



Virginia Department of  
**Health Professions**  
Board of Psychology

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Agenda  
Regulatory Committee  
May 7, 2019  
1:00 p.m – Board Room 4

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**Call to Order** – James Werth, Jr., Ph.D., ABPP, LCP, Chair

- Welcome and Introduction
  - Emergency Evacuation Instructions
  - Adoption of Agenda
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**Public Comment**

*The Board will receive public comment related to agenda items at this time. The Board will not receive comment on any pending regulation process for which a public comment period has closed or any pending or closed complaint or disciplinary matter.*

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**Approval of Minutes**

- Regulatory Committee - October 30, 2017\*
  - Regulatory Committee - February 5, 2018\*
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**Unfinished Business**

- Status Update: Joint Guidance Document on Assessment Titles and Signatures
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**New Business**

- Adoption of Proposed Regulations\*
- 

**Next Meeting – July 9, 2018**

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**Adjournment**

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This information is in DRAFT form and is subject to change. The public body will approve the official agenda and packet at the meeting and, the official agenda will be available to the public pursuant to Virginia Code Section 2.2-3708(D).

\*Requires vote of the Committee.

**Meeting Minutes**  
**October 30, 2017**

**VIRGINIA BOARD OF PSYCHOLOGY  
REGULATORY COMMITTEE  
MEETING MINUTES  
October 30, 2017**

**TIME AND PLACE:** The Regulatory Committee of the Virginia Board of Psychology ("Board") convened for a meeting on Monday, October 30, 2017, at the Department of Health Professions (DHP), 9960 Mayland Drive, 2<sup>nd</sup> Floor, Board Room 1, Henrico, Virginia 23233.

**PRESIDING OFFICER:** James Werth, Ph.D., ABPP, Regulatory Committee Chair

**MEMBERS PRESENT:** J.D. Ball, Ph.D., ABPP  
Herbert Stewart, Ph.D.  
Susan Brown Wallace, Ph.D.  
Jennifer Little, Citizen Member

**MEMBERS ABSENT:** None

**STAFF PRESENT:** Jaime Hoyle, JD, Executive Director  
Jennifer Lang, Deputy Executive Director  
Elaine Yeatts, DHP Senior Policy Analyst  
Deborah Harris, Licensing Manager

**OTHERS PRESENT:** Jennifer Grogan

**CALL TO ORDER:** Dr. Werth, Chair, called the meeting to order at 10:03 a.m. and read the emergency evacuation instructions.

Board members and staff introduced themselves. With all members of the Committee present, a quorum was established.

**ADOPTION OF AGENDA:** The agenda was accepted with the change to the placement of J. Grogan's letter for discussion.

**PUBLIC COMMENT:** No public comment was presented.

**APPROVAL OF MINUTES:** A motion was made by Ms. Little to approve the minutes from the May 15, 2017 committee meeting. The motion was seconded and carried.

A motion was made by Dr. Ball to approve the minutes from the August 14, 2017 committee meeting. The motion was seconded and carried.

**NEW BUSINESS:**

The Committee discussed the letter Dr. Werth received from Ms. Grogan requesting clarification of two topics discussed at the August 15, 2017 Board meeting:

- the statement regarding accreditation for doctoral programs that may exclude other "equivalent accreditors" and,
- the proposed change to the legislative regulation on Continuing Education that would require two hours of continuing education to be in a specific subject area.

**UNFINISHED BUSINESS:**

**Notice of Intended Regulatory Action**

Ms. Yeatts reported that the NOIRA was at the Governors' office awaiting his approval.

**Joint Guidance Document on Assessment Titles and Signatures**

Ms. Hoyle stated that she presented the Board's Draft of the Joint Guidance Document on Assessment Titles and Signatures to the Social Work Regulatory Committee, and they expressed questions and concerns about the document. They will report to the full Board of Social Work in February. She added that she will present the document to the Regulatory Committee of the Board of Counseling at their meeting this upcoming Thursday, November 2, 2017.

**PSYPACT**

Ms. Hoyle requested more guidance on the next step for the PSYPACT. The Committee asked that Ms. Hoyle write a letter to the Board's stakeholders, which include the Virginia Academy of Clinical Psychologists, The Virginia Academy of School Psychologists, and the Virginia Academy of Applied and Academic Psychologists. The letter should indicate that the Board is looking at PSYPACT and would like stakeholders to review PSYPACT in anticipation of an April meeting with members of the Board, to discuss their opinions and determine whether there is support to move forward.

**Telepsychology Guidance document**

The Committee discussed the components of what should be regulated when providing services electronically. Dr. Werth researched many other jurisdictions, compiled information into a table, and drafted a document for review. This information was discussed during the meeting. Dr. Werth requested the Committee members send him additional information regarding this topic to discuss further during a Spring meeting.

**ADJOURNMENT:**

With all business concluded, the meeting was adjourned at 3:46 p.m.

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James Werth, Ph.D., ABPP, Chair

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Date

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Jaime Hoyle, J.D., Executive Director

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Date

**Meeting Minutes**  
**February 5, 2018**

**VIRGINIA BOARD OF PSYCHOLOGY  
REGULATORY WORKGROUP  
DRAFT MEETING MINUTES  
February 5, 2018**

**TIME AND PLACE:** The Regulatory Committee of the Virginia Board of Psychology ("Board") did not convene for a meeting on Monday, February 5, 2018, at the Department of Health Professions (DHP), 9960 Mayland Drive, 2<sup>nd</sup> Floor, Board Room 4, Henrico, Virginia 23233. There were not enough members present to establish a quorum.

**Therefore, this meeting turned into a Regulatory Workgroup meeting.**

**PRESIDING OFFICER:** James Werth, Ph.D., ABPP, Regulatory Committee Chair

**MEMBERS PRESENT:** J.D. Ball, Ph.D., ABPP via phone (not counted towards quorum)  
Herbert Stewart, Ph.D., Board Chair

**MEMBERS ABSENT:** Susan Brown Wallace  
Jen Little

**STAFF PRESENT:** Jaime Hoyle, JD, Executive Director  
Jennifer Lang, Deputy Executive Director  
Elaine Yeatts, DHP Senior Policy Analyst  
Deborah Harris, Licensing Manager

**OTHERS PRESENT:** Lawrence Sutton, Virginia Association of School Psychologists (VASP);  
Williams Mullins Law Group representative

**CALL TO ORDER:** Dr. Werth, Chair, called the meeting to order at 1:15 p.m. and read the emergency evacuation instructions.

Board members and staff introduced themselves.

**UNFINISHED BUSINESS:** **Joint Guidance Document on Assessment Titles and Signatures**  
Ms. Hoyle stated that she presented the Board's Draft of the Joint Guidance Document on Assessment Titles and Signatures to the Social Work Regulatory Committee, and they decided to opt out of adopting the Joint Guidance document. She added that she would present the document to the Regulatory Committee of the Board of Counseling at their meeting on Thursday, February 8, 2018.

**Psychology Interjurisdictional Compact (PSYPACT)**

Ms. Hoyle wrote a letter to the Board's stakeholders, which include the Virginia Academy of Clinical Psychologists, The Virginia Academy of School Psychologists, and the Virginia Academy of Applied and Academic Psychologists. The letter indicated that the Board is looking at PSYPACT and would like stakeholders to review PSYPACT and meet with the Board in the spring. Ms. Hoyle stated that she hoped to schedule the stakeholder meeting on the same date as the Board's regulatory committee meeting on May 7, 2018. Alex Siegel from the Association of State and Provincial Psychology Boards will present on PSYPACT at the VACP Spring Conference in Roanoke.

