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**10:00 a.m. Call to Order** – Terry R. Tinsley, PhD, LPC, LMFT, CSOTP, Chair

- Moment of Silence
- Introductions/Establishment of Quorum
- Mission of the Board/Emergency Egress Procedures..... Page 3

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**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\***

- January 16, 2026 Board Meeting ..... Page 4

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**Officer and Staff Reports**

- **Agency Director Report** – David Brown, DC, Director, Department of Health Professions (DHP)
- **Chair Report** – Dr. Tinsley
- **Board Counsel Report** – Jim Rutkowski, JD, Office of the Attorney General
- **Legislative and Regulatory Report** – Matt Novak, Agency Regulatory Coordinator
  - Regulatory Chart..... Page 9
  - Legislative Update
  - Proposed removal of conversion therapy regulations\* ..... Page 11
  - NOIRA for periodic review\* ..... Page 39
  - Branner petition for rulemaking\* ..... Page 40
  - Thomas petition for rulemaking\* ..... Page 46
- **Executive Director's Report** – Maria Stransky, LPC, Boards of Counseling, Psychology and Social Work (BSU)
- **Discipline Report** – Jennifer Lang, Deputy Director, BSU..... Page 50
- **Licensing Update** – Maria Stransky

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## Unfinished Business

### Updates to Policy Documents – Maria Stransky

- Approved training and education pathways for registration as BHTA and BHT\* ..... Page 117  
Rappahannock Community College
- Approved training and education pathways for registration as QMHP-T and QMHP\* ..... Page 122  
Premier Mental Health Services  
Relias
- Supervision of QMHPs, QMHP-Trainees, BHTs, and BHTAs\* ..... Page 128  
Northern Neck Behavioral Health

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## New Business

- Counseling Regulatory Boards Annual Summit – Cyrus Williams, PhD, LPC, LSATP
- Election of a new Compact Commission Alternate\* – Maria Stransky
- Elections\* - Maria Stransky  
Bylaws, Guidance document 115-1.2 .....Page 130

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## Consideration of Recommended Decisions and a Consent Order \* \*\* – Jennifer Lang

- Nabila White, LPC, LSATP
- Michael Brown, LPC, LMFT
- Shameka Harris, CSAC
- Richard Davis, LPC

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## Next Meeting:

- Board Meeting: October 9, 2026

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## Meeting Adjournment

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\*Indicates a Board Vote is required.

\*\*Indicates these items will be discussed within closed session.

## **MISSION STATEMENT**

Our mission is to ensure safe and competent patient care by licensing health professionals, enforcing standards of practice, and providing information to health care practitioners and the public.

## **EMERGENCY EGRESS**

In the event of a fire or other emergency requiring the evaluation of the building, alarms will sound. When the alarms sound, leave the room immediately. Follow any instructions given by the Security staff.

Exit the room using one of the doors at the front of the room. Upon exiting the room, turn right. Follow the corridor to the emergency exit at the end of the hall. You may also exit the room by turning right out of the side door, make an immediate left and proceed straight ahead to the emergency exit.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the back of the parking lot. Wait there for further instructions.



**DRAFT**

**Virginia Board of Counseling  
Quarterly Board Meeting Minutes  
Friday, January 16, 2026, at 10:00 a.m.  
9960 Mayland Drive, Henrico, VA 23233  
Board Room 2**

