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Proposed Regulation Agency Background Document

Agency name	Board of Counseling, Department of Health Professions
Virginia Administrative Code (VAC) citation	18 VAC 115-20-10 et seq. 18 VAC 115-50-10 et seq. 18 VAC 115-60-10 et seq.
Regulation title	Regulations Governing the Practice of Professional Counselors, Regulations Governing the Practice of Marriage and Family Therapy, Regulations Governing the Practice of Licensed Substance Abuse Treatment Practitioners
Action title	Requirements for Residency, Supervision, and Portability
Document preparation date	2/21/07

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

Brief summary

In a short paragraph, please summarize all substantive changes that are being proposed in this regulatory action.

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

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

Legal basis

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

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

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

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

- 1. To establish the qualifications for registration, certification or licensure in accordance with the applicable law which are necessary to ensure competence and integrity to engage in the regulated professions.*
- 2. To examine or cause to be examined applicants for certification or licensure. Unless otherwise required by law, examinations shall be administered in writing or shall be a demonstration of manual skills.*
- 3. To register, certify or license qualified applicants as practitioners of the particular profession or professions regulated by such board.*
- ...*
- 6. To promulgate regulations in accordance with the Administrative Process Act (§ 9-6.14:1 et seq.) which are reasonable and necessary to administer effectively the regulatory system. Such regulations shall not conflict with the purposes and intent of this chapter or of Chapter 1 (§ [54.1-100](#) et seq.) and Chapter 25 (§ [54.1-2500](#) et seq.) of this title. ...*

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

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

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

- 1. To cooperate with and maintain a close liaison with other professional boards and the community to ensure that regulatory systems stay abreast of community and professional needs.*
- 2. To conduct inspections to ensure that licensees conduct their practices in a competent manner and in conformance with the relevant regulations.*
- 3. To designate specialties within the profession.*

4. To administer the certification of rehabilitation providers pursuant to Article 2 (§ [54.1-3510 et seq.](#)) of this chapter, including prescribing fees for application processing, examinations, certification and certification renewal.

5. Expired.

6. To promulgate regulations for the qualifications, education, and experience for licensure of marriage and family therapists. The requirements for clinical membership in the American Association for Marriage and Family Therapy (AAMFT), and the professional examination service's national marriage and family therapy examination may be considered by the Board in the promulgation of these regulations. The educational credit hour, clinical experience hour, and clinical supervision hour requirements for marriage and family therapists shall not be less than the educational credit hour, clinical experience hour, and clinical supervision hour requirements for professional counselors.

7. To promulgate, subject to the requirements of Article 1.1 (§ [54.1-3507 et seq.](#)) of this chapter, regulations for the qualifications, education, and experience for licensure of licensed substance abuse treatment practitioners and certification of certified substance abuse counselors and certified substance abuse counseling assistants. The requirements for membership in NAADAC: the Association for Addiction Professionals and its national examination may be considered by the Board in the promulgation of these regulations. The Board also may provide for the consideration and use of the accreditation and examination services offered by the Substance Abuse Certification Alliance of Virginia. The educational credit hour, clinical experience hour, and clinical supervision hour requirements for licensed substance abuse treatment practitioners shall not be less than the educational credit hour, clinical experience hour, and clinical supervision hour requirements for licensed professional counselors. Such regulations also shall establish standards and protocols for the clinical supervision of certified substance abuse counselors and the supervision or direction of certified substance abuse counseling assistants, and reasonable access to the persons providing that supervision or direction in settings other than a licensed facility.

Purpose

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

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

and welfare of persons and allow easier access to counselors or therapists licensed in other jurisdictions who wish to practice in Virginia.

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

Substance

Please briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. (More detail about these changes is requested in the "Detail of changes" section.)

