



Final Regulation Agency Background Document

Agency name	Board of Counseling, Department of Health Professions
Virginia Administrative Code (VAC) citation	18 VAC 115-20-10 et seq., 18 VAC 115-50-10 et seq., and 18 VAC 115-60-10 et seq.
Regulation title	Regulations Governing the Practice of Professional Counseling; Regulations Governing the Practice of Marriage and Family Therapist; Regulations Governing the Practice of Licensed Substance Abuse Treatment Practitioners
Action title	Requirements for Residency, Supervision, and Portability
Document preparation date	11/8/07

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 21 (2002) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary (no more than 2 short paragraphs) of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation. Also, please include a brief description of changes to the regulation from publication of the proposed regulation to the final regulation.

The Board is amending existing regulations for supervision and residency to address what constitutes professional training for an approved supervisor, remove contradictory and burdensome language regarding face-to-face supervision, and require registration of supervisors regardless of the exemption/non-exempt setting.

Further, the Board is amending existing regulation regarding requirements for licensure by endorsement to allow for greater portability of licensure from state to state. The proposed regulations include language that will allow for the issuance of a license by endorsement to any individual who qualifies for such license pursuant to having met the qualifications for licensure in another state and demonstrated competency by practice for at least five of the past six years. The credentials for licensure that are filed with a Board-recognized credentials registry, such as

that of the American Association of State Counseling Boards, would be acceptable for licensure by endorsement.

In the adoption of final regulations, the Board reinstated recognition of CORE approved programs for meeting degree requirements and added flexibility to the requirement for residencies by changing the maximum number of hours of supervision that could be counted in 40 hours of work experience from two to four hours.

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

On October 26, 2007, the Board of Counseling adopted final regulations for 18 VAC 115-20-10 et seq., Regulations Governing the Practice of Professional Counseling; 18 VAC 115-50-10 et seq., Regulations Governing the Practice of Marriage and Family Therapist; and 18 VAC 115-60-10 et seq., Regulations Governing the Practice of Licensed Substance Abuse Treatment Practitioners to amend requirements for residency, supervision, and endorsement.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter numbers, if applicable, and (2) promulgating entity, i.e., agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

Regulations are promulgated under the general authority of Chapter 24 of Title 54.1 of the Code of Virginia. Section 54.1-2400, which provides the Board of Counseling the authority to promulgate regulations to administer the regulatory system:

§ 54.1-2400 -General powers and duties of health regulatory boards

The general powers and duties of health regulatory boards shall be:

- 1. To establish the qualifications for registration, certification or licensure in accordance with the applicable law which are necessary to ensure competence and integrity to engage in the regulated professions.*
- 2. To examine or cause to be examined applicants for certification or licensure. Unless otherwise required by law, examinations shall be administered in writing or shall be a demonstration of manual skills.*
- 3. To register, certify or license qualified applicants as practitioners of the particular profession or professions regulated by such board.*

...

6. To promulgate regulations in accordance with the Administrative Process Act (§ 9-6.14:1 et seq.) which are reasonable and necessary to administer effectively the regulatory system. Such regulations shall not conflict with the purposes and intent of this chapter or of Chapter 1 (§ [54.1-100](#) et seq.) and Chapter 25 (§ [54.1-2500](#) et seq.) of this title. ...

The specific authority for the promulgation of regulations for counseling-related professions is found in Section 54.1-3505 of the Code of Virginia:

§ 54.1-3505. Specific powers and duties of the Board.

