

ITEM 1

COMMONWEALTH OF VIRGINIA

DEPARTMENT OF HEALTH PROFESSIONS

**BOARD OF LICENSED PROFESSIONAL COUNSELORS, MARRIAGE AND
FAMILY THERAPISTS AND SUBSTANCE ABUSE TREATMENT
PROFESSIONALS**

**TITLE OF REGULATIONS: 18 VAC 115-30-10 et seq.
REGULATIONS GOVERNING THE CERTIFICATION OF SUBSTANCE
ABUSE COUNSELORS.**

Proposed Regulations

Adopted November 13, 1998

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CHAPTER 30.
REGULATIONS GOVERNING THE CERTIFICATION OF SUBSTANCE
ABUSE COUNSELORS.

PART I.
GENERAL PROVISIONS.

18 VAC 115-30-10. Definitions.

A. The following words and terms, when used in this chapter, shall have the meaning ascribed to them in §54.1-3500 of the Code of Virginia:

“Board”

“Certified Substance Abuse Counselor”

B. The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

"Applicant" means an individual who has submitted a completed application with documentation and the appropriate fees to be examined for certification as a substance abuse counselor.

"Appropriately credentialed authority" means an entity licensed by an agency of the Commonwealth to render the services of substance abuse counselors.

~~"Board" means the Virginia Board of Professional Counselors and Marriage and Family Therapists.~~

"Candidate" means a person who has been approved to take the examinations for certification as a substance abuse counselor.

~~"Certified substance abuse counselor" means a person certified to provide substance abuse counseling in a state approved public or private substance abuse program or facility.~~

"Competency area" means an area in which a person possesses knowledge and skill and the ability to apply them in the clinical setting.

"Didactic" means teaching-learning methods which impart facts and information, usually in the form of one-way communication (includes directed readings and lectures).

" Group supervision" means the process of clinical supervision of no more than six

persons in a group setting provided by a qualified supervisor.

"Substance abuse counseling" means applying a counseling process, treatment strategies and rehabilitative services to help an individual to:

1. Understand his substance use, abuse or dependency; and
2. Change his drug-taking behavior so that it does not interfere with effective physical, psychological, social or vocational functioning.

"Clinical supervision" means the ongoing process performed by a clinical supervisor who monitors the performance of the person supervised and provides regular, documented face-to-face consultation, guidance and education with respect to the clinical skills and competencies of the person supervised.

"Clinical supervisor" means one who provides case-related supervision, consultation, education and guidance for the applicant. The supervisor must be credentialed as defined in 18 VAC 115-30-40 C and 18 VAC 115-30-60 D of this chapter.

18 VAC 115-30-20. ~~Cross-referencing.~~ (Repealed)

~~These regulations are incorporated by reference in 18 VAC 115-20-10 et seq.~~

18 VAC 115-30-30. Fees required by the board.

A. The board has established the following fees applicable to the certification of substance abuse counselors:

Biennial certification renewal	\$40
Duplicate certificate.....	\$15
Late renewal	\$10
Replacement of or additional wall certificate	\$15
Name change	\$10
Returned check	\$15

B. Application, registration of supervision and examination fees shall be paid directly to the board’s contracting agents according to their requirements.

C. All fees are nonrefundable.

PART II
REQUIREMENTS FOR CERTIFICATION

18 VAC 115-30-40. ~~Certification, general.~~ Prerequisites for certification by examination

~~A. No person shall use the title of "certified substance abuse counselor" in the Commonwealth of Virginia except as provided in this chapter.~~

~~B. A certified substance abuse counselor is employed to deliver substance abuse counseling in a state approved public or private facility.~~

~~C. In every instance there shall be an identifiable appropriately credentialed individual or authority to provide supervision.~~

DA. A candidate for certification as a substance abuse counselor shall meet all the requirements of this chapter, including passing the examination prescribed in 18 VAC 115-30-90.