|                                             |                                                                                                                                                                                                                                                           |
|---------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>PRESIDING OFFICER:</b>                   | Terry R. Tinsley, PhD, LPC, LMFT, CSOTP, Board Chair                                                                                                                                                                                                      |
| <b>BOARD MEMBERS PRESENT:</b>               | Marlo Burdge, Citizen Member<br>Nakeisha Gordon, LPC<br>Luanne Griffin, LPC<br>Gerard Lawson, PhD, LPC, LSATP, NCC, Vice-Chair, Regulatory Committee Chair<br>Charlotte Markva, LPC, LMFT, CSAC<br>Matthew Scott, LMFT<br>Cyrus Williams, PhD, LPC, LSATP |
| <b>BOARD MEMBERS ABSENT:</b>                | Benjamin Allison, Citizen Member<br>Maria Anastasiou, LMFT<br>Lester Paul Bernard, PhD, LPC<br>Shannon Kuschel, PhD, LPC                                                                                                                                  |
| <b>BOARD STAFF PRESENT:</b>                 | Latasha Austin, Licensing & Operations Manager<br>Alesia Baskin, Senior Licensing Specialist<br>Jennifer Lang, Acting Executive Director<br>Christy Palmore, Senior Discipline & Compliance Case Specialist                                               |
| <b>DHP STAFF PRESENT:</b>                   | Erin Barrett, Director of Legislative & Regulatory Affairs, DHP<br>Arnie Owens, Agency Director, Department of Health Professions                                                                                                                         |
| <b>BOARD COUNSEL PRESENT:</b>               | James Rutkowski, Assistant Attorney General                                                                                                                                                                                                               |
| <b>PUBLIC ATTENDEES:</b>                    | Henry Bruns, Premier Supervision and Consultation<br>Cinda Caiella, LMFT<br>Liz Konikoff, Institute for Public Health Innovation<br>Andrew Rousseau, Founding Freedoms Law Center                                                                         |
| <b>CALL TO ORDER:</b>                       | Dr. Tinsley called the meeting to order at 10:00 a.m.                                                                                                                                                                                                     |
| <b>MOMENT OF SILENCE:</b>                   | Moment of silence was observed.                                                                                                                                                                                                                           |
| <b>ROLL CALL/ESTABLISHMENT OF A QUORUM:</b> | A formal introduction of all Board members and staff was conducted. At the time of roll call, eight Board members were present, establishing a quorum.                                                                                                    |
| <b>MISSION STATEMENT:</b>                   | Dr. Tinsley read the mission statement of the Department of Health Professions, which was also the mission statement of the Board. Dr. Tinsley also read the emergency egress instructions.                                                               |
| <b>ADOPTION OF AGENDA:</b>                  | The meeting agenda was adopted as presented.                                                                                                                                                                                                              |
| <b>PUBLIC COMMENT:</b>                      | Mr. Rousseau from the Founding Freedom Law Center provided comments regarding a recent Consent Order regarding Conversion Therapy. Requested that the Board inform counselors about the board's position to ensure awareness.                             |

Mr. Burns addressed concerns about supervision for Qualified Mental Health Professionals (QMHP). Requested the Board to review and improve supervision standards in Virginia to enhance quality and oversight.

**APPROVAL OF MINUTES:**

The Board reviewed the minutes from the last quarterly board meeting held on October 17, 2025.

**Motion:** Dr. Lawson made a motion, which Ms. Griffin properly seconded, to approve the minutes from the October 17, 2025 meeting as presented. The motion passed unanimously.

**AGENCY DIRECTOR REPORT:**

Mr. Owens expressed appreciation for the Board members and acknowledged their contributions. He extended thanks to both the Board and staff for their continued dedication and excellent work.

- **Efficiency Measures**
  - Focus remains on implementing efficiency measures.
  - Fee increases from other boards are pending; these changes do not affect this Board.
- **Legislative Updates**
  - The General Assembly has convened.
  - Agency bills will be addressed by Ms. Barrett during the meeting
- **Leadership Updates**
  - A new Governor has taken office; today marks Mr. Owens' last day in his current role.
  - The search for a new Director for BSU is underway.
  - Ms. Lang is currently serving as Acting Executive Director.

**BOARD CHAIR REPORT:**

Dr. Tinsley thanked Mr. Owens for his leadership and service to the agency.

**LEGISLATION & REGULATORY REPORT:**

- **General Assembly**

Ms. Barret provided the Board with a brief recap of the Virginia General Assembly session. Analysis of all bills is still pending. No committee meetings have been held yet. Notable legislation mentioned:

  - AI-related bill (details forthcoming).
  - Proposed bill to revise the Callahan Act and allow all boards to amend licensure fees through an exempt regulatory action and recover costs for disciplinary actions.
- **Current Regulatory Actions**

Ms. Barrett reviewed and discussed with the Board the current regulatory actions pertaining to the Board of Counseling, as outlined in the agenda packet beginning on page 12, dated January 5, 2026.
- **Closure of Periodic Reviews for 18VAC115-20, 30, 40, 50, 60 and 70**

Ms. Barrett informed the Board that every four years, each regulatory Board is required to go through a periodic review process, a formal review of regulations to determine if the regulations continue to meet the needs of the profession or if changes should be made. The Board of Counseling opened periodic reviews on nearly all chapters in mid-2024 and has not yet taken any further action on them. She informed the Board that these reviews should be closed. It was recommended that the periodic reviews be closed and the regulations be amended. Exact changes would be determined at a later date and time.

**Motion:** Dr. Lawson made a motion, which Ms. Gordon properly seconded, to close the periodic reviews for 18VAC115-20, 30, 40, 50, 60 and 70 with the intent to amend. The motion passed unanimously.

- **Revision of Guidance Document 115-2**

Ms. Barrett reviewed and discussed with the Board the suggested changes to Guidance Document 115-2, the Impact of Criminal Convictions, Impairment, and the Past History on Licensure, Certification or Registration by the Virginia Board of Counseling, as provided in the agenda packet beginning on page 17. The suggested changes are being requested to include BHTs and BHTAs.