**Telepsychology Guidance document**

The Committee will discuss the Telepsychology Guidance document at future meetings, after the Committee completes the periodic review.

**Notice of Intent Regulatory Action**

The group made suggestions for recommendations to the periodic review.

**ADJOURNMENT:**

The meeting adjourned at 4:30 p.m.

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James Werth, Ph.D., ABPP, Chair

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Date

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Jaime Hoyle, J.D., Executive Director

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Date



# Proposed Regulations

Project 5213 - NOIRA

BOARD OF PSYCHOLOGY

Periodic review amendments

Part I

General Provisions

18VAC125-20-10. Definitions.

The following words and terms, in addition to the words and terms defined in § 54.1-3600 of the Code of Virginia, when used in this chapter shall have the following meanings, unless the context clearly indicates otherwise:

"APA" means the American Psychological Association.

"APPIC" means the Association of Psychology Postdoctoral and Internship Centers.

"Board" means the Virginia Board of Psychology.

"CAEP" means Council for the Accreditation of Educator Preparation.

"CPA" means Canadian Psychological Association.

"Candidate for licensure" means a person who has satisfactorily completed the appropriate educational and experience requirements for licensure ~~and has been deemed eligible by the board to sit for the required examinations.~~

"Client" refers to (a) the client/patient recipient of services as explicitly determined and stated in an advance agreement between the psychologist, client, and any third party payer/participant – ~~at the~~ child, adolescent, adult, older adult, family, or client/patient group; (b) ~~an~~ the organization, community, or other larger population receiving consultative psychological services; ~~(c) legal guardian; and (d) in some instances when the payer for psychological~~

Commented [JW1]: April 25: Do we want to keep this if we are not changing section 80 on examinations, given the new comments from staff?

Commented [JW2]: April 25: Elaine, Jaime, and Jenn recommend deleting the entire definition so that we are not limiting ourselves in the language in the rest of the document.

services differs from the recipient of psychological services, the "client" may also refer to the payer for services.

"Demonstrable areas of competence" means those therapeutic and assessment methods and techniques, for theand populations served, for which one can document adequate graduate training, workshops, or appropriate supervised experience.

"Face-to-face" means in-person.

"Intern" means an individual who is enrolled in a professional psychology program internship.

"Internship" means an ongoing, supervised and organized practical experience obtained in an integrated training program identified as a psychology internship. Other supervised experience or on-the-job training does not constitute an internship.

"NASP" means the National Association of School Psychologists.

"NCATE" means the National Council for the Accreditation of Teacher Education.

"Practicum" means the pre-internship clinical experience that is part of a graduate educational program.

"Practicum Student" means an individual who is enrolled in a professional psychology program who is receiving pre-internship training by seeing clients.

"Professional psychology program" means an integrated program of doctoral study in clinical or counseling psychology or a master's degree or higher program in school psychology designed to train professional psychologists to deliver services in psychology.

"Regional accrediting agency" means one of the six regional accrediting agencies recognized by the United States Secretary of Education established to accredit senior institutions of higher education.

"Residency" means a post-internship, post-terminal degree, supervised experience approved by the board.

"Resident" means an individual who has received a doctoral degree in a clinical or counseling psychology program or a master's degree or higher in school psychology and is completing a Board-approved residency.

"School psychologist-limited" means a person licensed pursuant to § 54.1-3606 of the Code of Virginia to provide school psychology services solely in public school divisions.

"Supervision" means the ongoing training process performed by a supervisor who assumes primary responsibility for client care; monitors the performance of the person supervised; and provides regular, documented individual consultation, guidance, and instruction with respect to the skills and competencies of the person supervised.

"Supervisor" means an individual who assumes full responsibility for the education and training activities of a person and provides the supervision required by such a person clinical trainee in the supervisor's setting, while assuming primary responsibility for the supervisee's clients' care.

Commented [TW3]: Review and simplify clinical trainee and don't use "responsibility" twice. Appropriate amount of supervision to level needed by amount of service and training time.

**18VAC125-20-30. Fees required by the board.**

A. The board has established fees for the following:

	Applied psychologists, Clinical psychologists, School psychologists	School psychologists-limited
1. Registration of residency (per residency request)	\$50	--
2. Add or change supervisor	\$25	--
3. Application processing and initial licensure	\$200	\$85
4. Annual renewal of active license	\$140	\$70
5. Annual renewal of inactive license	\$70	\$35

6. Late renewal	\$50	\$25
7. Verification of license to another jurisdiction	\$25	\$25
8. Duplicate license	\$5	\$5
9. Additional or replacement wall certificate	\$15	\$15
10. Returned check	\$35	\$35
11. Reinstatement of a lapsed an expired license	\$270	\$125
12. Reinstatement following revocation or suspension	\$500	\$500

B. Fees shall be made payable to the Treasurer of Virginia and forwarded to the board. All fees are nonrefundable.

~~C. Between April 30, 2016, and June 30, 2016, the following renewal fees shall be in effect:~~

- ~~1. For an active license as a clinical, applied, or school psychologist, it shall be \$84. For an inactive license as a clinical, applied, or school psychologist, it shall be \$42.~~
- ~~2. For an active license as a school psychologist limited, it shall be \$42. For an inactive license as a school psychologist limited, it shall be \$24.~~

**Commented [JW4]:** April 25: Elaine said that this is not part of the NOIRA so we will not address it.

**18VAC125-20-35. Change of name or address.**

A. Licensees or registrants shall notify the board office in writing within 60 days of (1) any legal name change, or (2) any change of address of record or of the public address, if different from the address of record.

**18VAC125-20-41. Requirements for licensure by examination.**

A. Every applicant for examination for licensure by the board shall:

1. Meet the education requirements prescribed in 18VAC125-20-54, 18VAC125-20-55, or 18VAC125-20-56 and the experience requirement prescribed in 18VAC125-20-65 as applicable for the particular license sought; and

**Commented [JW5]:** April 25: Make sure this is okay with the new changes to section 65.

2. Submit the following:

- a. A completed application on forms provided by the board;
- b. A completed residency agreement or documentation of having fulfilled the experience requirements of 18VAC125-20-65;
- c. The application processing fee prescribed by the board;
- d. Official transcripts documenting the graduate work completed and the degree awarded; transcripts previously submitted for registration of supervision do not have to be resubmitted unless additional coursework was subsequently obtained. Applicants who are graduates of institutions that are not regionally accredited shall submit documentation from an accrediting agency acceptable to the board that their education meets the requirements set forth in 18VAC125-20-54, 18VAC125-20-55 or 18VAC125-20-56;
- e. A current report from the National Practitioner Data Bank; and
- ef. Verification of any other health or mental health professional license or certificate ever held in another jurisdiction. The applicant shall not have surrendered a license or certificate while under investigation and shall have no unresolved action against a license or certificate.

Commented [JW6]: April 25: Make sure this is okay, given the changes to section 65.

B. In addition to fulfillment of the education and experience requirements, each applicant for licensure by examination must achieve a passing score on all parts of the Examination for Professional Practice of Psychology.

C. Every applicant shall attest to having read and agreed to comply with the current standards of practice and laws governing the practice of psychology in Virginia.

