



**Regulatory
Town Hall**

Proposed Regulation Agency Background Document

Agency Name:	Board of Counseling, Department of Health Professions
VAC Chapter Number:	18 VAC 115-30-10 et seq.
Regulation Title:	Regulations Governing the Certification of Substance Abuse Counselors
Action Title:	Certification requirements for counselors and assistants
Date:	August 7, 2002

This information is required pursuant to the Administrative Process Act (§ 9-6.14:9.1 *et seq.* of the *Code of Virginia*), Executive Order Twenty-Five (98), Executive Order Fifty-Eight (99), and the *Virginia Register Form, Style and Procedure Manual*. Please refer to these sources for more information and other materials required to be submitted in the regulatory review package.

Summary

Please provide a brief summary of the proposed new regulation, proposed amendments to an existing regulation, or the regulation proposed to be repealed. There is no need to state each provision or amendment or restate the purpose and intent of the regulation; instead give a summary of the regulatory action and alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

Amendments to regulations are proposed in order for the Board of Counseling to comply with House Bill 2095 (Chapter 460 of the 2001 Acts of the Assembly to promulgate regulations for certification of substance abuse counselors and assistants). Two new sections of the Code of Virginia (§§ 54.1-3507.1 and 54.1-3507.2) require the Board to establish in regulation a specific number of hours of substance abuse education and supervised experience for both levels of certification. The new regulations must also provide for a certification of examination.

Basis

Please identify the state and/or federal source of legal authority to promulgate the regulation. The discussion of this statutory authority should: 1) describe its scope and the extent to which it is mandatory or discretionary; and 2) include a brief statement relating the content of the statutory authority to the specific regulation. In addition, where applicable, please describe the extent to which proposed changes exceed federal minimum requirements. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided. Please state that the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the proposed regulation and that it comports with applicable state and/or federal law.

18 VAC 115-30-10 et seq. Regulations Governing the Certification of Substance Abuse Counselors were promulgated under the General authority of Title 54.1 of the Code of Virginia.

Chapter 24 establishes the general powers and duties of health regulatory boards including the responsibility to promulgate regulations, levy fees, administer a licensure and renewal program, and discipline regulated professionals.

§ 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.*
- 4. To establish schedules for renewals of registration, certification and licensure.*
- 5. To levy and collect fees for application processing, examination, registration, certification or licensure and renewal that are sufficient to cover all expenses for the administration and operation of the Department of Health Professions, the Board of Health Professions and the health regulatory boards.*
- 6. To promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 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.*
- 7. To revoke, suspend, restrict, or refuse to issue or renew a registration, certificate or license which such board has authority to issue for causes enumerated in applicable law and regulations.*

8. *To appoint designees from their membership or immediate staff to coordinate with the Intervention Program Committee and to implement, as is necessary, the provisions of Chapter 25.1 (§ [54.1-2515](#) et seq.) of this title. Each health regulatory board shall appoint one such designee.*
9. *To take appropriate disciplinary action for violations of applicable law and regulations.*
10. *To appoint a special conference committee, composed of not less than two members of a health regulatory board, to act in accordance with § [2.2-4019](#) upon receipt of information that a practitioner of the appropriate board may be subject to disciplinary action. The special conference committee may (i) exonerate the practitioner; (ii) reinstate the practitioner; (iii) place the practitioner on probation with such terms as it may deem appropriate; (iv) reprimand the practitioner; (v) modify a previous order; and (vi) impose a monetary penalty pursuant to § [54.1-2401](#). The order of the special conference committee shall become final thirty days after service of the order unless a written request to the board for a hearing is received within such time. If service of the decision to a party is accomplished by mail, three days shall be added to the thirty-day period. Upon receiving a timely written request for a hearing, the board or a panel of the board shall then proceed with a hearing as provided in § [2.2-4020](#), and the action of the committee shall be vacated. This subdivision shall not be construed to affect the authority or procedures of the Boards of Medicine and Nursing pursuant to §§ [54.1-2919](#) and [54.1-3010](#).*
11. *To convene, at their discretion, a panel consisting of at least five board members or, if a quorum of the board is less than five members, consisting of a quorum of the members to conduct formal proceedings pursuant to § [2.2-4020](#), decide the case, and issue a final agency case decision. Any decision rendered by majority vote of such panel shall have the same effect as if made by the full board and shall be subject to court review in accordance with the Administrative Process Act. No member who participates in an informal proceeding conducted in accordance with § [2.2-4019](#) shall serve on a panel conducting formal proceedings pursuant to § [2.2-4020](#) to consider the same matter.*
12. *To issue inactive licenses or certificates and promulgate regulations to carry out such purpose. Such regulations shall include, but not be limited to, the qualifications, renewal fees, and conditions for reactivation of licenses or certificates.*

