

**COMMITTEE MEMBERS PRESENT:** Michael Hayter, L.C.S.W., C.S.A.C.  
Gloria Manns, L.C.S.W.  
Dolores Paulson, L.C.S.W., Ph.D.  
John Salay, L.C.S.W.

**COMMITTEE MEMBERS ABSENT:** Maria Eugenia del Villar, L.C.S.W.

**BOARD STAFF PRESENT:** Latasha Austin, Licensing Manager  
Jaime Hoyle, Executive Director  
Jennifer Lang, Deputy Executive Director- Discipline  
Charlotte Lenart, Deputy Executive Director- Licensing

**OTHERS PRESENT:** Elaine Yeatts, Senior Policy Analyst, Department of Health Professions

**IN THE AUDIENCE:** Sue Klaus, Department of Medical Assistance Services (DMAS)  
Joseph G. Lynch, L.C.S.W., Virginia Society for Clinical Social Work  
Nick Tomlinson  
Alexandra Weinstein

**CALL TO ORDER:**

Dr. Walsh called the meeting to order at 1:01 p.m.

**ROLL CALL/ESTABLISHMENT OF A QUORUM:**

Dr. Walsh requested a roll call. Ms. Austin announced that five members of the Committee were present; therefore, a quorum was established.

**MISSION STATEMENT:**

Dr. Walsh read the mission statement of the Department of Health Professions, which is also the mission statement of the Committee and Board.

**EMERGENCY EGRESS:**

Dr. Walsh announced the Emergency Egress procedures.

**ADOPTIONS OF AGENDA:**

Upon a motion by Mr. Hayter, which was properly seconded by Ms. Manns, the Committee unanimously adopted the agenda as received.

**APPROVAL OF MINUTES:**

Upon a motion by Dr. Paulson, which was properly seconded by Mr. Salay, the meeting minutes from the Regulatory Committee Meeting held on December 5, 2019 were approved as written. The motion passed unanimously.

**PUBLIC COMMENT:**

There was no public comment.

**LEGISLATION & REGULATORY REPORT:**

Ms. Yeatts briefly reviewed the Chart of Regulatory Actions and 2020 General Assembly Reports provided in the meeting packet with the Committee. Ms. Yeatts informed the Committee that she would be providing a full detail report at the Board Meeting being held tomorrow, March 13, 2020.

Ms. Yeatts also informed the Committee that the provision in 18VAC140-20-51(B)(3) requiring documentation of supervised experience for LBSWs was inadvertently left in the regulation. The requirement for supervised experience for LBSW licensure that was previously specified in section 18VAC140-20-60 was deleted as of March 5, 2020. Documentation of supervised experience is not required as of March 5, 2020.

**Motion:** A motion was made by Dr. Paulson, which was properly seconded by Mr. Salay, to recommend to the Full Board by Fast Track Action to amend section 18VAC140-20-51 of the Regulations Governing the Practice of Social Work by deleting subsection (B)(3) that states the following:

*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.*

The motion passed unanimously.

**UNFINISHED BUSINESS:**

- *Supervisor Registry Update*

The Committee revisited discussion regarding a supervisor registry. Ms. Lenart informed the Committee that after consultation with Board Counsel, the Board of Social Work would be able to post a Supervisor Registry if the supervisor signs documentation agreeing to be on the Registry and if the Registry only posts public information. Ms. Lenart informed the Committee of the issues that would occur. Current regulations state that the supervision training must occur 5 years immediately preceding the registration of supervision application. It should be noted that the regulations do not state that training needs to occur every 5 years, but needs to be completed 5 years prior to a supervisee submitting an application for registration of supervision. While the database system used is set up to capture the approval date and expiration date of a supervisor, if the supervisor has multiple training the expiration date would need to be five years from the date of the oldest training certificate:

For example: A supervisor took four trainings to meet the 14-hour requirement. (In August 2015 they completed 7 hours; January 2016 they completed 2 hours; March 2016 they completed 3 hours; April 2017 they completed 2 hours) In this example, the expiration date of the supervision training would be August 2020. Board staff would have to continually update the list as they took additional hours to meet the requirements.

Ms. Lenart also informed the Committee that while the registry would be beneficial to the supervisors, supervisee and applicants it would require Board staff to consistently update the registry, which would require additional time and resources on already limited staff. In addition, the supervisor would need to complete a supervisor application, provide attestation to 2 years of post-licensure clinical social work experience, copy of their supervisor-training certificate (s) and authorization to post their name on a registry. The registry would simply be an excel spreadsheet until such time the Department of Health Professions could develop a more intuitive system to search for a supervisor.

Ms. Lenart discussed with the Committee as an alternative, the Board could amend the regulations in such a way that requires that a supervisor complete initial training. After such initial training, the supervisor would then be required to completed supervision training each renewal. It was discussed that this alternative would cause an increase in licensees that would have to be audited following renewal.

**Motion:** A motion was made by Mr. Salay, which was properly seconded by Dr. Paulson, to recommend staff create a supervisor registry. The motion passed unanimously.