**18VAC125-20-42. Prerequisites for licensure by endorsement.**

Every applicant for licensure by endorsement shall submit:

1. A completed application;
2. The application processing fee prescribed by the board;
3. An attestation of having read and agreed to comply with the current Standards of Practice and laws governing the practice of psychology in Virginia;
4. Verification of all other health and mental health professional licenses or certificates ever held in any jurisdiction. In order to qualify for endorsement, the applicant shall not have surrendered a license or certificate while under investigation and shall have no unresolved action against a license or certificate;

5. Verification of a passing score on all parts of the Examination for the Professional Practice of Psychology that were required at the time of original licensure;

56. A current report from the National Practitioner Data Bank; and

67. Further documentation of one of the following:

- a. A current National Register of Health Service Psychologist Credential;~~A current listing in the National Register of Health Service Psychologists;~~
- b. Current diplomate status in good standing with the American Board of Professional Psychology in a category comparable to the one in which licensure is sought;
- c. A Certificate of Professional Qualification in Psychology (CPQ) issued by the Association of State and Provincial Psychology Boards;
- d. ~~Ten years of active~~ Active licensure in a category comparable to the one in which licensure is sought, ~~with an appropriate degree as required in this chapter documented~~

~~by an official transcript for at least 24 of the last 60 months immediately preceding licensure application;~~ or

e. If less than ~~40 years~~ 24 months of active licensure, documentation of current psychologist licensure in good standing obtained by standards substantially equivalent to the education, experience and examination requirements set forth in this chapter for the category in which licensure is sought 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 and official transcripts documenting the graduate work completed and the degree awarded in the category in which licensure is sought.

**18VAC125-20-43. Requirements for licensure as a school psychologist-limited.**

A. Every applicant for licensure as a school psychologist-limited shall submit to the board:

1. A copy of a current license issued by the Board of Education showing an endorsement in psychology.
2. An official transcript showing completion of a master's degree in psychology.
3. A completed Employment Verification Form of current employment by a school system under the Virginia Department of Education.
4. The application fee.

B. At the time of licensure renewal, school psychologists-limited shall be required to submit an updated Employment Verification Form if there has been a change in school district in which the licensee is currently employed.



**18VAC125-20-54. Education requirements for clinical psychologists.**

A. ~~The~~ ~~a~~Applicants ~~graduating after [seven years from the date of approval]~~ shall hold a doctorate from a professional psychology program in a regionally accredited university ~~that, at the time the applicant graduated,~~ was accredited by the APA, CPA, or other accrediting body acceptable to the board, in clinical or counseling psychology ~~within four years after the applicant graduated from the program,~~ or shall meet the requirements of subsection B of this section. Graduates of programs that are not within the United States or Canada must provide documentation from a credentialing service approved by the Board that provides information verifying that the program is substantially equivalent to an APA-accredited or CPA-accredited program.

B. If the applicant does not hold a doctorate from an APA accredited program, the applicant shall hold a doctorate from a professional psychology program which documents that it offers education and training which prepares individuals for the practice of clinical psychology as defined in § 54.1-3600 of the Code of Virginia and which meets the following criteria: After [seven years from the date of approval], all applicants must meet the criteria established in 18VAC125-20-54A above.

1. The program is within an institution of higher education accredited by an accrediting agency recognized by the United States Department of Education or publicly recognized by the Association of Universities and Colleges of Canada as a member in good standing. ~~Graduates of programs that are not within the United States or Canada must provide documentation from an acceptable credential evaluation service which provides information that allows the board to determine if the program meets the requirements set forth in this chapter.~~

2. The program shall be recognizable as an organized entity within the institution.

3. The program shall be an integrated, organized sequence of study with an identifiable psychology faculty and a psychologist directly responsible for the program, and shall have an identifiable body of students who are matriculated in that program for a degree. The faculty shall be accessible to students and provide them with guidance and supervision. The faculty shall provide appropriate professional role models and engage in actions that promote the student's acquisition of knowledge, skills and competencies consistent with the program's training goals.

4. The program shall encompass a minimum of three academic years of full-time graduate study or the equivalent thereof.

5. The program shall include a general core curriculum containing a minimum of three or more graduate semester hours or five or more graduate quarter hours in each of the following substantive content areas.

a. Biological bases of behavior (e.g., physiological psychology, comparative psychology, neuropsychology, sensation and perception, health psychology, pharmacology, neuroanatomy).

b. Cognitive-affective bases of behavior (e.g., learning theory, cognition, motivation, emotion).

c. Social bases of behavior (e.g., social psychology, group processes, organizational and systems theory, community and preventive psychology, multicultural issues).

d. Psychological measurement.

e. Research methodology.

f. Techniques of data analysis.

g. Professional standards and ethics.

6. The program shall include a minimum of at least three or more graduate semester credit hours or five or more graduate quarter hours in each of the following clinical psychology content areas:

- a. Individual differences in behavior (e.g., personality theory, cultural difference and diversity).
- b. Human development (e.g., child, adolescent, geriatric psychology).
- c. Dysfunctional behavior, abnormal behavior or psychopathology.
- d. Theories and methods of intellectual assessment and diagnosis.
- e. Theories and methods of personality assessment and diagnosis including its practical application.
- f. Effective interventions and evaluating the efficacy of interventions.

C. Applicants shall submit documentation of having successfully completed practicum experiences ~~involving assessment, and diagnosis, and psychological intervention, consultation and supervision.~~ The ~~practicapracticum~~ shall include a minimum of nine graduate semester hours or 15 or more graduate quarter hours or equivalent in appropriate settings to ensure a wide range of supervised training and educational experiences.

**Commented [JW7]:** April 25: Elaine suggested that we not use practice but stay with "practicum" and make associated words plural - here could be "practicum experiences" - because practicum is in the definition section.

D. Applicants shall graduate from an educational program in clinical or counseling psychology that includes appropriate emphasis and experience in the diagnosis and treatment of persons with moderate to severe mental disorders.

~~D. An applicant for a clinical license may fulfill the residency requirement of 1,500 hours, or some part thereof, as required for licensure in 18VAC125-20-65 B, in the pre-doctoral practicum supervised experience that meets the following standards:~~

~~1. The supervised experience shall be part of an organized sequence of training within the applicant's doctoral program, which meets the criteria specified in subsection A or B of this section.~~

~~2. The supervised experience shall include face to face direct client services, service-related activities, and supporting activities.~~

~~a. "Face to face direct client services" means treatment/intervention, assessment, and interviewing of clients.~~

~~b. "Service related activities" means scoring, reporting or treatment note writing, and consultation related to face to face direct services.~~

~~c. "Supporting activities" means time spent under supervision of face to face direct services and service related activities provided on site or in the trainee's academic department, as well as didactic experiences, such as laboratories or seminars, directly related to such services or activities.~~

~~3. In order for doctoral practicum hours to fulfill all or part of the residency requirement, the following shall apply:~~

~~a. Not less than one quarter of the hours shall be spent in providing face to face direct client services;~~

~~b. Not less than one half of the hours shall be in a combination of face to face direct service hours and hours spent in service related activities; and~~

~~c. The remainder of the hours may be spent in a combination of face to face direct services, service related activities, and supporting activities.~~

~~4. A minimum of one hour of individual face-to-face supervision shall be provided for every eight hours of supervised professional experience spent in direct client contact and service-related activities.~~

~~5. Two hours of group supervision with up to five practicum students may be substituted for one hour of individual supervision. In no case shall the hours of individual supervision be less than one-half of the total hours of supervision.~~

~~6. The hours of doctoral supervised experience reported by an applicant shall be certified by the program's director of clinical training on a form provided by the board.~~

**18VAC125-20-55. Education requirements for applied psychologists.**

A. The applicant shall hold a doctorate from a professional psychology program from a regionally accredited university ~~that~~which meets the following criteria:

1. The program is within an institution of higher education accredited by an accrediting agency recognized by the United States Department of Education, or publicly recognized by the Association of Universities and Colleges of Canada as a member in good standing. Graduates of programs that are not within the United States or Canada must provide documentation from a credential evaluation service acceptable to the board which demonstrates that the program meets the requirements set forth in this chapter.