In addition to the powers granted in § [54.1-2400](#), the Board shall have the following specific powers and duties:

- 1. To cooperate with and maintain a close liaison with other professional boards and the community to ensure that regulatory systems stay abreast of community and professional needs.*
- 2. To conduct inspections to ensure that licensees conduct their practices in a competent manner and in conformance with the relevant regulations.*
- 3. To designate specialties within the profession.*
- 4. To administer the certification of rehabilitation providers pursuant to Article 2 (§ [54.1-3510](#) et seq.) of this chapter, including prescribing fees for application processing, examinations, certification and certification renewal.*
- 5. Expired.*
- 6. To promulgate regulations for the qualifications, education, and experience for licensure of marriage and family therapists. The requirements for clinical membership in the American Association for Marriage and Family Therapy (AAMFT), and the professional examination service's national marriage and family therapy examination may be considered by the Board in the promulgation of these regulations. The educational credit hour, clinical experience hour, and clinical supervision hour requirements for marriage and family therapists shall not be less than the educational credit hour, clinical experience hour, and clinical supervision hour requirements for professional counselors.*
- 7. To promulgate, subject to the requirements of Article 1.1 (§ [54.1-3507](#) et seq.) of this chapter, regulations for the qualifications, education, and experience for licensure of licensed substance abuse treatment practitioners and certification of certified substance abuse counselors and certified substance abuse counseling assistants. The requirements for membership in NAADAC: the Association for Addiction Professionals and its national examination may be considered by the Board in the promulgation of these regulations. The Board also may provide for the consideration and use of the accreditation and examination services offered by the Substance Abuse Certification Alliance of Virginia. The educational credit hour, clinical experience hour, and clinical supervision hour requirements for licensed substance abuse treatment practitioners shall not be less than the educational credit hour, clinical experience hour, and clinical supervision hour requirements for licensed professional counselors. Such regulations also shall establish standards and protocols for the clinical supervision of certified substance abuse*

counselors and the supervision or direction of certified substance abuse counseling assistants, and reasonable access to the persons providing that supervision or direction in settings other than a licensed facility.

Purpose

Please explain the need for the new or amended regulation by (1) detailing the specific reasons why this regulatory action is essential to protect the health, safety, or welfare of citizens, and (2) discussing the goals of the proposal and the problems the proposal is intended to solve.

The regulatory action is necessary to increase the portability of licenses from other states and to improve the accountability and oversight of persons providing counseling or therapy in a residency. The amended requirements for licensure by endorsement will resolve a long-standing problem of persons who have years of competent, safe practice in other states but who may lack a particular course or a few hours of academic work or residency to meet the education and experience requirements of Virginia. Such barriers to licensure have been a hardship on some applicants and a deterrent to licensure in Virginia for others. Restrictive licensure rules have restricted access to services for consumers. Verification of professional licenses through a state board or jurisdiction and documentation of clinical practice will protect the public health, safety, and welfare of persons and allow easier access to counselors or therapists licensed in other jurisdictions who wish to practice in Virginia.

Currently, regulations specify face-to-face supervision, but allow for individual and group supervision. Proposed regulations will clarify the residency requirements and give more flexibility to supervision. Setting a maximum number of hours of supervision per week will ensure that supervision occurs throughout the period of the 4,000-hour residency to provide more consistent oversight of the services being provided by the unlicensed resident. In addition, clarification of the training needed to qualify as an approved supervisor will ensure more accountability and professionalism in the supervision of a resident, which should result in a higher level of protection for those receiving mental health services. Registration of supervision will ensure a higher level of professionalism and accountability, regardless of whether the services are being provided in an exempt or a non-exempt setting.

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. A more detailed discussion is required under the "All changes made in this regulatory action" section.

Substantive provisions of the amended regulations are as follows:

Licensure by endorsement

The requirements for licensure by endorsement are amended to provide an alternative pathway for those who can demonstrate licensed practice in another jurisdiction. Applicants must either

have: 1) Substantially equivalent educational and experience requirements; or 2) If an applicant does not have educational and experience credentials consistent with those required by the chapter, he must provide documentation of education and supervised experience that met the requirements of the jurisdiction in which he was initially licensed as verified by an official transcript and a certified copy of the original application materials; and evidence of clinical practice for five of the last six years immediately preceding his licensure application in Virginia. The Board will also accept verification from the credentials registry of the American Association of State Counseling Boards or any other board-recognized entity in lieu of transcripts verifying education and documentation verifying supervised experience.

Residency and Supervision

There is proposed change to require registration of all residencies begun after the effective date of the regulations, regardless of whether it occurs in an exempt or non-exempt setting.