The specific statutory authority for the Board to certify substance abuse counselors and substance abuse counseling assistants is found in § 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.*

The full text of House Bill 2095 (Chapter 460 of the 2001 Acts of the Assembly) may be accessed at <http://leg1.state.va.us/cgi-bin/legp504.exe?011+ful+CHAP0460>.

Purpose

Please provide a statement explaining the need for the new or amended regulation. This statement must include the rationale or justification of the proposed regulatory action and detail the specific reasons it is essential to protect the health, safety or welfare of citizens. A statement of a general nature is not acceptable, particular rationales must be explicitly discussed. Please include a discussion of the goals of the proposal and the problems the proposal is intended to solve.

The Board of Counseling is charged with issuing certificates and regulating the practice of substance abuse counselors. As the regulating agency, the Board has the duty to protect the public by establishing qualifications and requirements for certification that are necessary to ensure the competence and integrity of certificate holders and by taking disciplinary action for violations of applicable law and regulations. Regulations are the mechanisms by which the Board sets forth qualifications and requirements for certification, and standards of professional conduct that provide the basis for disciplinary action. The Board considers the deficiencies the regulations are intended to address, and utilizes professional expertise, review of requirements of other states and national associations, historical information and public comment to determine optimal requirements that will insure competency of its certificate holders and protect the public health, safety and welfare.

The Board has determined that the regulations are generally clear and easily understandable, however, it must comply with House Bill 2095 (Chapter 460 of the 2001 Acts of the Assembly) to promulgate regulations for certification of substance abuse counselors with a bachelor's degree level of education and substance abuse counseling assistants with a high school or GED degree level of education.

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. Please note that a more detailed discussion is required under the statement providing detail of the regulatory action's changes.

Chapter 460 of the 2001 Acts specifically sets forth the scope of practice of a certified substance abuse counselor and a certified substance abuse counseling assistant and provides the requirement for supervision of their practice. The Board is required, however, to promulgate regulations to establish adequate education, experience and examination requirements to ensure competency of practitioners and protect the public.

For each of the two levels of certification, the law is specific about the degree requirement: 1) § 54.1-3507.1 states that a certified substance abuse counselor (CSAC) must have a bachelor's degree from a college or university accredited by an accrediting agency recognized by the Board; and 2) § 54.1-3507.2 specifies that a certified substance abuse counseling assistant must have received a high school diploma or its equivalent.

The new substantive provisions as well as the changes to existing sections primarily reflect the addition of a second tier certification level for substance abuse counselors. The new substance provisions are necessary for the creation of the certified substance abuse counseling assistant

certification. Language is needed and has been proposed to provide for the prerequisites for certification, and educational requirements for certified substance abuse counseling assistants.

Additionally, existing sections must also be changed to include requirements for substance abuse counseling assistants in sections on examination, renewal of certification, and standards of practice.

Issues

Please provide a statement identifying the issues associated with the proposed regulatory action. The term "issues" means: 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 include a sentence to that effect.

1) The primary advantages and disadvantages to the public, such as individual private citizens or business, of implementing the new or amended provisions:

The primary advantage of the new provisions is that qualified individuals who have spent many years in the substance abuse treatment field but who find the attainment of 400 clock hours of training unfeasible now have an avenue to obtain certification.

The primary disadvantage of the new provisions is that the creation of a two-tiered level of certification will result in an increase in the requirements for certification as a substance abuse counselor. A bachelor's degree will now be required for certification as a substance abuse counselor. Additionally, certification as a substance abuse counselor or a substance abuse counseling assistant does not allow for independent practice, activities of these professionals are limited to certain activities under the supervision of a licensed substance abuse counselor and certified substance abuse counselor respectively.

