

Due to the COVID-19 declared state of emergency and consistent with Amendment 28 to HB29 (Budget Bill for 2018-2020) and the applicable provisions of § 2.2-3708.2 in the provisions of Freedom of Information Act, the Board convened a virtual meeting to consider such regulatory and business matters as presented on the agenda necessary for the board to discharge its lawful purposes, duties and responsibilities.

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

COMMITTEE MEMBERS PRESENT: Maria Eugenia del Villar, L.C.S.W.
Gloria Manns, L.C.S.W.
Dolores Paulson, L.C.S.W., Ph.D.
John Salay, L.C.S.W.

COMMITTEE MEMBERS ABSENT: Michael Hayter, L.C.S.W., C.S.A.C.

BOARD STAFF PRESENT: Latasha Austin, Licensing & Operations Manager
Jaime Hoyle, J.D., Executive Director
Jennifer Lang, Deputy Executive Director- Discipline
Charlotte Lenart, Deputy Executive Director- Licensing
Sharniece Vaughan, Licensing Specialist

DHP STAFF PRESENT: Elaine Yeatts, Senior Policy Analyst, Department of Health Professions

VIRTUAL PUBLIC ATTENDEES: Joseph Lynch, L.C.S.W., Virginia Society for Clinical Social Work

CALL TO ORDER: Dr. Walsh called the virtual regulatory committee meeting to order at 1:04 p.m.

ROLL CALL/ESTABLISHMENT OF A QUORUM: Dr. Walsh requested a roll call by Ms. Hoyle. Dr. Walsh announced that five members of the Committee were present at roll call; therefore, a quorum was established.

Ms. Hoyle conducted a roll call of staff and virtual public attendees.

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.

APPROVAL OF MINUTES: A motion was made by Ms. Manns, which was properly seconded by Ms. del Villar, to approve the meeting minutes from the Regulatory Committee Meeting held on March 12, 2020 as written. Ms. Hoyle conducted a roll call vote. With five members present at the time of roll call, the motion passed with five unanimous votes in favor.

PUBLIC COMMENT: There was no public comment.

UNFINISHED BUSINESS:

I. The Committee discussed reducing the requirements for registering an addition or change in supervised practice, supervisor, clinical social work service or location as outlined in 18VAC140-20-50(A)(1). At the last Committee and Board Meeting, it was discussed streamlining this process because at times it can be cumbersome and it takes a lot of staff time to make these changes every time there is a current change in supervised practice, supervisor, clinical social work services or location. Additionally, it causes a lag in supervision when a supervisee has to wait for a new location or new supervisor to be approved, as the supervisee cannot begin to count those hours toward licensure until the changed has been approved by the Board. Upon discussion, the committee agreed that the most important piece was to keep track of any changes to the supervisee's supervisor.

Motion: A motion was made by Mr. Salay to make the below changes to 18VAC140-20-50(A)(1):

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, a supervisor, clinical social work services or location~~:

It was suggested that the motion be held until the Committee discussed the next item on the agenda because if the Committee decided they were going to recommend a supervisor contract be required, that change would require additional changes to section 18VAC140-20-50 of the Regulations. Mr. Salay withdrew his motion.

II. The Committee discussed adding a definition for "supervisory contract" to the Virginia Regulations Governing the Practice of Social Work. Ms. Hoyle provided the following definition for "supervisory contract" defined in the Board of Counseling Regulations: "Supervisory contract"- an agreement that outlines the expectations and responsibilities of the supervisor and resident in accordance with regulations of the board.

Dr. Walsh provided the following suggested definition for supervisory contract: A "supervisory contract" is a written agreement composed by the supervisor with input from the supervisee that specifies the parties involved, the setting and the frequency length and schedule time of supervision. It's purposes, goals and objectives, methods of evaluation and the duties and responsibilities of the parties. It must address all those activities defined and these regulations as clinical social work services.

The Board discussed if there should be a standardized contract. Committee members had concerns about setting standards too specific and the burden it would be on staff. Ms. Lenart advised the Committee that the Board of Counseling has a sample contract available on its website. Ms. Yeatts proposed to the Committee that they would need to decide if they are going to require the supervisory contract required by the Board, specified by the Board, or are they going to require a supervisory contract as defined in the regulations?

Motion: A motion was made by Dr. Paulson, which was properly seconded by Mr. Salay, to recommend to the full Board the following below changes to section 18VAC140-20-50 of the Virginia Regulations Governing the Practice of Social Work.:

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

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~~, a supervisor; ~~clinical social work services or location~~:

a. Register on a form provided by the board ~~and~~;

b. Submit a copy of a supervisory contract completed by the supervisor and the ~~supervised individual~~ supervisee; and

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

Ms. Hoyle conducted a roll call vote. With five members present at the time of roll call, the motion passed with five unanimous votes in favor.

