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## Final Regulation Agency Background Document

<b>Agency name</b>	Board of Psychology
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	18VAC125-20
<b>VAC Chapter title(s)</b>	Regulations Governing the Practice of Psychology
<b>Action title</b>	Implementation of the Psychology Interstate Compact
<b>Date this document prepared</b>	June 28, 2022

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1VAC7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

### Brief Summary

*Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.*

[Chapter 1162](#) of the 2020 Acts of Assembly mandated Virginia's membership in the Psychology Interjurisdictional Compact. The legislation required the Board to promulgate emergency regulations to be effective within 280 days of enactment. This is the adoption of final regulations to replace the emergency regulations initially promulgated. This regulatory action adds definitions consistent with the Compact and revises the standards of practice and grounds for disciplinary action to ensure that persons practicing with an E.Passport or temporary authorization in Virginia through the compact are properly regulated for public safety.

### Acronyms and Definitions

*Define all acronyms used in this form, and any technical terms that are not also defined in the "Definitions" section of the regulation.*

N/A

### Statement of Final Agency Action

*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 June 28, 2022, the Board of Psychology adopted final changes to the Regulations Governing the Practice of Psychology to implement the Compact.

### Mandate and Impetus

*List all changes to the information reported on the Agency Background Document submitted for the previous stage regarding the mandate for this regulatory change, and any other impetus that specifically prompted its initiation. If there are no changes to previously reported information, include a specific statement to that effect.*

[Chapter 1162](#) of the 2020 Acts of Assembly mandated Virginia’s membership in the Psychology Interjurisdictional Compact. That legislation required the Board to promulgate emergency regulations. The final regulations adopted by the Board are identical to the emergency regulations and will replace those emergency regulations.

### Legal Basis

*Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia and Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency’s overall regulatory authority.*

Regulations of the Board of Social Work are promulgated under the general authority of Chapter 24 of Title 54.1 of the Code of Virginia. Virginia Code § 54.1-2400(6) specifically states that the general powers and duties of health regulatory boards shall be “[t]o promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) that are reasonable and necessary to administer effectively the regulatory system.”

The Compact is created by Virginia Code § 54.1-3606.2.

### Purpose

*Explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety or welfare of citizens, and (3) the goals of the regulatory change and the problems it’s intended to solve.*

The amendments to sections 150 and 160 are essential to ensure that psychologists clinically practicing on patients or clients in Virginia under the Compact are accountable for the same standards of care as

psychologists who hold a Virginia license. Otherwise, psychological services for Virginia citizens by persons practicing through the Compact would potentially be harmful to their health, safety, or welfare.

### Substance

*Briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the "Detail of Changes" section below.*

The amendments add definitions consistent with the Compact and revise the standards of practice and the grounds for disciplinary action to ensure that persons practicing with an E.Passport or temporary authorization to practice in Virginia through the Compact are held to the same standards as Virginia licensees to protect the health and safety of patients.

### Issues

*Identify the issues associated with the regulatory change, 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, include a specific statement to that effect.*

- 1) The primary advantages to the public is the assurance that psychologists practicing in Virginia through the Compact will be held to the same standards of conduct as Virginia licensees. There are no disadvantages to the public.
- 2) There are no primary advantages or disadvantages to the agency or the Commonwealth.
- 3) The Director of the Department of Health Professions has reviewed the proposal and performed a competitive impact analysis. Any restraint on competition as a result of promulgating these regulations is a foreseeable, inherent, and ordinary result of the statutory obligation of the Board to protect the safety and health of citizens of the Commonwealth and to promulgate regulations consistent with participation in the Compact. The Board is authorized under § 54.1-2400 "[t]o 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." The promulgated regulations do not conflict with the purpose or intent of Chapters 1 or 25 of Title 54.1.

### Requirements More Restrictive than Federal

*List all changes to the information reported on the Agency Background Document submitted for the previous stage regarding any requirement of the regulatory change which is more restrictive than applicable federal requirements. If there are no changes to previously reported information, include a specific statement to that effect.*

There are no applicable federal requirements.

### Agencies, Localities, and Other Entities Particularly Affected

List all changes to the information reported on the Agency Background Document submitted for the previous stage regarding any other state agencies, localities, or other entities that are particularly affected by the regulatory change. If there are no changes to previously reported information, include a specific statement to that effect.

Other State Agencies Particularly Affected – none

Localities Particularly Affected – none

Other Entities Particularly Affected – none

**Public Comment**

Summarize all comments received during the public comment period following the publication of the previous stage, and provide the agency response. Include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. If no comment was received, enter a specific statement to that effect.

The proposed regulations were published in the Virginia Register on January 3, 2022. The comment period was open from that date until March 4, 2022, with a public hearing held on February 17, 2022. The Board received no public comments via Town Hall, the public hearing, or directly.

**Detail of Changes Made Since the Previous Stage**

List all changes made to the text since the previous stage was published in the Virginia Register of Regulations and the rationale for the changes. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. \* Put an asterisk next to any substantive changes.

There have been no changes made since the previous stage.

**Detail of All Changes Proposed in this Regulatory Action**

List all changes proposed in this action and the rationale for the changes. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. \* Put an asterisk next to any substantive changes.

Current chapter-section number	New chapter-section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of updated requirements
20-10		No requirements; this section consists of definitions.	Words and terms used in Virginia Code § 54.1-3606.2, which implements the Compact, are included in the definitions for the chapter.

20-150		Sets out the standards of practice for the profession of psychology.	Subsection B is amended to clearly state that persons who are practicing in Virginia with an E.Passport or an "IPC" (temporary authorization for in-person practice) are held to the same standards and those practitioners with a Virginia license.
20-160		Provides the grounds for disciplinary action or denial of licensure.	As with Section 150, the amendment will clearly state the Board's authority to take disciplinary action against someone with an E.Passport or IPC under the Compact for any of the stated causes.