**Motion:** Mr. Scott made a motion, which Ms. Markva properly seconded, to amend Guidance document 115-2 as presented. The motion passed unanimously.

- **Repeal of Guidance Document 115-4.3**

Ms. Barrett reviewed and discussed with the Board Guidance Document 115-4.3, Direct Client Contact Hours in an Internship that can be applied toward the residency. It is recommended that it be repealed due to the reduction of residency requirements which became effective as of December 18, 2025.

**Motion:** Ms. Gordon made a motion, which Mr. Scott properly seconded, to repeal Guidance Document 115-4.3. The motion passed unanimously.

## ACTING EXECUTIVE DIRECTOR'S REPORT:

Ms. Lang is currently serving in the Acting Executive Director role. The agency is currently recruiting for a new Executive Director and Ms. Lang will keep board members updated when a decision is made.

- Recent meetings attended:
  - Evidence-based Practice Coordinating Committee
  - Reentry to Recovery Workgroup from EO26
  - Meeting with Maryland counseling association members to discuss teletherapy and continuity of care.
  - Meeting with the Executive Director of the Crisis Intervention Team (CIT) program regarding QMHP training. This training is only available to first responders.
- Board appointments expiring on June 30, 2026
  - Benjamin Allison's 1<sup>st</sup> term
  - Matthew Scott's 1<sup>st</sup> term
  - Terry Tinsley's 2<sup>nd</sup> term

Ms. Lang advised members that, if they want to apply for a 2<sup>nd</sup> term, to wait until after January 17th. The new administration will have a different system for accepting applications.

- Ms. Lang reminded board members that the deadline to complete the Conflict-of-Interest filing is February 2<sup>nd</sup>.

## DISCIPLINE REPORT:

Ms. Lang referenced the discipline report, beginning on page 27 of the meeting agenda, and noted the following:

- There was a slight decrease in discipline cases received from 2024-2025.
- The Board of Counseling cases decreased by 1% and the total cases from the three boards (Counseling, Psychology, and Social Work) decreased by 4%.

**LICENSING REPORT:**

Ms. Austin referenced the licensing report, beginning on page 53 of the meeting agenda and notes the following key updates:

- **Survey Results**  
The 1st Quarter survey results were 93.6%.
- **Licensing Statistics**  
Total licenses for all license types: 39,734 (as of January 5, 2026).
- **Application Processing**  
Due to limited staffing and increased application volume, Board staff are currently reviewing complete applications within 45 to 60 days. Extended processing times are attributed to application complexity, ongoing audit review, limited staff resources, new residency requirements, incomplete application submissions
- **Continuing Education Audit**  
Ms. Austin provided an overview of the 2025 Continuing Education Audit.
- **Residency Requirements**  
Updates were shared regarding changes implemented by staff following the new residency requirements effective December 18, 2025.

**UNFINISHED BUSINESS:**

- **Updates to Training and Policy Documents**  
Ms. Lang discussed a program approval request that was submitted to the Board for consideration:
  - **Institute for Public Health Innovation** – Submitted curriculum to meet didactic education requirements for BHTAs, BHTs, QMHP-Trainees, and QMHPs.

**Motion:** Dr. Lawson made a motion, which Dr. Williams properly seconded, to approve the IPHI for both the BHT and QMHP training. The motion passed unanimously

**NEW BUSINESS:**

- **Counseling Compact**  
Ms. Lang informed the Board about the status of the Counseling Compact. Due to Ms. Hoyle's resignation as Executive Director, she can no longer serve as the Virginia Delegate for the Counseling Compact Commission. A volunteer is needed to serve as Virginia Delegate until a new Executive Director is appointed. Ms. Lenart will continue serving as the alternate delegate.

Ms. Lang notes that the Virginia Board of Counseling is still unable to participate in the Compact due to background checks.

**Motion:** Ms. Griffin made a motion, which Ms. Gordon properly seconded, to approve Dr. Lawson to serve as the Virginia Delegate on the Counseling Compact Commission until the new executive director is able to serve. The motion passed unanimously.

**CONSIDERATION OF  
RECOMMENDED DECISION:**

**Closed Meeting:** Mr. Scott moved that the Board of Counseling convene in a closed meeting pursuant to § 2.2-3711(A)(27) of the Code of Virginia to consider an agency subordinate recommendation. He further moved that James Rutkowski, Jennifer Lang, and Latasha Austin attend the closed meeting because their presence was deemed necessary and would aid the board in its deliberations. The motion was seconded and passed unanimously.