Regulations are also amended as follows:

The 200 hours of supervision was changed to eliminate the *face-to-face* requirement for both the residency and the graduate-level internship and clarify whether the supervision must be “individual” and “group” supervision. Within the 200 hours, there must be a maximum of two hours per 40 hours of work experience during the period of the residency.

Amendments will clarify the qualifications of a person who provides supervision to include completion of a 3-semester hour course in supervision *or* at least 20 hours of continuing education from an approved provider. Persons who have provided supervision would have 2 years from the effective date of the regulations to complete such coursework. Amendments also clarify that the license of a person providing supervision must be active and unrestricted.

Issues

Please identify the issues associated with the proposed regulatory action, including:
 1) *the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;*
 2) *the primary advantages and disadvantages to the agency or the Commonwealth; and*
 3) *other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please indicate.*

1) The primary advantage to the public would be the possibility of an increased number of licensed professional counselors, marriage and family therapists or substance abuse treatment professionals available to provide services to consumers in the Commonwealth. By allowing licensure by endorsement of persons who have met the licensing requirements in another state and have practiced safely for five or more years, the Board has eliminated some significant barriers to licensure, so both exempt and non-exempt practice settings may see an increase in the supply of counselors and therapists.

In addition, the requirement for registration of supervision during a residency, regardless of the practice setting, will improve the oversight and accountability for person providing services

during a period of gaining practical experience. There is an advantage to consumers since the hours and format for supervision are specified to ensure the service being provided by the resident is safe and effective. There are no disadvantages to consumers of mental health services.

2) There are no disadvantages to the agency or the Commonwealth. By specifying the professional training required for supervisor, there will be less ambiguity in the regulation, which may encourage compliance.

3) There are no other matters of interest.

Changes made since the proposed stage

Please describe all changes made to the text of the proposed regulation since the publication of the proposed stage. For the Registrar’s office, please put an asterisk next to any substantive changes.

Changes to 18VAC115-20 Licensed Professional Counselors

Section number	Requirement at proposed stage	What has changed	Rationale for change
10, 49, 52	Deletion of CORE – Council on Rehabilitation Education	Reinstated recognition of CORE as approval body for counseling education	Response to petition for rulemaking
52	Maximum of two hours per 40 hours of work experience could be counted towards 200 hour-requirement	Changed maximum from two to four hours	More flexibility; easier to complete the supervision requirement within the 4,000 hour residency. Response to comment by DPB.

Changes to 18VAC115-50 Marriage and Family Therapists

Section number	Requirement at proposed stage	What has changed	Rationale for change
60	Maximum of two hours per 40 hours of work experience could be counted towards 200 hour-requirement	Changed maximum from two to four hours	More flexibility; easier to complete the supervision requirement within the 4,000 hour residency. Response to comment by DPB.

Changes to 18VAC115-60 Licensed Substance Abuse Treatment Practitioners

Section number	Requirement at proposed stage	What has changed	Rationale for change
80	Maximum of two hours per 40 hours of work experience could be counted towards 200 hour-requirement	Changed maximum from two to four hours	More flexibility; easier to complete the supervision requirement within the 4,000 hour residency. Response to comment by DPB.

Public comment

Please summarize all comments received during the public comment period following the publication of the proposed stage, and provide the agency response. If no comment was received, please so indicate.

Proposed regulations were published in the Virginia Register of Regulations on June 11, 2007. Public comment was requested for a 60-day period ending August 10, 2007. A Public Hearing before the Board of Counseling was held on August 9, 2007.

At the public hearing, the following comments were received:

Anne Allen, Clinical Coordinator of VCU Department of Rehabilitation Counseling and Allen Lewis, Associate shared their concerns about removing “CORE” from the regulations stating that “CORE” was the first credentialing program to give credibility to school counseling programs. They stated the American Counseling Association opposed the deletion of “CORE” from the regulations.

Becky Bowers-Lanier, representing the Virginia Counselors Association (VCA) supported the proposed regulatory changes regarding portability, supervision and residency and the changes in standards for supervisory requirements. She also stated support for the proposed equalization of the LPC and MFT regulations requiring 100 hours of individual face-to-face supervision with a supervisor holding that license.