EB. Every prospective applicant for examination for certification by the board shall:

1. Meet the educational and experience requirements prescribed in 18 VAC 115-30-50 and 18 VAC 115-30-60 of this chapter;

~~2. Register supervision at least one year before applying. The board, in its discretion, may waive this one year period for an applicant who has met the work experience requirements prescribed in 18 VAC 115 30 60;~~

~~3. Meet the experience requirements prescribed in 18 VAC 115 30 60;~~

~~4. Meet the requirements of character and professional integrity prescribed in 18 VAC 115 30 80; and~~

5~~2~~. Submit to the contracting agent within the time frame established by that agent:

a. A completed application form;

b. Official transcript documenting attainment of a high school diploma or general educational development (GED) certificate;

c. Official transcripts or certificates verifying completion of the didactic training requirement set forth in subsection B of 18 VAC 115-30-50;

d. Verification of supervisor's education and experience as required under 18 VAC 115-30-60.

e. Verification of supervision forms documenting fulfillment of the experience requirements of 18 VAC 115-30-60.

~~b. Documented evidence of having fulfilled the education, supervision, experience, and references required in subdivisions 1, 2, 3, and 4 of this subsection;~~

~~c. Reference letters from three health or mental health care professionals attesting to the applicant's character and professional integrity; and~~

f. Documentation of any other professional license or certificate ever held in another jurisdiction.

~~g.~~ Any applicable fees.

~~F. The board may certify by endorsement an individual who is currently certified in another state as a substance abuse counselor and who has been certified in another state~~

~~through a similar process with equivalent requirements as described in this section.~~

18 VAC 115-30-45. Pre-requisites for certification by endorsement.

Every applicant for certification by endorsement shall submit in one package:

1. A completed application;
2. The application processing fee;
3. 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.
4. Affidavit of having read and understood the regulations and laws governing the practice of substance abuse counseling in Virginia.
5. Further documentation of one of the following:
 - a. Licensure or certification as a substance abuse counselor in another jurisdiction in

good standing obtained by standards substantially equivalent to the education and experience requirements set forth in this chapter as verified by a certified copy of the original application submitted directly from the out-of-state licensing agency, or a copy of the regulations in effect at the time of initial licensure or certification and verification of a passing score on a licensure examination in the jurisdiction in which licensure or certification was obtained, or;

b. Verification of a current board recognized national certification in substance abuse counseling in good standing obtained by standards substantially equivalent to those set forth in this chapter.

18 VAC 115-30-50. Educational requirements.

A. An applicant for examination for certification as a substance abuse counselor shall:

1. Have an official high school diploma or general educational development (GED) certificate; and
2. Have completed 400 clock hours of substance abuse education from one of the following programs:

- a. An accredited university or college;
- b. An integrated program approved by the board; or
- c. An individualized program of seminars and workshops to be approved by the board at the time of application.

B. Substance abuse education.

1. The education will include 220 hours spent in receiving didactic training in substance abuse counseling. Each applicant shall have received a minimum of 10 clock hours in each of the following six areas:

- a. Understanding the dynamics of human behavior;
- b. Signs and symptoms of substance abuse;
- c. Counseling and treatment approaches, substance abuse research, group therapy, and other adjunctive treatment and recovery support groups;
- d. Continuum of care and case management skills;

e. Recovery process and relapse prevention methods; and

f. Ethics and professional identity.

2. The education shall also consist of 180 hours of experience performing the following tasks with substance abuse clients:

a. Screening clients to determine eligibility and appropriateness for admission to a particular program;

b. Intake of clients by performing the administrative and initial assessment tasks necessary for admission to a program;

c. Orientation of new clients to program's rules, goals, procedures, services, costs and the rights of the client;

d. Assessment of client's strengths, weaknesses, problems, and needs for the development of a treatment plan;

e. Treatment planning with the client to identify and rank problems to be

addressed, establish goals, and agree on treatment processes;

f. Counseling the client utilizing specialized skills in both individual and group approaches to achieve treatment goals and objectives;

g. Case management activities which bring services, agencies, people and resources together in a planned framework of action to achieve established goals;

h. Crisis intervention responses to clients' needs during acute mental, emotional or physical distress;

i. Education of clients by providing information about drug abuse and available services and resources;

j. Referral of clients in order to meet identified needs unable to be met by the counselor and assisting the client in effectively utilizing those resources;

k. Reporting and charting information about client's assessment, treatment plan, progress, discharge summaries and other client-related data; and

l. Consultation with other professionals to assure comprehensive quality care for

the client.