Motion: A motion was made by Dr. Paulson, which was properly seconded by Mr. Salay to recommend to the full Board to add the following definition of “supervisory contact” to the Virginia Regulations Governing the Practice of Social Work:

“Supervisory contract” means an agreement that outlines the expectations and responsibilities of the supervisor and supervisee in accordance with regulations of the board.

Ms. Hoyle conducted a roll call vote. With five members present at the time of roll call, the motion passed with five unanimous votes in favor.

It was suggested that an Ad Hoc group be put together that would prepare a draft of a supervisory contract by the next Regulatory Committee Meeting. Mr. Salay and Dr. Paulson volunteered and staff would be available for consultation.

III. The Committee discussed considering amendments to the Guidance Document on Technology-Assisted Therapy to specify that the Face-to-Face provisions apply to supervisees. Staff has seen an increase in questions regarding this matter due to the current state of emergency. It was noted that the regulations only defines face-to-face supervision, it does not define face-to-face.

Motion: A motion was made by Mr. Salay, which was properly seconded by Ms. del Villar to change the definition of “Face-to-face supervision” in the Regulations to the following:

“Face-to-face ~~supervision~~” means the physical presence of the individuals involved in the supervisory relationship during either individual or group supervision or in the delivery of clinical social work services by a supervisee ~~or~~ and may include the use of technology that provides real-time, ~~visual~~ interactive contact among the individuals involved.

Ms. Hoyle conducted a roll call vote. With four members present at the time of roll call, the motion passed with four unanimous votes in favor.

IV. Ms. Hoyle discussed with the Committee the consideration of any changes needed to the Regulations that would prevent the need for a Waiver request in future emergencies. Board staff discussed with the Committee cases where a waiver might be needed. Ms. Hoyle requested input from the Committee of what areas of the regulations they anticipated could be a hardship or potential problem for applicants or licensees in the future, if there

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was another emergency such as the current pandemic. It was noted that the Social Work Regulations are currently very flexible as written. The Committee did not have to make any decisions today, but was just something for the Committee to think about in the future. The Committee should consider if there was anything permanently in their current regulations that they believe does not permanently need to be there.

V. Ms. Yeatts discussed with the Committee the consideration of any waiver of experience requirements for spouse of active duty military or veteran. The legislation that passed the 2020 General Assembly gives the Boards the authority to waive certain experience requirements for someone applying for licensure by endorsement for spouses of the military or someone who is a veteran who recently left service. At the last meeting the Board voted to eliminate those experience requirements altogether. Ms. Yeatts advised the Committee that since they have the opportunity to waive experience requirements for spouses of military or veterans, if they wish may to recommend to the Board that they authorize the executive director to waive that requirement in subsection six.

Motion: A motion was made by Dr. Paulson, which was properly seconded by Ms. Del Villar to recommend to the full Board that the Executive Director be authorize to waive all experience requirements in the section for licensure by endorsement for spouses and veterans who left service within the last year.

Ms. Hoyle conducted a roll call vote. With four members present at the time of roll call, the motion passed with four unanimous votes in favor.

VI. Mr. Salay requested that the Committee review the list of entities approved to provide Continued Education outlined in the Regulations. Mr. Salay indicated that his agency, which is a DBHDS licensed agencies is not approved to offer continuing education for social work licensees. Dr. Paulson pointed out that a group or private individual could go through ASWB, NASW or CSWA to be an approved provider. Overall, the Committee did not see the need to make an adjustment to address Mr. Salay's concern at this time for an amendment to be made to the regulations.

NEW BUSINESS:

I. Ms. Hoyle provided an updated on pursuing a potential Reciprocity agreements with other states. Ms. Hoyle indicated that she has reached out to ASWB to inquiry what other states would be interested. Jaime indicated that she has gotten some good feedback and her report would be submitted by November 1, 2020 to Ms. Yeatts and Dr. Brown.

II. Ms. Hoyle provided the Committee an update on what is going on with the Study on Mental Health needs for minors and summarized the issues. Ms. Hoyle also informed the Committee that she also needed their feedback as clinicians and to express what concerns they feel have not been identified.

NEXT MEETING:

Dr. Walsh announced that the next Regulatory Committee Meeting would occur on December 3, 2020 at 1:00pm. Before Mr. Walsh adjourned to meeting, Ms. Hoyle thanked Dr. Walsh for his service to the Board and as Chair of the Regulatory Committee and that he would be missed.

ADJOURNMENT:

Dr. Walsh adjourned the September 24, 2020 Regulatory Committee meeting at 3:37p.m.

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

Jaime Hoyle, Executive Director