Shannon Hamm, VCU graduate of the Rehabilitation Counseling Program, stated that she felt graduating from VCU’s “CORE” approved rehabilitation program gave her credibility in the professional realm and encouraged the Board to keep “CORE” in the regulations.

Jim Rothrock, Commissioner of the Department of Rehabilitation Services stated that DRS is the largest rehabilitation provider in Virginia and has established criteria for counselors. Mr. Rothrock also stated his concern regarding the deletion of “CORE” since VCU graduates are a large part of the present and future workforce.

In comments posted on the Virginia Regulatory Townhall:

Kimberly Williams commented that the requirement for active practice 5 of the last 6 years in order to be licensed by endorsement does not support providers that have taken time off to care for family or other personal reasons. A minimum work history and a scale over time would seem to meet the goals of the Board while allowing those that have worked in the field over time to have taken time off for personal reasons.

Lisa McDowell, LPC, LSATP, NCC - President, Virginia Counselors Association - commended the Board for its commitment to update the regulations while holding public safety as a paramount concern. Supported changes in prerequisites for licensure of professional counselors and marriage and family therapists that take into account standards in other states that are commensurate with Virginia’s standards. Endorsement into Virginia will be eased by these new regulations and at the same time assuring that counselors and M&F therapists will be able to practice more easily and expeditiously in the Commonwealth.

Also supported proposed change in residency requirements that replace the permissive language on supervision with mandatory language. All clients deserve the most highly qualified therapists regardless of the settings in which they receive services. At the same time, we support changing the supervisory requirements that would modify the manner in which supervision takes place (individual replacing “face-to-face”) as this takes into consideration the technological advances in our field and allows for more ease of access to qualified and experienced supervisors.

VCA supported the changes in supervisory qualifications that specify the professional training needed to adequately supervise residents. These requirements are clear and should remove any ambiguities that were present in the current regulations.

Supported professional counselors with marriage and family therapy experience being able to supervise M&FT residents.

In written comment:

Larry Sinsabaugh requested that the Board not eliminate Council on Rehabilitation Education (CORE) from the programs approved for licensure.

Brian Canfield, EdD, President of the American Counseling Association, expressed support for continued recognition of CORE certification for graduate programs in counseling in Virginia.

Cindy Chapman, Executive Director of Commission on Rehabilitation Counselor Certification, wrote in support of CORE as it functionally equivalent to the Council on Accreditation of Counseling and Related Educational Programs (CACREP).

William Garner, a member of the Arkansas Board of Examiners in Counseling, wrote to support continued recognition of CORE.

Board response:

In response to requests to maintain CORE as a body to approve counseling education programs, the Board concurred with the comment and restored the current regulation.

In response to the comment that the endorsement amendment requiring active practice for 5 of the last 6 years was too burdensome, the Board noted that the practice requirement only applied to those applicants who did not otherwise meet Virginia’s requirements for licensure. It was intended to be an additional pathway for those with years of experience who may not have had the coursework currently required for licensure. Therefore, no change to the proposed regulation was adopted.

All changes made in this regulatory action

Please detail all changes that are being proposed and the consequences of the proposed changes. Detail new provisions and/or all changes to existing sections.

Changes to 18VAC115-20 Licensed Professional Counselors

Current section number	Proposed new section number	Current requirement	Proposed change and rationale
------------------------	-----------------------------	---------------------	-------------------------------