2) The primary advantages and disadvantages to the agency or the Commonwealth:

There are no discernable advantages or disadvantages to the agency of the Commonwealth. The fee structure set in regulation is intended to ensure that costs related to specific activities are borne by the applicants or certificate holders. Agencies of the Commonwealth that offer substance abuse services may benefit from having additional certified providers who have more specific training for their job.

3) Other pertinent matters of interest to the regulated community, government officials, and the public:

Many substance abuse facilities (government and non-profit entities) are exempt from licensure requirements. However, some require certification or licensure of staff. It is expected that these new provisions will have little or no advantageous or disadvantageous effects on these entities.

Fiscal Impact

Please identify the anticipated fiscal impacts and at a minimum include: (a) the projected cost to the state to implement and enforce the proposed regulation, including (i) fund source / fund detail, (ii) budget activity with a cross-reference to program and subprogram, and (iii) a delineation of one-time versus on-going expenditures; (b) the projected cost of the regulation on localities; (c) a description of the individuals, businesses or other entities that are likely to be affected by the regulation; (d) the agency's best estimate of the number of such entities that will be affected; and e) the projected cost of the regulation for affected individuals, businesses, or other entities.

Estimated Impact of the Regulations

A. Projected cost to the state to implement and enforce:

(i) Fund source: As a special fund agency, the Board of Counseling must generate sufficient revenue to cover its expenditures from non-general funds, specifically the renewal and application fees it charges to practitioners for necessary functions of regulation.

(ii) Budget activity by program or subprogram: There is no change required in the budget of the Commonwealth as a result of this program.

(iii) One-time versus ongoing expenditures: The agency will incur some costs (less than \$1000) for mailings to the Public Participation Guidelines Mailing List, conducting a public hearing, and sending copies of final regulations to regulated entities.

B. Projected cost on localities:

Employees of many governmental agencies are exempted by law from the certification requirements set out in these regulations. Agencies may elect to pay the licensure application and examination fees for qualified certified substance abuse counselors on their staff. However, this would depend on the policy of individual agencies and is not a requirement of the Board of Counseling or its regulations.

C. Description of entities that is likely to be affected by regulation:

The entities that are likely to be affected by this regulation would include prospective certified substance abuse counselors and certified substance abuse counseling assistants. In each level of certification, the number who would qualify would depend on formal educational experience and educational hours in the mental health field. Prospective CSAC applicants would now be required to possess a bachelor's degree. Applicants for CSACA would only need a high school diploma or GED.

A certified substance abuse counselor shall be (i) qualified to perform, under appropriate supervision or direction, the substance abuse treatment functions of screening, intake, orientation, the administration of substance abuse assessment instruments, recovery and relapse prevention planning, substance abuse treatment, case management, substance abuse or dependence crisis intervention, client education, referral activities, record keeping, and consultation with other professionals; (ii) qualified to be responsible for client care of persons with a primary diagnosis of substance abuse or dependence; and (iii) qualified to supervise,

direct and instruct certified substance abuse counseling assistants. Certified substance abuse counselors shall not engage in independent or autonomous practice.

A certified substance abuse counseling assistant shall be qualified to perform, under appropriate supervision or direction, the substance abuse treatment functions of orientation, implementation of substance abuse treatment plans, case management, substance abuse or dependence crisis intervention, record keeping, and consultation with other professionals. Certified substance abuse counseling assistants may participate in recovery group discussions, but shall not engage in counseling with either individuals or groups or engage in independent or autonomous practice.

D. Estimate of number of entities to be affected:

The Department has no information on the number who may seek certification as a CSAC or a CSACA under this proposal. Since the certification is not required to work in publicly supported mental health settings, it is believed to be low.

E. Projected cost of the regulation for affected individuals.

The cost of initial licensure by examination would be \$40 for both substance abuse counselors and counseling assistants; thereafter, the annual renewal fee would be \$50 for counselors and \$40 for counseling assistants. In the case of substance abuse counselors those costs may be borne by the individual applicant or may be underwritten by an employer who wants to have counselors licensed for reimbursement purposes. Substance abuse counselors do not have to be licensed unless they choose to practice in a private setting.