Substantive provisions of the proposed regulations are as follows:

Licensure by endorsement

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

Residency and Supervision

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

Regulations are also amended as follows:

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

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

Issues

Please identify the issues associated with the proposed regulatory action, including:
 1) *the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;*
 2) *the primary advantages and disadvantages to the agency or the Commonwealth; and*
 3) *other pertinent matters of interest to the regulated community, government officials, and the public.*

If the regulatory action poses no disadvantages to the public or the Commonwealth, please so indicate.

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

In addition, the requirement for registration of supervision during a residency, regardless of the practice setting, will improve the oversight and accountability for person providing services during a period of gaining practical experience. There is an advantage to consumers since the hours and format for supervision are specified to ensure the service being provided by the resident is safe and effective. There are no disadvantages to consumers of mental health services.

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

3) There are no other matters of interest.

Economic impact

Please identify the anticipated economic impact of the proposed regulation.

<p>Projected cost to the state to implement and enforce the proposed regulation, including (a) fund source / fund detail, and (b) a delineation of one-time versus on-going</p>	<p>a) As a special fund agency, the Board must generate sufficient revenue to cover its expenditures from non-general funds, specifically the renewal and application fees it charges to practitioners for</p>
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<p>expenditures</p>	<p>necessary functions of regulation; b) The agency will incur some one-time costs (less than \$1,000) for mailings to the Public Participation Guidelines mailing lists, conducting a public hearing, and sending notice of final regulations to regulated entities. Since most mailings to the PPG list are handled electronically, there is very little cost involved. Every effort will be made to incorporate those into anticipated mailings and Board meetings already scheduled. There are no on-going costs to the agency.</p>
<p>Projected cost of the regulation on localities</p>	<p>None</p>
<p>Description of the individuals, businesses or other entities likely to be affected by the regulation</p>	<p>The individuals likely to be affected would be residents in counseling, marriage and family therapy or substance abuse treatment, the persons who will be providing supervision for those residents, and applicants for licensure from other states. The proposed regulations do not affect the license or practice of any persons currently licensed by the Board or any person currently serving a residency.</p>
<p>Agency’s best estimate of the number of such entities that will be affected. Please include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.</p>	<p>There is no estimate of the number of counselors and therapists who hold licenses in other states that may be able to be licensed by endorsement under these provisions. In 2006, the number licensed by endorsement were as follows; 17 marriage and family therapists, 7 licensed substance abuse practitioners and 62 licensed professional counselors.</p> <p>The number of persons who currently do not register supervision but would be required to do so after the effective date of these regulations is unknown. There were 133 persons initially licensed as counselors by examination in 2006; there were 135 who registered supervision. Therefore, it is assumed that the vast majority of persons serving in a residency, even those in exempt settings, are currently registering with the Board so the impact is likely to be minimal.</p>
<p>All projected costs of the regulation for affected individuals, businesses, or other entities. Please be specific. Be sure to include the projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses.</p>	<p>The only projected costs would the \$50 fee for registration of supervision for those residents in exempt settings who currently are not required to register supervision with the Board. The specified training for supervisors could be 20 hours of continuing education, which is the current requirement for renewal of licensure. No licensee would incur additional costs for meeting that requirement; he or she would have to direct his continuing education to the subject of supervision for one renewal year in order to qualify as an approved supervisor.</p>

Alternatives

Please describe any viable 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.

Portability - Licensure by endorsement

The Board considered several alternatives to the language it adopted on licensure by endorsement, which will allow licensure for persons with at least five years of clinical practice in another state who can document that they met the education and experience requirements of that state at the time of original licensure. Initially, the Board considered language to allow for the issuance of a professional counselor license by endorsement to any individual who qualifies based on having met and demonstrated such qualifications required by a Board-recognized credentials registry, such as that of the American Association of State Counseling Boards or its equivalent. Instead of relying on the AASCB credentialing service to determine qualification for licensure, the Board opted to accept credentials “banked” with AASCB in lieu of original transcripts and other documentation verifying education, experience and examination.