2. The program shall be recognizable as an organized entity within the institution.

3. The program shall be an integrated, organized sequence of study with an identifiable psychology faculty and a psychologist directly responsible for the program, and shall have an identifiable body of students who are matriculated in that program for a degree. The faculty shall be accessible to students and provide them with guidance and supervision. The faculty shall provide appropriate professional role models and engage in actions that

promote the student's acquisition of knowledge, skills and competencies consistent with the program's training goals.

4. The program shall encompass a minimum of three academic years of full-time graduate study or the equivalent thereof.

5. The program shall include a general core curriculum containing a minimum of three or more graduate semester hours or five or more graduate quarter hours in each of the following substantive content areas.

a. Biological bases of behavior (e.g., physiological psychology, comparative psychology, neuropsychology, sensation and perception, health psychology, pharmacology, neuroanatomy).

b. Cognitive-affective bases of behavior (e.g., learning theory, cognition, motivation, emotion).

c. Social bases of behavior (e.g., social psychology, group processes, organizational and systems theory, community and preventive psychology, multicultural issues).

d. Psychological measurement.

e. Research methodology.

f. Techniques of data analysis.

g. Professional standards and ethics.

B. Demonstration of competence in applied psychology shall be met by including a minimum of at least 18 semester hours or 30 quarter hours in a concentrated program of study in an identified area of psychology, e.g., developmental, social, cognitive, motivation, applied behavioral analysis, industrial/organizational, human factors, personnel selection and evaluation, program planning and evaluation, teaching, research or consultation.

**18VAC125-20-56. Education requirements for school psychologists.**

A. The applicant shall hold at least a master's degree in school psychology, with a minimum of at least 60 semester credit hours or 90 quarter hours, from a college or university accredited by a regional accrediting agency, which, at the time the applicant graduated, was accredited by the APA, or the NCATE / CAEP, or was approved by NASP, or shall meet the requirements of subsection B of this section.

B. If the applicant does not hold at least a master's degree in school psychology from a program that, at the time the applicant graduated, was accredited by the APA, or the NCATE / CAEP, or was approved by NASP, the applicant shall have a master's degree from a psychology program which offers education and training to prepare individuals for the practice of school psychology as defined in § 54.1-3600 of the Code of Virginia and which meets the following criteria:

1. The program is within an institution of higher education accredited by an accrediting agency recognized by the United States Department of Education, or publicly recognized by the Association of Universities and Colleges of Canada as a member in good standing. Graduates of programs that are not within the United States or Canada must provide documentation from a credential evaluation service acceptable to the board which demonstrates that the program meets the requirements set forth in this chapter.
2. The program shall be recognizable as an organized entity within the institution.
3. The program shall be an integrated, organized sequence of study with an identifiable psychology faculty and a psychologist directly responsible for the program, and shall have an identifiable body of students who are matriculated in that program for a degree. The faculty shall be accessible to students and provide them with guidance and supervision. The faculty shall provide appropriate professional role models and engage in actions that

promote the student's acquisition of knowledge, skills and competencies consistent with the program's training goals.

4. The program shall encompass a minimum of two academic years of full-time graduate study or the equivalent thereof.

5. The program shall include a general core curriculum containing a minimum of three or more graduate semester hours or five or more graduate quarter hours in each of the following substantive content areas.

a. Psychological foundations (e.g., biological bases of behavior, human learning, social and cultural bases of behavior, child and adolescent development, individual differences).

b. Educational foundations (e.g., instructional design, organization and operation of schools).

c. Interventions/problem-solving (e.g., assessment, direct interventions, both individual and group, indirect interventions).

d. Statistics and research methodologies (e.g., research and evaluation methods, statistics, measurement).

e. Professional school psychology (e.g., history and foundations of school psychology, legal and ethical issues, professional issues and standards, alternative models for the delivery of school psychological services, emergent technologies, roles and functions of the school psychologist).

6. The program shall be committed to practicum experiences which shall include:

a. Orientation to the educational process;

b. Assessment for intervention;



c. Direct intervention, including counseling and behavior management; and

d. Indirect intervention, including consultation.

**18VAC125-20-65. Supervised experience.**

**A. Internship requirement.**

1. Candidates for clinical psychologist licensure shall have successfully completed an internship ~~in a program~~ that is either accredited by APA or the CPA, or is a member of APPIC, ~~or the Association of State and Provincial Psychology Boards/National Register of Health Service Psychologists, or one that meets equivalent standards.~~ If the internship was obtained in an educational program outside of the U. S. or Canada, a credentialing service approved by the board shall verify equivalency to an internship in an APA accredited program.

2. Candidates for school psychologist licensure shall have successfully completed an internship in a program accredited by the APA or NCATE / CAEP, or approved by NASP, ~~or is a member of APPIC one that meets equivalent standards.~~

**B. Residency requirement.**

~~1. Candidates for clinical or school psychologist licensure shall have successfully completed a residency consisting of a minimum of 1,500 hours in a period of not less than 12 months and not to exceed three years of supervised experience in the delivery of clinical or school psychology services acceptable to the board, or the applicant may request approval to begin a residency.~~

~~2. Supervised experience obtained in Virginia without prior written board approval will not be accepted toward licensure. Candidates shall not begin the residency until after completion of the required degree as set forth in 18VAC125-20-54 or 18VAC125-20-56. An individual who proposes to obtain supervised post-degree experience in Virginia shall,~~

**Commented [JW8]:** April 25: Jaime, Elaine, and Jenn recommend moving the internship pieces to the education requirements for clinical and school.

**Commented [JW9]:** April 25: Jaime, Elaine, and Jenn recommend having this section be the only one under Supervised Experience and only using 'residency' to refer to the post-graduate period.  
GREEN highlights indicate where changes would be made.