The proposed education requirement of a bachelors degree for certification as a substance abuse counselor will result in future applicants obtaining said degree. The proposed amendments do not require nor specify an area of study for the degree. The board believes that this flexibility will allow for many options in obtaining the bachelor's degree. This will however increase the costs for a person seeking certification as a CSAC. The State Council of Higher Education for Virginia (SCHEV) estimates that it costs \$4,222 per year on average to pursue a bachelor's degree at one of the 15 four-year colleges and universities in the Commonwealth. This figure only includes tuition and mandatory fees, it does not include costs for books, lab fees, room and board, as well as any incidental that may occur or be required. Therefore, based on it taking a person four years to complete the degree it can be expected that the cost would be somewhere around \$16,888 at a minimum.

Costs associated with obtaining certification, as a CSACA would be slightly less than the current cost of obtaining certification as a CSAC. Because certain specific educational and training requirements necessary for CSAC practice have either not been included or have been included to a lesser extent for CSACA's, the costs associated with obtaining the certification will be less that for the CSAC. Currently, the average cost for taking courses necessary for certification as a CSAC is approximately \$3,500. This amount was estimated using graduate courses at William and Mary as the basis for the required coursework. The costs were found to be \$175 per credit hour.

Detail of Changes

Please detail any changes, other than strictly editorial changes, that are being proposed. Please detail new substantive provisions, all substantive changes to existing sections, or both where appropriate. This statement should provide a section-by-section description - or crosswalk - of changes implemented by the proposed regulatory action. Where applicable, include citations to the specific sections of an existing regulation being amended and explain the consequences of the proposed changes.

CHAPTER 30.

REGULATIONS GOVERNING THE CERTIFICATION OF SUBSTANCE ABUSE COUNSELORS AND SUBSTANCE ABUSE COUNSELOR ASSISTANTS.

PART I. GENERAL PROVISIONS.

18 VAC 115-30-10. Definitions.

Amendments are recommended to provide definitions for the proposed certified substance abuse counseling assistant, as well as definitions for substance abuse treatment related terms. It is also proposed to provide a definition for “endorsement” for the purpose of consistency with other professions regulated by the Board. Reference to these terms and definitions in other sections of the regulations will also be amended.

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

Amendments are proposed to provide fees that consistent with the “Principles for Fee Development” approved for all regulations within the Department. Fees for initial certification and renewal for certified substance abuse counseling assistants have been proposed. These fees are consistent with similar professions regulated under the Board.

18 VAC 115-30-40. Prerequisites for certification by examination for substance abuse counselors.

Amendments are proposed to apply the requirements of this section only to substance abuse counselors. Additional amendments include: a) deletion of “high school diploma or general education development certificate” requirement and addition of “bachelor’s degree”, as set out by legislation; and b) changing “licensure” in subsection 2g to “certification”, to reflect the current level of licensure.

18 VAC 115-30-45. Prerequisites for certification by endorsement for substance abuse counselors.

Amendments are proposed to apply the requirements of this section only to substance abuse counselors. Amendments are proposed for consistency with other professions regulated by this board that allow for the determination of substantially equivalent examination and licensure.

18 VAC 115-30-50. Educational requirements for substance abuse counselors.

Amendments are proposed to apply the requirements of this section only to substance abuse counselors. Additional amendments include: a) deletion of “high school diploma or general education development certificate” requirement and addition of “bachelor’s degree”, as set out by legislation; b) a change in subsection A.2.b to clarify “acceptable” to the board versus “approved” by the board; c) recommendation to redistribute the 220 hours spent in receiving didactic training from 10 clock hours in six areas to 10 clock hours in eight areas. Only “crisis intervention” was added to increase these requirements to eight, “professional identity” was separated out from a previously existing section; and d) recommendation that requires each applicant to have at least 20 hours in “substance abuse counseling treatment planning and substance abuse research”, and “group counseling.”

18 VAC 115-30-60. Experience requirements for substance abuse counselors.

Amendments are proposed to apply the requirements of this section only to substance abuse counselors. In subsection B.3 the board recommends adding language to require that applicants must document successful completion of their supervised experience on the Verification of Supervision Form at the time of application. Supervised experience obtained prior to January 19, 2000, may be accepted toward certification if this supervised experience met the board's requirements that were in effect at the time the supervision was rendered. The board recommends the following amendments to subsection: a) specify “clinical” as the type of supervisor in C.1; b) add “licensed marriage and family therapist” to list of acceptable licenses necessary for supervision in C.1.a; and c) update the name of the board in C.1.c.