As an alternative to the endorsement and portability options, the Board considered developing language and establishing regulation consistent with standard reciprocity agreements between states. This alternative was not accepted because reciprocity agreements between states require considerable Board and staff time to negotiate agreements among states. Each time one of the compact states makes regulatory changes, educational and/or experience requirement changes, or any other change affecting the requirement(s) for licensure the reciprocity agreement must be re-negotiated. None of the health regulatory boards currently has reciprocity agreements for licensure.

Finally, the Board looked at regulations for other licensed professions, especially the licensure by endorsement provisions of the Board of Psychology that allows for endorsement options within established parameters. Specifically, the Board of Psychology accepts credentials through Certificate of Professional Qualifications in Psychology (CPQ) of the Association of State and Provincial Psychology Boards (ASPPB). ASPPB issues a Certificate of Professional Quality in Psychology to psychologists licensed in the U. S. and Canada who meet the standards of educational preparation, supervised experience, and examination performance, and who have practiced a minimum of five years and have no history of disciplinary action. Similar criteria were adopted by the Board of Counseling for licensure.

Residency and Supervision

There was considerable discussion about the qualifications of a person who provides supervision for a residency. Initially, the Board intended to register supervisors and require a credential for such registration. The National Board for Certified Counselors (NBCC) issues certification for an Approved Clinical Supervisor to identify those mental health professionals who have met national standards for supervision and who adhere to a Code of Ethics for supervisors. That alternative was not adopted because it was determined that the Board lacked statutory authority

to “regulate” supervisors and require a separate credential. The Board has authority to regulate supervision and to determine the qualifications one must have to provide supervision. Therefore, the Board opted to clarify the criteria that would meet its requirement for “professional training” in supervision.

Public comment

Please summarize all comments received during public comment period following the publication of the NOIRA, and provide the agency response.

The Notice of Intended Regulatory Action was published in the Register on July 24, 2006 and sent to the Public Participation Guidelines list with comment requested until August 23, 2006. There was no public comment received on the NOIRA, but the Board has encouraged participation by interested parties through the process of considering these issues over a period of several years.

Family impact

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

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

Detail of changes

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

Changes to 18VAC115-20 Licensed Professional Counselors

Current section number	Proposed new section number	Current requirement	Proposed change and rationale
10	n/a	Sets definitions for words and terms used in the regulations	<p>Adds a definition for COAMFTE and deletes the definition for CORE. Amends the definition for Supervision to change “face-to-face” to “individual or group.”</p> <p><i>CORE was eliminated because that credentialing body would no longer be recognized as accrediting approved educational programs in section 49. COAMFTE was added because that accrediting body would be recognized for approving programs with graduate-level internships.</i></p> <p><i>The definition of supervision was amended for</i></p>

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

49	n/a	Sets out the requirements for an approved degree program in counseling	<p>Eliminates CORE-accreditation as automatic recognition for an approved educational program.</p> <p><i>The Board has reviewed the requirements of the Council on Rehabilitation Education and determined that its accredited programs are adequate for rehabilitation counseling but not for licensed professional counseling. They are not consistent with the requirements for course hours and content found in section 51 of this chapter. If a CORE-accredited program did meet the requirements of section 49, it would be acceptable, but the automatic status of approved would no longer apply.</i></p>
51	n/a	Sets out the course requirements for licensure	<p>Amendment will change the equivalency from 4.5 to 4.0 quarter hours for 3 semester hours of coursework.</p> <p><i>Educational experts have recommended the change for accuracy.</i></p>
52	n/a	Sets out the requirements for a supervised residency	<p>In subsection A, the proposed change is to require registration of all residencies begun after the effective date of the regulations, regardless of whether it occurs in an exempt or non-exempt setting.</p> <p><i>Applicants who render counseling services in exempt settings are currently not required to register supervision but are strongly encouraged to do so. In order to obtain a license, documentation of approved supervision must be submitted. If the supervision was not registered and approved, the applicant may find that the hours and content of the residency did not meet the board’s requirements. It is definitely for the applicant advantageous to register in order to ensure acceptability at the time of application for licensure. In addition, the Board can better ensure that persons providing counseling services in a residency are being adequately supervised for the protection of the clients being served.</i></p> <p>In subsection B, the following regulations are amended:</p> <p>The 200 hours of supervision was changed to eliminate the <i>face-to-face</i> requirement for both the residency and the graduate-level internship. The two types of supervision are “individual” and “group” supervision.</p> <p><i>The elimination of face-to-face requirement will be less restrictive and open opportunities for supervision that are currently not recognized – such as electronic</i></p>