- *Expanding upon the Board's Standards of Practice*

At the last meeting, the Committee discussed the Board's Standards of Practice and the need for clarification and expansion to what could be considered boundary issues and violations. Dr. Walsh and Dr. Paulson brought forth to the Committee the following suggested additions to 18VAC140-20-150 (D) of the Regulations Governing the Practice of Social Work:

*#6. Not engage in physical contact (such as cradling, caressing, kissing, and groping) with a client when there is a possibility of psychological harm to the client. Social Workers who engage in physical contact are responsible for setting clear and culturally sensitive boundaries.*

*#7. Not sexually harass clients. Sexual harassment includes sexual advances; sexual solicitation; request for sexual favors; and other verbal written, electronic, or physical contact of a sexual nature.*

**Motion:** Upon a motion by Dr. Paulson, which was properly seconded by Dr. Walsh, to recommend to the Full Board to add #6 to the Standards of Practice in the Regulations but deleting possibility of psychological harm... and adding likelihood of psychological harm... The motion passed unanimously.

**Motion:** Upon a motion by Mr. Salay, which was properly seconded by Dr. Paulson, to recommend to the Full Board to add #7 to the Standards of Practice in the Regulations. The motion passed unanimously.

**Motion:** Upon a motion by Dr. Paulson, which was properly seconded by Dr. Walsh, to recommend to the Full Board to add #8 to the Standards of Practice in the Regulations. Five members of the Committee opposed the motion. The motion failed and the recommendation will not move forward to the Full Board.

- *LMSW Discussion*

Ms. Hoyle discussed with the Committee whether the definition for a Master's Social Worker should be revised. Pursuant to Chapter 37 of Title 54.1 of the Code of Virginia, the current definition is as follows:

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

**Motion:** Upon a motion by Mr. Salay, which was properly seconded by Dr. Walsh, to recommend to the Full Board that the definition for Master's Social Worker be changed removing non-clinical from the definition and use the Association of Social Work Boards Model Social Work Practice Act as a guideline for a new definition. The motion passed with four members in favor of the motion and one in opposed of the motion.

Ms. Yeatts suggested to the Committee to wait until the Senate Joint Resolution No. 49 for a study for the need for additional micro-level, mezzo-level and macro-level social workers and increased compensation of such social workers in the Commonwealth be completed first before processing with this recommendation.

#### **NEW BUSINESS:**

- *Guidance Document 140-9: Content for Training on Supervision for Clinical Social Work*

The Committee discussed the content of the supervision training supervisors are receiving to meet the requirement to be a Board approved supervisor. Committee members were concerned that the information being provided in the trainings are outdated and are not referring to the current Virginia Laws and Regulations Governing the Practice in Social Work. The Committee further discussed developing its own supervision training and offerings online or through a webinar. It was also suggested that some type of question and answer section be developed to include in the training related to current Laws and Regulations Governing the Practice of Social Work. Mr. Salay agreed to work on putting together content for training. After discussion, it was suggested that Parallel Process and Theories of Supervision be added to Guidance Document 140-9 under Context of Supervision.

**Motion:** A motion was made by Dr. Paulson, which was properly seconded by Dr. Walsh, to adopt Guidance Document 140-9 with the additions of adding Parallel Process and Theories of Supervision to the document under Context of Supervision.

- *Review of Endorsement Requirements for Each License Type*

Ms. Hoyle revisited Senate Bill No. 53 provided in the meeting agenda packet with the Committee directing the Board of Social Work to pursue the establishment of a reciprocal agreement with other jurisdictions. Virginia currently does not have reciprocity with any other jurisdictions, but offers licensure by endorsement. Ms. Hoyle reviewed with the Committee the current endorsement requirements for LBSWs, LMSWs and LCSWs. Ms. Hoyle also discussed the state comparisons for licensure. A chart was provided in the meeting agenda packet for review. Ms. Hoyle discussed with the Committee what the reciprocal agreement could potentially look like and discussed issues with current endorsement provisions that could be burdensome to LBSWs and LMSWs. Suggested changes would be provided later in the meeting.

**Dr. Walsh left the meeting at 4:00pm and Dr. Paulson presided over the remainder of the meeting as chair in his absence.**

- *Pathways to reduce the Add/Change requirements for supervision and make them more efficient*

Ms. Lenart discussed with the Committee changes staff have made to the Add/Change process to make it more efficient. Changes included eliminating non-essential data collected during the online application process, eliminating the request for their worksite address on the application and only requesting it on the supervision form, eliminating some of the practicum information requested, separating the initial and add/change instruction pages so that an applicant only needs to review the instructions for that specific application, and all the supplemental forms are now fillable PDF documents.

In order to streamline and make the add/change application process more efficient, Ms. Lenart also suggested that the Board would need to identify if the change in the following areas require a new application and/or fee:

- Addition or change to supervised practice
- Addition or change in supervisor
- Addition or change to clinical social work services
- Addition or change in location

Currently, any change in supervision would require an application and fee pursuant to 18VAC140-20-50(A)(1) of the current regulations, which state the following:

*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.*

Ms. Lenart also posed the question to the Committee if they needed to know the worksite if where the supervisee is working? If so, she suggested a one page form could possibly be used that would be signed by both the supervisee and supervisor. She also advised the Committee that this process would not require a fee from the applicant, but would still require staff time to input changes, update the system and notify the applicant and supervisor. She also notes that the Board of Counseling does not require an application for an add/change of worksite, but does require the supervisor and resident to have a current supervisory contract in place that spells out the responsibilities for each before the resident can start counting hours toward licensure.