~~prior to the onset of such supervision, submit a supervisory contract along with the application package and pay the registration of supervision fee set forth in 18VAC125-20-30.~~

~~3. If board approval was required for supervised experience obtained in another U.S. jurisdiction or Canada in which residency hours were obtained, a candidate shall provide evidence of board approval from such jurisdiction.~~

~~3.4. There shall be a minimum of two hours of individual supervision per week 40 hours of supervised experience. Group supervision of up to five residents may be substituted for one of the two hours per week on the basis that two hours of group supervision equals one hour of individual supervision, but in no case shall the resident receive less than one hour of individual supervision per week 40 hours.~~

~~4.5. Residents may not refer to or identify themselves as applied psychologists, clinical psychologists, or school psychologists; independently solicit clients; bill for services; or in any way represent themselves as licensed psychologists. Notwithstanding the above, this does not preclude supervisors or employing institutions for billing for the services of an appropriately identified resident. During the residency period they shall use their names, the initials of their degree, and the title, "Resident in Psychology," in the licensure category in which licensure is sought.~~

~~5.6. Supervision shall be provided by a psychologist licensed to practice in the licensure category in which the resident is seeking licensure.~~

~~6.7. The supervisor shall not provide supervision for activities beyond the supervisor's demonstrable areas of competence, nor for activities for which the applicant has not had appropriate education and training.~~

~~7.8. At the end of the residency training period, the supervisor or supervisors shall submit to the board a written evaluation of the applicant's performance.~~

~~8.9. The board may consider special requests in the event that the regulations create an undue burden in regard to geography or disability that limits the resident's access to qualified supervisors.~~

1. Candidates for clinical or school psychologist licensure shall have successfully completed a ~~practicum~~ consisting of a minimum of 1,500 hours of supervised experience in the delivery of clinical or school psychology services acceptable to the Board. For clinical psychology candidates, the ~~practicum~~ may be completed during the doctoral program or after receipt of the doctoral degree, as specified in 18VAC125-20-65B2 below. School psychologist candidates must complete the ~~practicum~~ requirement after receipt of their final school psychology degree.

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2. An applicant for clinical license may fulfill the ~~practicum~~ requirements of 1,500 hours, or some part thereof, from within the supervised doctoral ~~practicum~~ experience that meets the following standards:

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a. The supervised experience shall be part of an organized sequence of training within the applicant's doctoral program, which meets the criteria specified in 18VAC125-20-54.

b. The supervised experience shall include face-to-face direct client services, service-related activities, and supporting activities.

i. "Face-to-face direct client services" means treatment/intervention, assessment, and interviewing of clients.

ii. "Service-related activities" means scoring, reporting or treatment note writing, and consultation related to face-to-face direct services.

- iii. "Supporting activities" means time spent under supervision of face-to-face direct services and service-related activities provided on-site or in the trainee's academic department, as well as didactic experiences, such as laboratories or seminars, directly related to such services or activities.
- c. In order for doctoral practica hours to fulfill all or part of the [REDACTED] requirement, the following shall apply:
  - i. Not less than one-quarter of the hours shall be spent in providing face-to-face direct client services;
  - ii. Not less than one-half of the hours shall be in a combination of face-to-face direct service hours and hours spent in service-related activities; and
  - iii. The remainder of the hours may be spent in a combination of face-to-face direct services, service-related activities, and supporting activities.
- d. A minimum of one hour of individual face-to-face supervision shall be provided for every eight hours of supervised professional experience spent in direct client contact and service-related activities.
- e. Two hours of group supervision with up to five practicum students may be substituted for one hour of individual supervision. In no case shall the hours of individual supervision be less than one-half of the total hours of supervision.
- f. The hours of doctoral supervised experience reported by an applicant shall be certified by the program's director of clinical training on a form provided by the board.
- g. If the supervised experience hours completed in a practica series do not total 1,500 hours or if a candidate is deficient in any of the categories of hours, a candidate [REDACTED] fulfill the remainder of the hours by meeting requirements specified in 18VAC125-20-65B3 below.

**Commented [JW11]:** April 25. I think singular "practicum" would work here

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**Commented [JW12]:** April 25: Elaine said to check on the use of "may" versus "sha" -- I will highlight the uses of "may" that might need to be revised in BLUE highlights

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3. Applicants who propose to receive some or all of their [REDACTED] hours after completion of their graduate psychology degree must adhere to the following post-degree residency supervision requirements.

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- a. An individual who proposes to obtain post-degree residency supervision in Virginia shall, prior to the onset of such supervision:
  - i. Register with the Board the proposed supervision experience and supervisor, on board approved forms in advance of this supervision in order to have the supervision accepted toward licensure; and register any changes to the supervisor or supervised experience or location with the Board on Board approved forms immediately with their occurrence;
  - ii. Pay the registration fee set forth in 18VAC125-20-30; and,
  - iii. Have submitted an official transcript documenting the required degree as set forth in 18VAC125-20-54 or 18VAC125-20-56.
- b. Supervised experience shall be acquired in 12-36 consecutive months.
- c. An individual who does not complete the supervision requirement after 36 consecutive months of supervised experience may request an extension of up to 12 months. The request for an extension shall include evidence that demonstrates extenuating circumstances that prevented completion of the supervised experience within 36 months.
- d. If board approval was required for supervised experience obtained in another U.S. jurisdiction or Canada in which residency hours were obtained, a candidate shall provide evidence of board approval from such jurisdiction.
- e. There shall be a minimum of two hours of individual supervision per 40 hours of supervised experience. Group supervision of up to five residents may be substituted for one of the two hours on the basis that two hours of group

supervision equals one hour of individual supervision, but in no case shall the resident receive less than one hour of individual supervision per 40 hours.

- f. The Board-registered supervising psychologist shall keep records of supervision performed and shall regularly review and co-sign case notes written by the supervised resident during the residency period.
- g. Residents ████ not refer to or identify themselves as applied psychologists, clinical psychologists, or school psychologists; independently solicit clients; bill directly for services; or in any way represent themselves as licensed psychologists. Notwithstanding the above, ~~this does not preclude supervisors or employing institutions are not precluded~~ (except, in some instances, by third party payers) for billing for the services of an appropriately identified resident who is registered with the board consistent with these regulations. During the residency period they shall use their names, the initials of their degree, and the title "Resident in Applied Psychology," or "Resident in Clinical Psychology," or "Resident in School Psychology," depending on the licensure category in which licensure is sought.
- h. Supervision shall be provided by a psychologist licensed to practice in Virginia within the licensure category in which the resident is seeking licensure.
- i. The supervisor shall not provide supervision for activities beyond the supervisor's demonstrable areas of competence, nor for activities for which the applicant has not had appropriate education and training.
- j. At the end of the residency training period, the supervisor or supervisors shall submit to the board a written evaluation of the applicant's performance.
- k. The board may consider special requests in the event that the regulations create an undue burden in regard to geography, disability, and/or access to client records that limit the resident's access to qualified supervisors.

Commented [JW14]: April 25: Elaine said to delete reference to applied psychologists in this section because they do not do residencies.

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~~C. For a clinical psychologist license, a candidate may submit evidence of having met the supervised experience requirements in a pre-doctoral doctoral practicum as specified in 18VAC125-20-54 D in substitution for all or part of the 1,500 residency hours specified in this section. If the supervised experience hours completed in a practicum do not total 1,500 hours or if a candidate is deficient in any of the categories of hours, a person candidate may fulfill the remainder of the hours by meeting requirements specified in subsection B of this section.~~

DC. Candidates for clinical psychologist licensure shall provide documentation that the ~~\_\_\_\_\_~~ included appropriate emphasis and experience in the diagnosis and treatment of persons with moderate to severe mental disorders hours were completed no more than four years prior to submission of an application for licensure.