			<p><i>supervision. In several regulations, the requirement for “face-to-face” supervision is replaced with a requirement for “individual or group” supervision or just “supervision” with the type unspecified. Additional opportunity for group supervision or individual supervision will make it less costly and time-consuming.</i></p> <p>Within the 200 hours, there must be a maximum of two hours per 40 hours of work experience during the period of the residency.</p> <p><i>The addition of a maximum number of supervised hours per 40 hours of work is intended to ensure that the 200 hours of supervision is spread throughout the 4,000 of the residency and not crammed into one short period at the beginning or the end.</i></p> <p>Proposed regulations would allow a graduate-level degree internship completed in a COAMFTE-approved program (accrediting body for marriage and family therapy programs) to count for 900 hours of the 4,000-hour residency. Internships in CORE-approved programs would not count for 900 hours.</p> <p>In subsection C, there are amendments to clarify the qualifications of a person who provides supervision to include completion of a 3-semester hour course in supervision or at least 20 hours of continuing education from an approved provider. Persons who have provided supervision would have 2 years from the effective date of the regulations to complete such coursework.</p> <p><i>The current regulation requires a supervisor to have received “professional training in supervision” but in the LPC and MFT regulations, that was not specified. In regulations for Licensed Substance Abuse Treatment Practitioners, professional training is specified as a 3-semester hour course in supervision; there is no provision for obtaining the training by continuing education. In response to numerous questions about the meaning of that requirement and for consistency among the licensed professions, the Board decided to specify the 3-hour course in supervision for all regulations but to allow a person to qualify by completing 20 hours in continuing education directed at training for supervision of a residency. The 20 hours would fulfill a licensee’s CE requirement for renewal and would not have to be repeated once completed.</i></p>
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			Language in subdivision 3 of subsection C clarifies that the license of a person providing supervision must be active and unrestricted and that 100 (or one-half) of the hours of supervision must be provided by a LPC.
120	n/a	Sets out the criteria for advisory committees to assist in the evaluation of candidates for licensure.	<i>The section is repealed since such committees have not existed for some time. Any evaluation of the mental or emotional competence of a licensee or applicant would be conducted independently by a professional other than a member of the board.</i>