Each of these tasks shall be performed for at least eight hours under supervision and shall be verified as a part of the application by the supervisor.

C. Groups and classes attended as a part of a therapy or treatment program will not be accepted as any part of the educational experience.

18 VAC 115-30-60. Experience requirements.

A. Registration. Supervision obtained without prior board approval will not be accepted if it does not meet the requirements set forth in subsections B and C of this section. Individuals who wish to register supervision for board approval prior to obtaining the supervised experience shall submit in one package:

1. A supervisory contract;.
2. Verification of the supervisor's education and experience as required under subsection C of this section;
3. Official transcripts documenting completion of a high school diploma or general

education development certificate; and

4. The registration fee.

B. Experience Requirements

A1. An applicant for certification as a substance abuse counselor shall have had 2,000 hours of supervised experience in the delivery of clinical substance abuse counseling services.

~~B. The work experience shall be supervised by a board approved licensed professional or certified substance abuse counselor. In every instance there shall be an identifiable appropriately credentialed individual or authority to provide supervision.~~

€2. The supervised experience shall include ~~at least~~ an average of two hours per week of face-to-face consultation between the supervisor and the applicant to total 100 hours within the required experience. No more than half of these hours may be satisfied with group supervision. One hour of group supervision will be deemed equivalent to one hour of face to face supervision.

~~D. Supervision shall be provided under this section according to the following requirements:~~

C. Supervisory Requirements.

~~1. The supervision contract shall be completed and signed by the applicant and the supervisor;~~

~~2. The supervisor shall assume responsibility for the professional activities of the applicant;~~

~~3. The supervisor shall not provide supervision for activities for which the prospective applicant has not had appropriate education;~~

~~4. The supervisor shall provide supervision only for those substance abuse counseling services which he is qualified to render;~~

~~5. Group supervision involving up to six members in a group will be acceptable for one hour of the two hours per week of supervision required in subsection C of this section, substituting on the basis of two hours of group supervision equaling~~

~~one hour of individual supervision. In no case shall a person receiving supervision receive less than one hour of face to face individual supervision per week;~~

~~6. Supervision must be provided by a professional who has had specialized training or experience in substance abuse counseling or a certified substance abuse counselor approved by the board;~~

~~7~~1. A board approved supervisor shall:

a. Be a licensed professional counselor, licensed clinical psychologist, ~~licensed psychologist~~, licensed clinical social worker, medical doctor, or registered nurse with a board recognized national certification in substance abuse counseling obtained by standards substantially equivalent to those set forth in this chapter or a minimum of one year experience in substance abuse counseling and at least 100 hours of didactic training covering the areas outlined in 18 VAC 115-30-50 B 1 a through f; or

b. Be a licensed substance abuse treatment practitioner; or

~~bc.~~ Be a substance abuse counselor certified by the ~~board~~ Virginia Board of Licensed Professional Counselors, Marriage and Family Therapists and

Substance Abuse Treatment Professionals who has:

(1) Board-recognized national certification in substance abuse counseling obtained by standards substantially equivalent to those set forth in this chapter; and or

(2) Two years experience as a Virginia board certified substance abuse counselor.

2. Supervisors shall assume responsibility for the professional activities of the prospective applicants under their supervision.

3. Supervisors shall not provide supervision for activities for which prospective applicants have not had appropriate education.

4. Supervisors shall provide supervision only for those substance abuse counseling services which they are qualified to render.

85. At the time of formal application for certification, the board approved supervisor shall document the applicant's total hours of supervision, length of work experience, competence in substance abuse counseling and any needs for

additional supervision or training;

~~96~~. Supervision by any individual whose relationship to the supervisee compromises the objectivity of the supervisor is prohibited; and

~~107~~. The applicant shall keep the board's contracting agent informed of his current supervisor's license or certificate number, business address, and phone number. The board's contracting agent shall be informed within 30 days of any changes in the applicant's supervision.