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### Part III

#### Examinations

##### 18VAC125-20-80. General examination requirements.

~~A. "Eligibility to sit for the national examination may be amended to allow an applicant who completed residency requirements in a practicum series as part of the educational program is also eligible to take part 1 of the exam, once the two-part process is implemented." An applicant for clinical or school psychologist licensure enrolled in an approved ~~\_\_\_\_\_~~ training program required in 18VAC125-20-65 who has met all requirements for licensure except completion of that program shall be eligible to take the national written examination.~~

~~B. A candidate approved by the board to sit for an examination shall take that achieve a passing score on the final step part of the national examination within two years of the date of the initial board approval immediately preceding application for licensure. A candidate may request an extension of the two limitation for extenuating circumstances. If the candidate has not taken~~

**Commented [JW16]:** April 25. Jaime, Elaine, and Jenn recommend not changing this overall section because it is too hard to take theoretical changes that may happen in the future into account. Once any changes go into effect, a NOIRA can be done at that time. For now, though, to cover ourselves, we can change reference to 'all parts of the exam' or similar language.

A. An applicant for clinical or school psychologist licensure enrolled in an approved ~~\_\_\_\_\_~~ training program required in 18VAC125-20-65 who has met all requirements for licensure except completion of that program shall be eligible to take all parts of the national written examination.

B. A candidate approved by the Board to sit for an examination shall take the final part of that examination within two years of the date of the initial board approval. A candidate may request an extension of the two-limitation for extenuating circumstances. If the candidate has not taken the examination by the end of the two-year period here prescribed, the applicant shall reapply according to the requirements of the regulations in effect at that time.

C. The Board shall establish passing scores on the examination.

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~~the examination by the end of the two-year period here prescribed, the applicant shall reapply according to the requirements of the regulations in effect at that time.~~

~~A. With proof from a program director of enrollment/matriculation within a qualifying professional psychology program and/or an including-internship program, from a program director, an applicant may take Part 1 of the required national examination (EPPP) at any time during these graduate studies or internship.~~

~~B. Candidates shall achieve a passing score on all parts of the national examination and shall achieve a passing score on the final part of the national examination within two years immediately preceding application for license. A candidate may request an extension of the two-year limitation for extenuating circumstances. If the candidate has not taken the examination by the end of the two-year period here prescribed, the applicant shall reapply according to the requirements of Board regulation in effect at that time.~~

Commented [JW18]: April 25: See previous comment.

C. The board shall establish passing scores on all parts of the examination.

#### Part V

##### Licensure Renewal; Reinstatement

##### 18VAC125-20-120. Annual renewal of licensure.

Every license issued by the board shall expire each year on June 30.

1. Every licensee who intends to continue to practice shall, on or before the expiration date of the license, submit to the board a license renewal form supplied by the board and the renewal fee prescribed in 18VAC125-20-30.
2. Licensees who wish to maintain an active license shall pay the appropriate fee and verify on the renewal form compliance with the continuing education requirements prescribed in 18VAC125-20-121. First-time licensees by examination are not required to verify continuing education on the first renewal date following initial licensure.



3. A licensee who wishes to place his license in inactive status ~~may~~ do so upon payment of the fee prescribed in 18VAC125-20-30. A person with an inactive license is not authorized to practice. ~~no person shall practice psychology in Virginia unless he holds a current active license.~~ An inactive licensee ~~may~~ activate his license by fulfilling the reactivation requirements set forth in 18VAC125-20-130.

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~~4. Licensees shall notify the board office in writing of any change of address of record or of the public address, if different from the address of record.~~

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4. A licensee who has failed to pay the required renewal fee and meet the renewal requirements will be considered to have an expired license.

5. No person shall practice psychology in Virginia without a current active license.

56. Failure of a licensee to receive a renewal notice and application forms from the board shall not excuse the licensee from the renewal requirement.

**18VAC125-20-121. Continuing education course requirements for renewal of an active license.**

A. Licensees shall be required to have completed a minimum of 14 hours of board-approved continuing education courses each year for annual licensure renewal. A minimum of 1.5 of these hours shall be in courses that emphasize the ethics, laws, and regulations governing the profession of psychology, including the standards of practice set out in 18VAC125-20-150. A licensee who completes continuing education hours in excess of the 14 hours may carry up to seven hours of continuing education credit forward to meet the requirements for the next annual renewal cycle.

B. For the purpose of this section, "course" means an organized program of study, classroom experience or similar educational experience that is directly related to the practice of psychology

and is provided by a board-approved provider that meets the criteria specified in 18VAC125-20-122.

1. At least six of the required hours shall be earned in face-to-face or real-time interactive educational experiences. Real-time interactive shall include a course in which the learner has the opportunity to interact with the presenter ~~and participants~~ during the time of the presentation.

2. The board may approve up to four hours per renewal cycle for each of the following specific educational experiences ~~to include~~:

a. Preparation for and presentation of a continuing education program, seminar, workshop, or academic course offered by an approved provider and directly related to the practice of psychology. Hours ~~may~~ only be credited one time, regardless of the number of times the presentation is given, and ~~may~~ not be credited toward the face-to-face requirement.

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b. Publication of an article or book in a recognized publication directly related to the practice of psychology. Hours ~~may~~ only be credited one time, regardless of the number of times the writing is published, and ~~may~~ not be credited toward the face-to-face requirement.

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c. Serving at least six months as Editor or Associate Editor of a national or international, professional, peer-reviewed journal directly related to the practice of psychology.

3. Ten hours will be accepted for one or more three-credit hour academic courses completed at a regionally accredited institution of higher education that is directly related to the practice of psychology.

~~34.~~ The board may approve up to two hours per renewal cycle for membership on a state licensing board in psychology.

C. Courses must be directly related to the scope of practice in the category of licensure held. Continuing education courses for clinical psychologists shall emphasize, but not be limited to, the diagnosis, treatment and care of patients with moderate and severe mental disorders.

D. The board may grant an extension for good cause of up to one year for the completion of continuing education requirements upon written request from the licensee prior to the renewal date. Such extension shall not relieve the licensee of the continuing education requirement.

E. The board may grant an exemption for all or part of the continuing education requirements for one renewal cycle due to circumstances determined by the board to be beyond the control of the licensee.

F. Up to two of the 14 continuing education hours required for renewal may be satisfied through delivery of psychological services, without compensation, to low-income individuals receiving mental health services through a local health department or a free clinic organized in whole or primarily for the delivery of those health services as verified by the department or clinic. Three hours of volunteer service is required for one hour of continuing education credit.

**18VAC125-20-122. Continuing education providers.**

A. The following organizations, associations or institutions are approved by the board to provide continuing education:

1. Any psychological association recognized by the profession or providers approved by such an association.
2. Any association or organization of mental health, health or psychoeducational providers recognized by the profession or providers approved by such an association or organization.

~~3. Any association or organization providing courses related to forensic psychology recognized by the profession or providers approved by such an association or organization.~~

~~4. Any regionally accredited institution of higher learning. A maximum of 14 hours will be accepted for each academic course directly related to the practice of psychology.~~

~~5.4. Any governmental agency or facility that offers mental health, health or psychoeducational services.~~

~~6.5. Any licensed hospital or facility that offers mental health, health or psychoeducational services.~~

~~7.6. Any association or organization that has been approved as a continuing ~~competency~~ education provider by a psychology board in another state or jurisdiction.~~

B. Continuing education providers approved under subsection A of this section shall:

1. Maintain documentation of the course titles and objectives and of licensee attendance and completion of courses for a period of four years.

2. Monitor attendance at classroom or similar face-to-face educational experiences.

3. Provide a certificate of completion for licensees who successfully complete a course.

The certificate shall indicate the number of continuing education hours for the course and shall indicate the number of hours that may be designated as ethics, if any.