18 VAC 115-30-61. Prerequisites for certification by examination for substance abuse counseling assistants.

Language must be added to provide for the prerequisites for certification by examination for substance abuse counseling assistants. The board was directed by the General Assembly (§54.1- 3507.2) to create the CSACA certification. Language in §54.1 – 3507.2 specifies, “the applicant shall also pass an examination, as required by the Board.”

18 VAC 115-30-62. Educational requirements for substance abuse counseling assistants.

Language must be added to provide for the educational requirements for substance abuse counseling assistants. The board was directed by the General Assembly (§54.1- 3507.2) to create the CSACA certification. The Code sets out three criteria that must be met in order to gain certification thru examination. They are (i) high diploma or GED; (ii) completion of a specific number of hours of didactic training; and (iii) accumulation of a specific number of hours of experience and completed a practicum. In regard to item (ii) the board is proposing 120 hours be spent receiving didactic training in substance abuse counseling in a minimum of 10

clock hours in eight specified areas. And in regard to item (iii), the board proposes 180 hour of experience performing tasks with substance abuse clients while under supervision.

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

The Board recommends repealing this section and moving the requirements to subsection 18 VAC 115-30-60.B.3 (Experience requirements for substance abuse counselors) in that the language only applies to substance abuse counselors.

18 VAC 115-30-90. General examination requirements for substance abuse counselors and substance abuse counseling assistants.

Amendments are proposed specifying the terms “substance abuse counselors” and “substance abuse counseling assistants”.

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

Amendment proposed to add “substance abuse counseling assistant” in section “B”.

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

Amendments are proposed to add “certified substance abuse counseling assistants” where necessary to be included in this section.

Alternatives

Please describe the specific alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action.

Didactic Training

The Board considered several alternatives for didactic training in substance abuse. Its current requirement of 220 hours for substance abuse counselors is below the training standard for the national Certified Addictions Counselor credential (300 hours required by the Virginia affiliate, the Substance Abuse Counselor Alliance of Virginia). For the general counseling training, the Board considered requiring a three semester-hour course in each area of human behavior and ethics, but rejected this alternative due to the prevalence of non-academic training for substance abuse counselors in these areas.

The Board proposes that the six substance abuse core areas in the current regulation be amended to eight areas to ensure coverage of the federal (TAP 21) substance abuse competencies. The areas of competency and knowledge will be similar to those required for

the certified assistant with fewer hours' required and less emphasis on assessment, appraisal and diagnosis. For the substance abuse-specific didactic training hours, the Board had considered a range of hours up to 30 hours per area, but selected 10 as a reasonable number of training hours in each area, which would keep the total hours close to the standard recognized by most other states.

Experience Requirement:

The Board considered establishing competency areas within the hour supervised experience requirement, and rescinding the 180-hour practicum requirement. The Board has developed competency areas for the residency for substance abuse treatment practitioner licensure based on the new knowledge, skill and abilities, and proposes the same areas of competency for certification of CSAC's. Similar competencies are necessary for the certified assistant, but since their scope of practice is narrower, there is less emphasis on clinical evaluation and treatment planning. Also, the Board proposes that half of the required hours be in direct contact with substance abuse clients, in conformance with the rules in its other chapters. The Board proposes to include a provision in the regulations to allow for acceptance of college internships toward the supervised experience requirement for those seeking to be certified as substance abuse counselors.

Endorsement Requirement:

In the development of proposed regulations, the Board considered various alternatives and mechanisms for facilitating endorsement of certification from other jurisdictions. In that current regulations provided for various levels of verifications, the Board considered making no changes. However, the Board discovered while language provided for verification of certain documentation there was no guidance on how the Board would utilize this information. The Board proposes to include language specifying that it will "determine whether any or all other professional licenses or certificates held in another jurisdiction are substantially equivalent to those sought by applicant seeking licensure or certification as CSAC's and CSACA's." This language is intended to add clarity to the endorsement process as well as provide consistency in regulatory language with other professions regulated by this Board. "Substantially equivalent" is intended to refer to broad similarities between licenses and certifications in different jurisdictions. Using an examination as an example, "substantially equivalent" would mean that the certificate held in another jurisdiction was obtained by taking an examination just as in Virginia. The Board will not require nor ask to see the actual examination, but it does reserve the right to ask the nature of the instrument.