10	n/a	Sets definitions for words and terms used in the regulations	<p>Adds a definition for COAMFTE. Amends the definition for Supervision to change “face-to-face” to “individual or group.”</p> <p><i>COAMFTE was added because that accrediting body would be recognized for approving programs with graduate-level internships.</i></p> <p><i>The definition of supervision was amended for consistency with proposed changes in the regulation.</i></p>
45	n/a	Sets out the requirements for licensure by endorsement, including substantially equivalent education and experience	<p>The requirements for licensure by endorsement are amended to provide an alternative pathway for those who can demonstrate licensed practice in another jurisdiction. Applicants must either have: 1) Substantially equivalent educational and experience requirements; <u>or</u> 2) If an applicant does not have educational and experience credentials consistent with those required by the chapter, he must provide documentation of education and supervised experience that met the requirements of the jurisdiction in which he was initially licensed as verified by an official transcript and a certified copy of the original application materials; and evidence of clinical practice for five of the last six years immediately preceding his licensure application in Virginia.</p> <p><i>The amended regulations will offer greater portability and make it possible for licensed counselors from other states who have years of experience to be licensed in Virginia by endorsement. Currently, there is some consistency in requirements for licensure among the states, but there has been considerable variation in the hours and content of graduate education and supervised residency requirements. Those licensed by states with differing requirements have had no option for licensure in Virginia other than returning to school and/or serving an additional residency – even though they may have practiced for 10 or more years.</i></p> <p>The Board will also accept verification from the credentials registry of the American Association of State Counseling Boards or any other board-recognized entity in lieu of transcripts verifying education and documentation verifying supervised experience.</p> <p><i>The American Association of State Counseling Boards has started a credentialing service that</i></p>

			<i>will allow a person to “bank” his educational, examination and residency information for future documentation to licensing entities. The advantage to an applicant would be a single source for all documentation rather than having to return to multiple sources for original verification of graduate education, internships and residency hours and supervision.</i>
49	n/a	Sets out the requirements for an approved degree program in counseling	In final regulations, CORE-accreditation was restored for automatic recognition for an approved educational program in response to public comment.
51	n/a	Sets out the course requirements for licensure	Amendment will change the equivalency from 4.5 to 4.0 quarter hours for 3 semester hours of coursework. <i>Educational experts have recommended the change for accuracy.</i>
52	n/a	Sets out the requirements for a supervised residency	In subsection A, the proposed change is to require registration of all residencies begun after the effective date of the regulations, regardless of whether it occurs in an exempt or non-exempt setting. <i>Applicants who render counseling services in exempt settings are currently not required to register supervision but are strongly encouraged to do so. In order to obtain a license, documentation of approved supervision must be submitted. If the supervision was not registered and approved, the applicant may find that the hours and content of the residency did not meet the board’s requirements. It is definitely for the applicant advantageous to register in order to ensure acceptability at the time of application for licensure. In addition, the Board can better ensure that persons providing counseling services in a residency are being adequately supervised for the protection of the clients being served.</i> In subsection B, the following regulations are amended: The 200 hours of supervision was changed to eliminate the <i>face-to-face</i> requirement for both the residency and the graduate-level internship. The two types of supervision are “individual” and “group” supervision. <i>The elimination of face-to-face requirement will be less restrictive and open opportunities for supervision that are currently not recognized – such as electronic</i>

		<p><i>supervision. In several regulations, the requirement for “face-to-face” supervision is replaced with a requirement for “individual or group” supervision or just “supervision” with the type unspecified. Additional opportunity for group supervision or individual supervision will make it less costly and time-consuming.</i></p> <p>Within the 200 hours, there must be a maximum of four hours per 40 hours of work experience during the period of the residency.</p> <p><i>The addition of a maximum number of supervised hours per 40 hours of work is intended to ensure that the 200 hours of supervision is spread throughout the 4,000 of the residency and not crammed into one short period at the beginning or the end.</i></p> <p>Proposed regulations would allow a graduate-level degree internship completed in a COAMFTE-approved program (accrediting body for marriage and family therapy programs) to count for 900 hours of the 4,000-hour residency. Internships in CORE-approved programs would not count for 900 hours.</p> <p>In subsection C, there are amendments to clarify the qualifications of a person who provides supervision to include completion of a 3-semester hour course in supervision or at least 20 hours of continuing education from an approved provider. Persons who have provided supervision would have 2 years from the effective date of the regulations to complete such coursework.</p> <p><i>The current regulation requires a supervisor to have received “professional training in supervision” but in the LPC and MFT regulations, that was not specified. In regulations for Licensed Substance Abuse Treatment Practitioners, professional training is specified as a 3-semester hour course in supervision; there is no provision for obtaining the training by continuing education. In response to numerous questions about the meaning of that requirement and for consistency among the licensed professions, the Board decided to specify the 3-hour course in supervision for all regulations but to allow a person to qualify by completing 20 hours in continuing education directed at training for supervision of a residency. The 20 hours would fulfill a licensee’s CE requirement for renewal and would not have to be repeated once completed.</i></p>
--	--	--