**18VAC125-20-123. Documenting compliance with continuing education requirements.**

A. All licensees in active status are required to maintain original documentation for a period of four years.

B. After the end of each renewal period, the board may conduct a random audit of licensees to verify compliance with the requirement for that renewal period.

C. Upon request, a licensee shall provide documentation as follows:

1. Official transcripts showing credit hours earned from an accredited institution; or
2. Certificates of completion from approved providers.

D. Compliance with continuing education requirements, including the maintenance of records and the relevance of the courses to the category of licensure, is the responsibility of the licensee. The board may request additional information if such compliance is not clear from the transcripts or certificates.

E. Continuing education hours required by disciplinary order shall not be used to satisfy renewal requirements.

**18VAC125-20-130. Late renewal; reinstatement; reactivation.**

A. A person whose license has expired may renew it within one year after its expiration date by paying the ~~penalty late~~ fee prescribed in 18VAC125-20-30 and the license renewal fee for the year the license was not renewed and by completing the continuing education requirements specified in 18VAC125-20-121 for the year that the license was not renewed.

B. A person whose license has not been renewed for one year or more and who wishes to resume practice shall:

1. Present evidence to the board of having met all applicable continuing education requirements equal to the number of years the license has lapsed been expired, not to exceed four years;
2. Pay the reinstatement fee as prescribed in 18VAC125-20-30; and
3. Submit verification of any professional certification or licensure obtained in any other jurisdiction subsequent to the initial application for licensure.

C. A psychologist wishing to reactivate an inactive license shall submit the renewal fee for active licensure minus any fee already paid for inactive licensure renewal, and document completion of continued ~~competency~~ education hours equal to the number of years the license has been inactive, not to exceed four years.

#### Part VI

Standards of Practice; Unprofessional Conduct; Disciplinary Actions; Reinstatement

#### **18VAC125-20-150. 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. Psychologists respect the rights, dignity and worth of all people, and are mindful of individual differences. Regardless of the delivery method (e.g., in person, using technology), these standards shall apply to the practice of psychology.

B. Persons licensed by the board shall:

1. Provide and supervise only those services and use only those techniques for which they are qualified by appropriate education, training, and ~~appropriate~~ experience;

~~2. Delegate to their employees, supervisees, residents and research assistants~~ persons under their supervision only those responsibilities such persons can be expected to perform competently by education, training and experience. ~~Take ongoing steps to maintain competence in the skills they use;~~

~~3. Maintain current competency in the areas of practice, through continuing education, consultation, and/or other procedures, consistent with current standards of scientific and professional knowledge;~~

~~2.4. When making public statements regarding~~ Accurately represent their areas of competence, education, training, experience, professional affiliations, credentials,

published findings, ~~directory listings, curriculum vitae, etc.~~, to ensure that such statements are neither fraudulent nor misleading;

~~3.5.~~ Neither accept nor give commissions, rebates or other forms of remuneration for referral of clients for professional services. Make appropriate consultations and referrals consistent with the law and based on the interest of patients or clients;

~~4.6.~~ Refrain from undertaking any activity in which their personal problems are likely to lead to inadequate or harmful services;

~~5.7.~~ Avoid harming, exploiting, misusing influence, or misleading patients or clients, research participants, students and others for whom ~~they provide professional services are provided~~, and minimize harm when it is foreseeable and unavoidable. ~~Not exploit or mislead people for whom they provide professional services. Be alert to and guard against misuse of influence;~~

~~6.~~ Avoid dual relationships with patients, clients, residents or supervisees that could impair professional judgment or compromise their well-being (to include but not limited to treatment of close friends, relatives, employees);

~~7.8.~~ WAvoid, withdraw from, adjust, or clarify conflicting roles with due regard for the best interest of the affected party or parties and maximal compliance with these standards;

~~8.~~ Not engage in sexual intimacies or a romantic relationship with a student, supervisee, resident, therapy patient, client, or those included in collateral therapeutic services (such as a parent, spouse, or significant other) while providing professional services. For at least five years after cessation or termination of professional services, not engage in sexual intimacies or a romantic relationship with a therapy patient, client, or those included in collateral therapeutic services. Consent to, initiation of, or participation in sexual behavior or romantic involvement with a psychologist does not change the exploitative nature of the

**Commented [JW19]:** This one needs to be reworked and perhaps split into different items and have torture added

~~conduct nor lift the prohibition. Since sexual or romantic relationships are potentially exploitative, psychologists shall bear the burden of demonstrating that there has been no exploitation;~~

~~9. Keep confidential their professional relationships with patients or clients and disclose client records to others only with written consent except: (i) when a patient or client is a danger to self or others, (ii) as required under § 32.1-127.1:03 of the Code of Virginia, or (iii) as permitted by law for a valid purpose;~~

~~10.9. Make reasonable efforts arrangements for another professional to deal with emergency needs of clients during periods of foreseeable absences from professional availability and to provide for continuity of care when services must be interrupted or terminated;~~

~~11.10. Conduct financial responsibilities to clients in an ethical and honest manner by:~~

~~a. Inform Informing clients of professional services, fees, billing arrangements and limits of confidentiality before rendering services.~~

~~b. Inform Informing the consumer clients prior to the use of collection agencies or legal measures to collect fees and provide opportunity for prompt payment.~~

~~c. Requireing a signed consent for fees that deviate from the practitioner's usual and customary fees for services.~~

~~Avoid bartering goods and services.~~

~~d. Participate Participateing in bartering only if it is not clinically contraindicated and is not exploitative.~~

**Commented [JW20]:** This is where the entire Board stopped its review during the February meeting

**Commented [JW21]:** For reference: Anything underlined is new from the Regulatory Committee, anything redlined is deleted by the Regulatory Committee.



e. Refrain from ~~Not~~ obtaining, attempting to obtain, or cooperating with others in obtaining payment for services by misrepresenting services provided, dates of service, or status of treatment;

11. Be able to justify all services rendered to clients as necessary for diagnostic or therapeutic purposes;

12. Construct, maintain, administer, interpret and report testing and diagnostic services in a manner and for purposes which are ~~most~~ current and appropriate;

13. Keep ~~pertinent, confidential records for at least five years after termination of services to any consumer;~~

14. Design, conduct and report research in accordance with recognized standards of scientific competence and research ethics. Practitioners shall adhere to requirements of § 32.1-162.18 of the Code of Virginia, ~~including the need for obtaining informed consent from patients prior to involving them as subjects in human research, with the exception of retrospective chart reviews; and~~

15-14. Report to the board known or suspected violations of the laws and regulations governing the practice of psychology;

15. Make clear through written agreement at the outset of service delivery what party or parties the psychologist considers to be the client or and what, if any responsibilities the psychologist has to all related parties.

16. Disclose to clients all methods of treatment and inform clients of the risks and benefits of any such treatment;

17-6. Determine whether a client is receiving services from another mental health service provider, and if so, refrain from providing services to the client without having an informed consent discussion with the client and ~~having been granted~~ asking the client to permit

**Commented [JW22]:** Comment from Jim Werth, not the Regulatory Committee. Awkward / confusing?

**Commented [JW23]:** For reference: From here on out, the material marked in track changes contains edits made to the original Regulatory Committee edits by Jim but not yet reviewed by the Regulatory Committee.

communication privilege with the other professional. If the client denies the request, the reasons for the denial should be documented; if the client consents, a release form should be signed and included in the chart; and

187. Document the need for and steps taken to terminate a therapeutic relationship when it becomes clear that the client is not benefiting from the relationship. Document the assistance provided in making arrangements for the continuation of treatment for clients, when necessary, following termination of a therapeutic relationship.