Changes to 18VAC115-50 Marriage and Family Therapists

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

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

			<p><i>supervision was not registered and approved, the applicant may find that the hours and content of the residency did not meet the board’s requirements. It is definitely for the applicant advantageous to register in order to ensure acceptability at the time of application for licensure. In addition, the Board can better ensure that persons providing counseling services in a residency are being adequately supervised for the protection of the clients being served.</i></p> <p>In subsection B, the following regulations are amended:</p> <p>The 200 hours of supervision was changed to eliminate the <i>face-to-face</i> requirement for both the residency and the graduate-level internship. The two types of supervision are “individual” and “group” supervision.</p> <p><i>The elimination of face-to-face requirement will be less restrictive and open opportunities for supervision that are currently not recognized – such as electronic supervision. In several regulations, the requirement for “face-to-face” supervision is replaced with a requirement for “individual or group” supervision or just “supervision” with the type unspecified. Additional opportunity for group supervision or individual supervision will make it less costly and time-consuming.</i></p> <p>Within the 200 hours, there must be a maximum of two hours per 40 hours of work experience during the period of the residency.</p> <p><i>The addition of a maximum number of supervised hours per 40 hours of work is intended to ensure that the 200 hours of supervision is spread throughout the 4,000 of the residency and not crammed into one short period at the beginning or the end.</i></p> <p>Proposed regulations would allow a graduate-level degree internship completed in a COAMFTE-approved program (accrediting body for marriage and family therapy programs) or a CACREP-approved program to count for 900 hours of the 4,000-hour residency.</p> <p>In subsection C, there are amendments to clarify the qualifications of a person who provides supervision to include completion of a 3-semester hour course in supervision or at least 20 hours of continuing education. Persons who have provided supervision</p>
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			<p>would have 2 years from the effective date of the regulations to complete such coursework.</p> <p><i>The current regulation requires a supervisor to have received “professional training in supervision” but in the LPC and MFT regulations, that was not specified. In regulations for Licensed Substance Abuse Treatment Practitioners, professional training is specified as a 3-semester hour course in supervision; there is no provision for obtaining the training by continuing education from an approved provider. In response to numerous questions about the meaning of that requirement and for consistency among the licensed professions, the Board decided to specify the 3-hour course in supervision for all regulations but to allow a person to qualify by completing 20 hours in continuing education directed at training for supervision of a residency. The 20 hours would fulfill a licensee’s CE requirement for renewal and would not have to be repeated once completed.</i></p> <p>Language in subdivision 3 of subsection C also clarifies that the license of a person providing supervision must be active and unrestricted.</p> <p>Amendments to subsection D require the supervisor to complete evaluation forms to be given to the resident at the end of each three-month period. The supervisor shall report the total hours of residency and evaluate the applicant's competency to the board.</p> <p><i>Requirements for periodic evaluations to be given to the resident and for reporting of the total number of hours and evaluation of competency to the Board are found in the LPC and LSATP regulations, but are not currently in regulations for MFT’s. The periodic evaluation are critical to the resident who needs to be aware of his progress throughout the 4,000 hours to ensure that he does not spend 2 years in a residency with a supervisor who does not approve of his services or competency.</i></p>
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18VAC115-60 Licensed Substance Abuse Treatment Practitioners

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

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

			<i>verification of graduate education, internships and residency hours and supervision.</i>
70	n/a	Sets out the course requirements for licensure	<p>Amendment will change the equivalency from 4.5 to 4.0 quarter hours for 3 semester hours of coursework.</p> <p><i>Educational experts have recommended the change for accuracy.</i></p>
80	n/a	Sets out the requirements for a supervised residency	<p>In subsections A and B, the proposed change is to require registration of all residencies begun after the effective date of the regulations, regardless of whether it occurs in an exempt or non-exempt setting.</p> <p><i>Applicants who render counseling services in exempt settings are currently not required to register supervision but are strongly encouraged to do so. In order to obtain a license, documentation of approved supervision must be submitted. If the supervision was not registered and approved, the applicant may find that the hours and content of the residency did not meet the board’s requirements. It is definitely for the applicant advantageous to register in order to ensure acceptability at the time of application for licensure. In addition, the Board can better ensure that persons providing counseling services in a residency are being adequately supervised for the protection of the clients being served.</i></p> <p>In subsection C, the following regulations are amended:</p> <p>The 200 hours of supervision was changed to eliminate the <i>face-to-face</i> requirement for both the residency and the graduate-level internship. The two types of supervision are “individual” and “group” supervision.</p> <p><i>The elimination of face-to-face requirement will be less restrictive and open opportunities for supervision that are currently not recognized – such as electronic supervision. In several regulations, the requirement for “face-to-face” supervision is replaced with a requirement for “individual or group” supervision or just “supervision” with the type unspecified. Additional opportunity for group supervision or individual supervision will make it less costly and time-consuming.</i></p> <p>Within the 200 hours, there must be a maximum of two hours per 40 hours of work experience during the period of the residency.</p>

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