Examination requirement:

In the development of proposed regulations, the Board considered various alternatives for the appropriate examination of CSAC's and CSACA's. The vendor for the current CSAC has found that costs are exceeding revenue, so the Board considered options such as seeking a new vendor, relying on the examination of the NAADAC: the Association for Addiction Professionals, or utilizing the accreditation and examination services of the Substance Abuse Certification

Alliance of Virginia. The latter two options are specifically mentioned in the amended powers and duties of the Board in § 54.1-3505 of the Code of Virginia. And finally, the board also considered utilizing a jurisprudence or board created examination that could possibly be in the form of a take home examination.

A new examination is required for the assistant-level certification. The primary expense will be associated with the development and administration of an examination; exam development is expected to cost at least \$50,000 for a job analysis, psychometrician, etc. It will be difficult to find a contractor to administer an examination for so few applicants (estimated to be less than 10 per year). Only about 6% of those who are currently certified hold just a high school or GED degree, so it is possible that only a small number of persons are likely to seek certification at the “assistant” level in the future. With high costs relative to such small numbers of applicants, it is likely that fees for the examination could be prohibitively expensive – approximately \$1,100 to \$1,400 per applicant for the vendor to recover costs.

Therefore, the Board proposes a certification examination offered by the national credentialing body for the CSAC. Quite possibly, NAADAC, at a potential cost that would be considerably less than the cost of examination development. (Testimony during consideration of HB2095 indicated that the NAADAC examination could be administered in Virginia for as little as \$65 per candidate.) The Board will consider the validity of the NAADAC examination and any other testing or credentialing options as may be available. For the CSACA the board proposes the creation of an in-house examination created by the board. Said examination would be devised to test the applicants jurisprudence knowledge as well as knowledge gained from didactic training, and internship.

Public Comment

Please summarize all public comment received during the NOIRA comment period and provide the agency response.

The Board noticed and solicited public comment for the period of October 22, 2001 through November 21, 2001. During that period the board received no public comment concerning these regulatory changes.

Additionally, the Board also noticed a public hearing that was held on December 7, 2001, 10:00 a.m. at the agency’s office, 6606 West Broad Street, Richmond Virginia. No one appeared to give public comment concerning the regulatory changes.

Clarity of the Regulation

Please provide a statement indicating that the agency, through examination of the regulation and relevant public comments, has determined that the regulation is clearly written and easily understandable by the individuals and entities affected.

The Board has made every effort to ensure that the changes are clearly written and easily understood by the licensees who will be affected by the changes. The Assistant Attorney General who provides counsel to the Board of Counseling has been involved during the development and adoption of proposed regulations to ensure clarity and compliance with law

and regulation. Since the regulations were drafted with input from all interested parties, the Board is satisfied that the regulation is clearly written and will be easily understandable by the individuals affected.

Periodic Review

Please supply a schedule setting forth when the agency will initiate a review and re-evaluation to determine if the regulation should be continued, amended, or terminated. The specific and measurable regulatory goals should be outlined with this schedule. The review shall take place no later than three years after the proposed regulation is expected to be effective.

The proposed amendments to these regulations will be reviewed following publication in the Register and the 60-day public comment period. If there are any oral or written comments received, the Board will consider revisions to the proposal prior to adoption of final regulations.

Public Participation Guidelines of the Board require a thorough review of regulations each biennium. Therefore, the Board will review this regulation in 2004-05 and will recommend amendments as necessary.

In addition, the Board receives public comment at each of its meetings and will consider any request for amendments. Petitions for rule-making also receive a response from the Board during the mandatory 180 days in accordance with its Public Participation Guidelines.

Family Impact Statement

Please provide an analysis of the proposed regulatory action that assesses the potential impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

Drug and alcohol addiction are diseases that invariably will negatively impact everyone within the family unit. Spousal and child abuse and neglect, criminal activity and financial ruin are problems frequently associated with substance abuse. The effects of physical and emotional abuse on children have been reported extensively, and it is generally accepted that abuse increases the likelihood that a child will one day become an abusive parent, building on a chain of abuse passed down from one generation to the next.

Individuals who receive the education and training in substance abuse that is required for certification are more likely to be successful in counseling the abuser or assisting him in his recovery. To the extent the Board provides regulations that assume minimal competency of practitioners working with persons who have substance abuse problems, the proposed action may strengthen the authority and rights of parents, encourage economic self-sufficiency, strengthen the marital commitment or increase disposable family income.