			Language in subdivision 3 of subsection C clarifies that the license of a person providing supervision must be active and unrestricted and that 100 (or one-half) of the hours of supervision must be provided by a LPC.
120	n/a	Sets out the criteria for advisory committees to assist in the evaluation of candidates for licensure.	<i>The section is repealed since such committees have not existed for some time. Any evaluation of the mental or emotional competence of a licensee or applicant would be conducted independently by a professional other than a member of the board.</i>

Changes to 18VAC115-50 Marriage and Family Therapists

Current section number	Proposed new section number	Current requirement	Proposed change and rationale
10	n/a	Sets definitions for words and terms used in the regulations	Amends the definition for Supervision to change “face-to-face” to “individual or group.” <i>The definition of supervision was amended for consistency with proposed changes in the regulation.</i>
40	n/a	Sets out the requirements for licensure by endorsement, including substantially equivalent education and experience	<i>Consistent with other regulations for licensees of the Board, there is an additional requirement for: Verification of all professional licenses or certificates ever held in any other jurisdiction. In order to qualify for endorsement the applicant shall have no unresolved action against a license or certificate. The board will consider history of disciplinary action on a case-by-case basis. To ensure competency and safety to practice in Virginia, the Board must have information about licensure in any other state and about possible disciplinary action taken by other boards. Such action does not disqualify an applicant but may provide grounds for denial.</i> The requirements for licensure by endorsement are amended to provide an alternative pathway for those who can demonstrate licensed practice in another jurisdiction. Applicants must either have: 1) Substantially equivalent educational and experience requirements; <u>or</u> 2) If an applicant does not have educational and experience credentials consistent with those required by the chapter, he must provide documentation of education and supervised experience that met the requirements of the jurisdiction in which he was initially licensed as verified by an official transcript and a certified copy of the original application materials; and evidence of

			<p>clinical practice for five of the last six years immediately preceding his licensure application in Virginia.</p> <p><i>The amended regulations will offer greater portability and make it possible for marriage and family therapists from other states who have years of experience to be licensed in Virginia by endorsement. Currently, there is some consistency in requirements for licensure among the states, but there has been considerable variation in the hours and content of graduate education and supervised residency requirements. Those licensed by states with differing requirements have had no option for licensure in Virginia other than returning to school and/or serving an additional residency – even though they may have practiced for 10 or more years.</i></p> <p>The Board will also accept verification from the credentials registry of the American Association of State Counseling Boards or any other board-recognized entity in lieu of transcripts verifying education and documentation verifying supervised experience.</p> <p><i>The American Association of State Counseling Boards has started a credentialing service that will allow a person to “bank” his educational, examination and residency information for future documentation to licensing entities. The advantage to an applicant would be a single source for all documentation rather than having to return to multiple sources for original verification of graduate education, internships and residency hours and supervision.</i></p>
55	n/a	Sets out the course requirements for licensure	<p>Amendment will change the equivalency from 4.5 to 4.0 quarter hours for 3 semester hours of coursework.</p> <p><i>Educational experts have recommended the change for accuracy.</i></p>
60	n/a	Sets out the requirements for a supervised residency	<p>In subsection A, the proposed change is to require registration of all residencies begun after the effective date of the regulations, regardless of whether it occurs in an exempt or non-exempt setting.</p> <p><i>Applicants who render marriage and family therapy services in exempt settings are currently not required to register supervision but are strongly encouraged to do so. In order to obtain a license, documentation of</i></p>