18 VAC 115-30-70. Documentation of supervision.

Applicants must document successful completion of their supervised experience on ~~appropriate forms~~ the Verification of Supervision Form at the time of application. Supervised experience obtained prior to ~~May 8, 1991~~ (insert effective date of this chapter) may be accepted toward certification if this supervised experience met the board's requirements which were in effect at the time the supervision was rendered.

18 VAC 115-30-80. ~~Character and professional integrity.~~(Repealed)

~~If the applicant has been under treatment for substance abuse within the last four~~

~~years, the applicant shall provide a written statement from the certified or licensed individual responsible for the treatment. The written statement shall address the capability of the applicant to assume the responsibilities of a certified substance abuse counselor.~~

PART III.
EXAMINATIONS.

18 VAC 115-30-90. General examination requirements.

A. Every applicant for certification as a substance abuse counselor by examination shall ~~take pass~~ a written examination approved by the board, ~~and achieve a passing score as defined by the board.~~ The board shall determine the passing score on the examination.

B. Every applicant for licensure by endorsement shall have passed an examination deemed by the board to be substantially equivalent to the Virginia examination.

~~B. A written examination will be given at least once each year. The board may schedule such additional examinations as it deems necessary.~~

~~C.~~ C. The contracting agent shall notify all applicants in writing of the time and place of

the examination for which they have been approved to sit.

~~2D.~~ The contracting agent will notify all applicants in writing of their success or failure on any examination.

18 VAC 115-30-100. ~~Written examination.~~ (Repealed)

~~The written examination shall consist of objective, multiple choice, or essay questions.~~

PART IV.

RENEWAL AND REINSTATEMENT.

18 VAC 115-30-110. Biennial renewal of certificate.

A. Every certificate issued by the board shall expire on June 30 of each odd-numbered year.

B. Along with the renewal application, the certified substance abuse counselor shall

submit the renewal fee prescribed in 18 VAC 115-30-30.

2C. Certified individuals shall notify the board of change of address within 60 days.

Failure to receive a renewal notice and application forms shall not excuse the certified substance abuse counselor from the renewal requirement.

18 VAC 115-30-120. Reinstatement.

A. A person whose certificate has expired may renew it within four years after its expiration date by paying the penalty fee prescribed in 18 VAC 115-30-30 and the certification fee prescribed for each biennium the certificate was not renewed.

B. A person who fails to renew a certificate for four years or more shall reapply according to the requirements set forth in 18 VAC 115-30-40 or 18 VAC 115-30-45.

~~1. Pay the late renewal fee prescribed in 18 VAC 115-30-30 and the certification fee prescribed for each biennium the certificate was not renewed;~~

~~2. Provide evidence satisfactory to the board of current ability to practice as evidenced by:~~

~~a. Continuous practice of substance abuse counseling during the preceding two years and completion of 20 hours of continuing education in substance abuse counseling per year for the preceding two years; or~~

~~b. Completing at least 40 hours of substance abuse education in the preceding 12 months.~~

18 VAC 115-30-130. ~~Legal name change.~~ (Repealed)

~~A certified substance abuse counselor whose name is changed by marriage or court order may:~~

~~1. Notify the board of such change and provide a copy of the legal paper documenting the change;~~

~~2. Pay the "name change" fee prescribed in 18 VAC 115-30-30; and~~

~~3. Request and obtain from the board a new certificate bearing the individual's new legal name and pay the fee prescribed in 18 VAC 115-30-30.~~

PART V.

STANDARDS OF PRACTICE; DISCIPLINARY ACTIONS; REINSTATEMENT.