Dr. Paulson suggested adding to the responsibilities of a supervisee that while providing clinical social work services they have to remain under Board approved supervision until licensed in Virginia as a LCSW. It was also suggested that supervisory contract be defined in the Regulations and a sample contract be made available.

**Motion:** A motion was made by Mr. Salay, which was properly seconded by Mr. Hayter, to recommend to the Full Board to amend 18VAC140-20-50(A)(1) by eliminating supervised practice, clinical social work services or location.

Ms. Lenart also posed the question to the Committee if a supervisee could use virtual telehealth platforms to screen, assess and intervene with clients while they are under Board approved supervision, as the Guidance document on technology-assisted therapy does not address this question. It was suggested that this be discussed at the next Regulatory Committee

- *Loopholes within the Supervision Timeline*

Ms. Lenart and Ms. Austin discussed with the Committee the loopholes within the supervision timeline. They reviewed with the Committee that pursuant to current laws and regulations, in order to provide clinical social work services in a non-exempt setting, an individual must hold an active LCSW license in Virginia or be under Board approved supervision. The supervised experience expires after 4 years unless they request a 12 month extension. They informed the Committee that the current issues with this are that once a supervisee has been approved to sit for the exam, are they still required to meet all the supervised experience requirements, such as meeting once a week with their supervisor? Also, once a supervisee has been approved to sit for the examination, they are given two years to sit and pass the exam. During this time they are still required to be under Board approved supervision in order to provided clinical social work services.

Ms. Lenart and Ms. Austin suggested that the Board needs to decide how staff should address extensions in supervision for those approved to sit for the exam, as the process to stay under supervision is very confusing for the public and Board staff. Supervisees are not aware they need to be granted and extension or apply for add add/change or initial supervision after they are approved to sit for the exam.

- ❖ Should they automatically be aligned with the approval deadline to pass the exam?
- ❖ Should the supervisee be required to submit a request for an extension in supervision? What if the supervisor or worksite is different from what was approved?
- ❖ Should the supervisee be required to submit a new online application and supplemental documentation? Should it be an initial application or add/change?
- ❖ What if they let their supervision approval expire? For instance, they submit an application for LCSW by Examination after they approval for supervision has expired?

Board staff are suggesting the Board consider the following changes:

- ❖ Allow the supervisee the option of taking the exam during their supervised experience so that they can immediately be considered for an LCSW once they pass the exam and complete their supervised experience and apply for licensure; or
- ❖ Change the regulations to state that the supervisee must complete all the supervised experience and pass the exam within X years. The applicant would not submit an application to sit for the exam but would submit an application for licensure once they meet the minimum requirements; or
- ❖ Increase the supervised experience approval time from 4 years to 6 years to allow applicants time to finish their supervised experience, submit their application to sit for the exam and pass the exam; or
- ❖ Give every applicant an extension to match their exam expiration date. This would require the Board asking the applicant where they are working and under whose supervision in order to update the database system.

- *Regulation Changes to Consider*

Board staff posed to the Committee to recommend the Board consider the following Regulation changes:

1. Consider eliminating 18VAC140-20-51(B)(3) which states:

*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.*

This recommendation was already addressed in Ms. Yeatts Regulatory report.

2. Consider amending 18VAC140-20-45(A)(6) which states:

*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

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

These endorsement requirements are burdensome for LBSWs and LMSWs as supervised experience is not required for these license types in Virginia. Consider amending this section to make this requirement specifically only for LCSWs.

**Motion:** A motion was made by Mr. Salay, which was properly seconded by Ms. Manns, to recommend to the Full Board to delete 18VAC140-20-45(A)(6) as a requirement for endorsement by Fast Track Action.

3. Consider amending the evidence of competency to practice section of 18VAC140-20-110(C) and (D) which states:  
*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 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.*

The competency to practice for reinstatement and inactive to active licensure are burdensome for LBSWs and LMSWs as supervised experience is not required for these license types in Virginia. Consider amending this section to make this requirement specifically only for LCSWs.

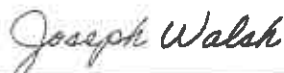
**Motion:** A motion was made by Mr. Salay, which was properly seconded by Mr. Hayter, to recommend to the Full Board to delete all of 18VAC140-20-110(C) and delete (D)(1),(2)(3) as a requirement by Fast Track Action.

**NEXT MEETING:**

Dr. Paulson announced that the next Regulatory Committee Meeting would occur on June 4, 2020 at 1:00pm.

**ADJOURNMENT:**

Dr. Paulson adjourned the March 12, 2020 Regulatory Committee meeting at 4:50p.m.



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



Jamie Hoyle, Executive Director