			<p><i>approved supervision must be submitted. If the supervision was not registered and approved, the applicant may find that the hours and content of the residency did not meet the board’s requirements. It is definitely for the applicant advantageous to register in order to ensure acceptability at the time of application for licensure. In addition, the Board can better ensure that persons providing counseling services in a residency are being adequately supervised for the protection of the clients being served.</i></p> <p>In subsection B, the following regulations are amended:</p> <p>The 200 hours of supervision was changed to eliminate the <i>face-to-face</i> requirement for both the residency and the graduate-level internship. The two types of supervision are “individual” and “group” supervision.</p> <p><i>The elimination of face-to-face requirement will be less restrictive and open opportunities for supervision that are currently not recognized – such as electronic supervision. In several regulations, the requirement for “face-to-face” supervision is replaced with a requirement for “individual or group” supervision or just “supervision” with the type unspecified. Additional opportunity for group supervision or individual supervision will make it less costly and time-consuming.</i></p> <p>Within the 200 hours, there must be a maximum of four hours per 40 hours of work experience during the period of the residency.</p> <p><i>The addition of a maximum number of supervised hours per 40 hours of work is intended to ensure that the 200 hours of supervision is spread throughout the 4,000 of the residency and not crammed into one short period at the beginning or the end.</i></p> <p>Proposed regulations would allow a graduate-level degree internship completed in a COAMFTE-approved program (accrediting body for marriage and family therapy programs) or a CACREP-approved program to count for 900 hours of the 4,000-hour residency.</p> <p>In subsection C, there are amendments to clarify the qualifications of a person who provides supervision to include completion of a 3-semester hour course in supervision or at least 20 hours of continuing</p>
--	--	--	---

			<p>education. Persons who have provided supervision would have 2 years from the effective date of the regulations to complete such coursework.</p> <p><i>The current regulation requires a supervisor to have received “professional training in supervision” but in the LPC and MFT regulations, that was not specified. In regulations for Licensed Substance Abuse Treatment Practitioners, professional training is specified as a 3-semester hour course in supervision; there is no provision for obtaining the training by continuing education from an approved provider. In response to numerous questions about the meaning of that requirement and for consistency among the licensed professions, the Board decided to specify the 3-hour course in supervision for all regulations but to allow a person to qualify by completing 20 hours in continuing education directed at training for supervision of a residency. The 20 hours would fulfill a licensee’s CE requirement for renewal and would not have to be repeated once completed.</i></p> <p>Language in subdivision 3 of subsection C also clarifies that the license of a person providing supervision must be active and unrestricted.</p> <p>Amendments to subsection D require the supervisor to complete evaluation forms to be given to the resident at the end of each three-month period. The supervisor shall report the total hours of residency and evaluate the applicant's competency to the board.</p> <p><i>Requirements for periodic evaluations to be given to the resident and for reporting of the total number of hours and evaluation of competency to the Board are found in the LPC and LSATP regulations, but are not currently in regulations for MFT’s. The periodic evaluation are critical to the resident who needs to be aware of his progress throughout the 4,000 hours to ensure that he does not spend 2 years in a residency with a supervisor who does not approve of his services or competency.</i></p>
--	--	--	--

18VAC115-60 Licensed Substance Abuse Treatment Practitioners

Current section number	Proposed new section number	Current requirement	Proposed change and rationale
10	n/a	Sets definitions for words and terms used in the regulations	Adds a definition for CACREP and COAMFTE. Amends the definition for Supervision to change “face-to-face” to “individual or group.”