18 VAC 115-30-140. Standards of practice.

~~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.~~

~~1. A certified substance abuse counselor is employed to deliver substance abuse counseling in a state approved public or private facility.~~

~~2. In every instance there shall be an identifiable individual or authority that is appropriately credentialed to provide supervision.~~

~~B~~ A. Persons certified by the board shall:

1. Practice in a manner that ~~is in the best interest of the public and~~ does not endanger the public health, safety, or welfare;

2. Be able to justify all services rendered to clients as necessary for diagnostic or

therapeutic purposes;

3. Practice only within the competency area for which they are qualified by training or experience;

4. Report to the board known or suspected violations of the laws and regulations governing the practice of certified substance abuse counselors;

5. Neither accept nor give commissions, rebates, or other forms of remuneration for referral of clients for professional services;

~~6. Keep confidential their counseling relationships with clients, except: (i) when the client is a danger to self or others; and (ii) when the counselor is under court order to disclose information;~~

~~7~~6. Disclose client records to others only ~~with written consent of the client; and~~ in accordance with state and federal statutes and regulations including, but not limited to Code of Virginia §§ 32.1-127.1:03 (Patient Health Records Privacy Act); 54.1-2400.1 (Mental Health Service Providers; Duty to Protect Third Parties; Immunity) and 2.1-342(B)(3); (Virginia Freedom of Information Act); and United States Code 42 U.S.C. 290dd-2 (Confidentiality of Drug and Alcohol Treatment Records) and Code of Federal Regulations 42 C.F.R., Part 2, (Alcohol and Drug Abuse Patient Records and Regulations).

87. Not engage in dual relationships with clients, former clients, supervisees and supervisors that are harmful to the client's, former client's, or supervisee's well being, or which would impair the substance abuse counselor's or supervisor's objectivity and professional judgment, or increase the risk of client or supervisee exploitation. This prohibition includes, but is not limited to, such activities as counseling close friends, former sexual partners, employees or relatives; or engaging in ~~sexual intimacies~~ business relationships with clients, ~~supervisees, or supervisors~~.

Engaging in sexual intimacies with current clients or supervisees is strictly prohibited. For at least five years after cessation or termination of professional services, certified substance abuse counselors shall not engage in sexual intimacies with a client or those included in collateral therapeutic services. Since sexual or romantic relationships are potentially exploitative, certified substance abuse counselors shall bear the burden of demonstrating that there has been no exploitation. A client's consent to , initiation of or participation in sexual behavior or involvement with a certified substance abuse counselor does not change the nature of the conduct nor lift the regulatory prohibition.

8. Recognize conflicts of interest and inform all parties of obligations,

responsibilities and loyalties to third parties

18 VAC 115-30-150. Grounds for revocation, suspension, probation, reprimand, censure or denial of renewal of certificate; petition for rehearing.

A. In accordance with § 54.1-2400(7) of the Code of Virginia, the board may revoke, suspend or decline to renew a certificate based upon the following conduct;

1. Conviction of a felony or of a misdemeanor involving moral turpitude, or violation of or aid to another in violating any provision of Chapter 35 of Title 54.1 of the Code of Virginia, any other statute applicable to the practice of substance abuse counseling, or any provision of this chapter.

2. Procuring a certificate by fraud or misrepresentation;

3. Conducting one's practice in such a manner so as to make it a danger to the health and welfare of one's clients or to the public; or if one is unable to practice substance abuse counseling with reasonable skill and safety to clients by reason of illness, abusive use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition;

4. Negligence in professional conduct or nonconformance with the standards of practice outlined in 18 VAC 115-30-140 of this chapter;

5. Performance of functions outside the board-certified area of competency;

~~6. Violation of or aid to another in violating any provision of Chapter 35 of Title 54.1 of the Code of Virginia, any other statute applicable to the practice of the profession regulated, or any provision of this chapter.~~

B. Petition for rehearing. A petition may be made to the board for a rehearing upon good cause shown or as a result of substantial new evidence having been obtained which would alter the determination reached in subsection A of this section.

18 VAC 115-30-160. Reinstatement following disciplinary action.

A. Any person whose certificate has been revoked or denied renewal by the board under the provisions of 18 VAC 115-30-150 of this chapter ~~must~~ may, two years subsequent to such board action, submit a new application for certification.

B. The board in its discretion may, after a hearing, grant the reinstatement sought in subsection A of this section.

~~C. The applicant for such reinstatement, if approved, shall be certified upon payment of the appropriate fees applicable at the time of reinstatement.~~