C. In regard to client records and confidentiality, persons licensed by the board shall:

1. Keep confidential their professional relationships with patients or clients and disclose client records-information to others only with written consent except as permitted or required by law, including, but not limited to, situations involving: (a) to taking precautions to protect third parties in accordance with § 54.1-2400.1 of the Code of Virginia; (b) assisting clients who the psychologist believes to be a danger to self or unable to care for self; when a patient or client is a danger to self, (c) to reporting child abuse as required under § 63.2-1509 of the Code of Virginia; (d) to reporting abuse of aged or incapacitated adults as required under § 63.2-1606 of the Code of Virginia; and (e) as required adhering to requirements under § 32.1-127.1:03 of the Code of Virginia; or (f) as permitted by law for a valid purpose;

2. Ensure-Protect the confidentiality in the usage of client information and clinical materials by obtaining informed consent from the client or the client's legally authorized representative before (a) videotaping, (b) audio recording, (c) permitting third party observation, or (d) using identifiable client records and clinical materials/clinical information in teaching, writing, or public presentations;

3. Refrain from ~~Net~~ willfully or negligently breaching the confidentiality between a practitioner and a client. A breach of confidentiality that is required or permitted by applicable law or beyond the control of the practitioner shall not be considered negligent or willful.

D. In regard to client records, persons licensed by the board shall:

1. Maintain timely, accurate, legible and complete written or electronic records for each client that includes:

a. the name of the client and other identifying information;

b. the presenting problem(s), purpose, or diagnosis;

c. documentation of the fee arrangement;

d. the date and ~~substance of each billed or service count contractor service~~ clinical summary of each service provided;

e. any test results or other evaluative results obtained and any basic test data from which they were derived;

f. notation and results of formal consults with other providers;

g. a copy of all test or other evaluative reports prepared as part of the professional relationship; and

h. any releases by the client.

2. Maintain client records securely, inform all employees of the requirements of confidentiality and dispose of written, electronic and other records in such a manner as to ensure their confidentiality.

3. Maintain client records for a minimum of five years or as otherwise required by law from the last date of service, with the following exceptions:

**Commented [JW24]:** Comment from Jim Werth, not the Regulatory Committee. Compare with (g) below – do we need both or can they be combined?

**Commented [JW25]:** Comment from Jim Werth, not the Regulatory Committee. Move above (e) or after (g) if both are kept

a. At minimum, records of a minor child shall be maintained for five years after attaining the age of majority (18 years);

b. Records that are required by contractual obligation or federal law to be maintained for a longer period of time; or

c. Records that have been transferred to another mental health service provider or given to the client or a legally authorized representative.

**Commented [JW26]:** Comment from Jim Werth, not the Regulatory Committee: Why is there a time limit here?

E. In regard to dual/multiple relationships, persons licensed by the board shall:

1. Not engage in a dual/multiple relationship while providing professional services with a person under supervision, client, or those included in collateral therapeutic services (such as a parent, spouse, or significant other of a client) that could impair professional judgment or increase the risk of exploitation or harm. Psychologists shall take appropriate professional precautions when a dual/multiple relationship cannot be avoided, such as obtaining informed consent, consultation / supervision, and documenting decision-making to ensure minimize the possibility that judgment is not impaired and nor that exploitation or harm occurs;

2. Refrain from ~~Net~~ engagement in sexual intimacies or a romantic relationship with a person under supervision, ~~student, supervisee, resident, intern,~~ therapy patient, client, or those included in collateral therapeutic services (such as a parent, spouse, or significant other of the client) while providing professional services. For at least five years after cessation or termination of professional services, not engage in sexual intimacies or a romantic relationship with a therapy patient, client, or those included in collateral therapeutic services. Consent to, initiation of, or participation in sexual behavior or romantic involvement with a psychologist does not change the exploitative nature of the conduct nor lift the prohibition. ~~Since~~Because sexual or romantic relationships are

potentially exploitative, psychologists shall bear the burden of demonstrating that there has been no exploitation, based on factors such as duration of therapy, amount of time since therapy, termination circumstances, client's personal history and mental status, and adverse impact on the client;

3. Refrain from ~~Net~~ engagement in a personal relationship with a former client in which there is a risk of exploitation or potential harm or if the former client continues to relate to the psychologist in his~~the~~ psychologist's professional capacity; and

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4. Recognize conflicts of interest and inform all parties of the nature and directions of loyalties and responsibilities involved.

E. Upon learning of evidence that indicates a reasonable probability that another mental health provider is or may be guilty of a violation of standards of conduct as defined in statute or regulation, persons licensed by the board shall advise their clients of their right to report such misconduct to the Department of Health Professions in accordance with § 54.1-2400.4 of the Code of Virginia.

**18VAC125-20-160. Grounds for disciplinary action or denial of licensure.**

The board may take disciplinary action, including but not limited to taking action against a license and/or imposing a monetary penalty, or deny a license for any of the following causes:

1. Conviction of a felony, or a misdemeanor involving moral turpitude;
2. Procuring ~~ef~~ or maintaining a license by fraud or misrepresentation;
3. ~~Misuse of drugs or alcohol to the extent that it interferes with professional functioning~~ 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;

Commented [JW27]: Comment from Jim Werth, not the Regulatory Committee: Define? "related to lying, cheating, or stealing"

4. ~~Negligence in professional conduct~~ Intentional or negligent conduct that causes or is likely to cause injury to a client or clients; or any violation of practice standards set forth in 18VAC125-20-150 including but not limited to this chapter;
5. Performing functions outside areas of competency;
6. ~~Mental, emotional, or physical incompetence to practice the profession~~ Inability to practice psychology with reasonable skill and safety to clients by reason of illness or substance misuse, or as a result of any mental, emotional, or physical condition;
7. Failure to comply with the ~~continuing~~ competency education requirements set forth in this chapter; or
8. Violating or aiding and abetting another to violate any statute applicable to the practice of the profession regulated or any provision of this chapter.
9. Knowingly allowing persons under supervision to jeopardize client safety or provide care to clients outside of such person's scope of practice or area of responsibility;
10. Performance of an act likely to deceive, defraud, or harm the public;
11. Action taken against a health or mental health license, certification, registration, or application in Virginia or other jurisdiction;
12. Failure to cooperate with an employee of the Department of Health Professions in the conduct of an investigation; or
13. Failure to report evidence of child abuse or neglect as required in § 63.2-1509 of the Code of Virginia, or abuse of aged and incapacitated adults as required in § 63.2-1606 of the Code of Virginia; or
14. Any violation of practice standards set forth in 18VAC125-20-150.

**18VAC125-20-170. Reinstatement following disciplinary action.**

A. Any person whose license has been revoked by the board under the provisions of 18VAC125-20-160 may, three years subsequent to such board action, submit a new application to the board for reinstatement of licensure. The board in its discretion may, after a hearing, grant the reinstatement.

B. The applicant for such reinstatement, if approved, shall be licensed upon payment of the appropriate fee applicable at the time of reinstatement.