			<p><i>CACREP and COAMFTE were added because those accrediting bodies would be recognized for approving programs with graduate-level internships.</i></p> <p><i>The definition of supervision was amended for consistency with proposed changes in the regulation.</i></p>
50	n/a	Sets out the requirements for licensure by endorsement, including substantially equivalent education and experience	<p>The requirements for licensure by endorsement are amended to provide an alternative pathway for those who can demonstrate licensed practice in another jurisdiction. Applicants must either have: 1) Substantially equivalent educational and experience requirements; <u>or</u> 2) If an applicant does not have educational and experience credentials consistent with those required by the chapter, he must provide documentation of education and supervised experience that met the requirements of the jurisdiction in which he was initially licensed as verified by an official transcript and a certified copy of the original application materials; and evidence of clinical practice for five of the last six years immediately preceding his licensure application in Virginia.</p> <p><i>The amended regulations will offer greater portability and make it possible for licensed counselors from other states who have years of experience to be licensed in Virginia by endorsement. Currently, there is more consistency in requirements for licensure, but there has been considerable variation in the hours and content of graduate education and supervised residency requirements. Those licensed by states with differing requirements have had no option for licensure in Virginia other than returning to school and/or serving an additional residency – even though they may have practiced for 10 or more years.</i></p> <p>The Board will also accept verification from the credentials registry of the American Association of State Counseling Boards or any other board-recognized entity in lieu of transcripts verifying education and documentation verifying supervised experience.</p> <p><i>The American Association of State Counseling Boards has started a credentialing service that will allow a person to “bank” his educational, examination and residency information for future documentation to licensing entities. The advantage to an applicant would be a single</i></p>

			<p><i>source for all documentation rather than having to return to multiple sources for original verification of graduate education, internships and residency hours and supervision.</i></p>
70	n/a	Sets out the course requirements for licensure	<p>Amendment will change the equivalency from 4.5 to 4.0 quarter hours for 3 semester hours of coursework.</p> <p><i>Educational experts have recommended the change for accuracy.</i></p>
80	n/a	Sets out the requirements for a supervised residency	<p>In subsections A and B, the proposed change is to require registration of all residencies begun after the effective date of the regulations, regardless of whether it occurs in an exempt or non-exempt setting.</p> <p><i>Applicants who render counseling services in exempt settings are currently not required to register supervision but are strongly encouraged to do so. In order to obtain a license, documentation of approved supervision must be submitted. If the supervision was not registered and approved, the applicant may find that the hours and content of the residency did not meet the board’s requirements. It is definitely for the applicant advantageous to register in order to ensure acceptability at the time of application for licensure. In addition, the Board can better ensure that persons providing counseling services in a residency are being adequately supervised for the protection of the clients being served.</i></p> <p>In subsection C, the following regulations are amended:</p> <p>The 200 hours of supervision was changed to eliminate the <i>face-to-face</i> requirement for both the residency and the graduate-level internship. The two types of supervision are “individual” and “group” supervision.</p> <p><i>The elimination of face-to-face requirement will be less restrictive and open opportunities for supervision that are currently not recognized – such as electronic supervision. In several regulations, the requirement for “face-to-face” supervision is replaced with a requirement for “individual or group” supervision or just “supervision” with the type unspecified. Additional opportunity for group supervision or individual supervision will make it less costly and time-consuming.</i></p>

			<p>Within the 200 hours, there must be a maximum of four hours per 40 hours of work experience during the period of the residency.</p> <p><i>The addition of a maximum number of supervised hours per 40 hours of work is intended to ensure that the 200 hours of supervision is spread throughout the 4,000 of the residency and not crammed into one short period at the beginning or the end.</i></p> <p>Proposed regulations would allow a graduate-level degree internship completed in a COAMFTE- or a CACREP-approved program to count for 900 hours of the 4,000-hour residency.</p> <p>In subsection D, there are amendments to clarify the qualifications of a person who provides supervision to offer an alternative to the current requirement (completion of a 3-semester hour course in supervision) of at least 20 hours of continuing education.</p> <p><i>The current regulation requires a supervisor to have received 100 didactic hours of instruction in substance abuse treatment and training in supervision, including a 3-semester hour course in supervision. There is currently no provision for obtaining the training by continuing education. For consistency among the licensed professions, the Board decided to allow a person to qualify by completing 20 hours in continuing education directed at training for supervision of a residency. The 20 hours would fulfill a licensee’s CE requirement for renewal and would not have to be repeated once completed.</i></p> <p>Language in subsection D also specifies that the license of a person providing supervision must be active and unrestricted.</p>
--	--	--	--

Family impact

Please assess the impact of the proposed regulatory action on the institution of the family and family stability.

There is no impact of the proposed regulatory action on the institution of the family and family stability.