**Recommendations Considered:****Mitchel Lamont Thomas, QMHP****Registration No. 0732-004713****Case No. 235491**

Mr. Thomas did not appear before the board and did not submit a written response. The board considered the agency subordinate's recommendation to place certain terms and conditions on Mr. Thomas' registration to practice as a qualified mental health professional.

**Reconvene:** Mr. Scott made a motion to certify that, pursuant to § 2.2-3712 of the Code of Virginia, the Board of Counseling heard, discussed, or considered only those public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as identified in the original motion. The motion was seconded and passed unanimously.

**Decision:** Upon a motion by Ms. Gordon, and duly seconded by Ms. Burdge, the board unanimously voted to accept the agency subordinate's recommendation, as presented, in the matter of Mitchel Thomas, QMHP.

**NEXT MEETING DATES:**

The next quarterly full board meeting is scheduled for Friday, April 3, 2026.

**ADJOURNMENT:**

Dr. Tinsley adjourned the January 16, 2026, meeting at 10:56 a.m.

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Terry R. Tinsley, PhD, LPC, LMFT, CSOTP, Board Chair

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Jennifer Lang, Acting Executive Director

**Board of Counseling**  
**Current Regulatory Actions**  
**As of July 10, 2026**

**In the Governor's Office**

| VAC         | Stage | Subject Matter            | Submitted from agency | Time in current location | Notes                                             |
|-------------|-------|---------------------------|-----------------------|--------------------------|---------------------------------------------------|
| 18VAC115-90 | Final | New chapter for licensure | 5/14/2025             | 88 days                  | Implementation pursuant to 2020 General Assembly. |

**In the Secretary's Office**

| VAC         | Stage      | Subject matter                                                                                      | Submitted from agency | Time in current location | Notes                                                                                |
|-------------|------------|-----------------------------------------------------------------------------------------------------|-----------------------|--------------------------|--------------------------------------------------------------------------------------|
| 18VAC115-20 | Proposed   | Implementation of the Counseling Compact                                                            | 2/7/2025              | 143 days                 | Replaces emergency regulations                                                       |
| 18VAC115-20 | Proposed   | Requirement for supervisors to submit evaluations and confirm resident hours within a set timeframe | 8/7/2025              | 155 days                 | Result of a petition for rulemaking                                                  |
| 18VAC115-20 | Fast-Track | Creation of reinstatement pathway for QMHP-trainees                                                 | 8/7/2025              | 158 days                 | Creates a reinstatement pathway for QMHP-trainees following switch to annual renewal |

**At the Department of Planning and Budget**

None.

**At the Office of the Attorney General**

None.

**Recently effective or awaiting publication**

| <b>VAC</b>  | <b>Stage</b> | <b>Subject Matter</b>                             | <b>Publication date</b> | <b>Effective date/<br/>next steps</b> |
|-------------|--------------|---------------------------------------------------|-------------------------|---------------------------------------|
| 18VAC115-20 | Fast-Track   | Regulatory amendments to licensure by endorsement | 5/18/2026               | 7/2/2026                              |

**Agenda Item: Adoption of proposed stage regulatory action**

**Included in your agenda package:**

- Draft proposed language removing references to conversion therapy;
- Virginia Code § 54.1-2409.5 which addresses conversion therapy; and
- Public comments received on Town Hall.

**Action needed:**

- Motion to adopt proposed regulatory language as presented.

**Project 8589 - Proposed**

**Board of Counseling**

**Removal of redundant provisions related to conversion therapy**

**18VAC115-20-10. Definitions.**

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

"Board"

"Counseling"

"Professional counselor"

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

"Applicant" means any individual who has submitted an official application and paid the application fee for licensure as a professional counselor.

"CACREP" means the Council for Accreditation of Counseling and Related Educational Programs.

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

"Clinical counseling services" means activities such as assessment, diagnosis, treatment planning, and treatment implementation.

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

~~"Conversion therapy" means any practice or treatment as defined in § 54.1-2409.5 A of the Code of Virginia.~~

"CORE" means Council on Rehabilitation Education.

"Exempt setting" means an agency or institution in which licensure is not required to engage in the practice of counseling according to the conditions set forth in § 54.1-3501 of the Code of Virginia.

"Face-to-face" means the in-person delivery of clinical counseling services for a client.

"Group supervision" means the process of clinical supervision of no more than six persons in a group setting provided by a qualified supervisor.

"Internship" means a formal academic course from a regionally accredited college or university in which supervised, practical experience is obtained in a clinical setting in the application of counseling principles, methods, and techniques.

"Jurisdiction" means a state, territory, district, province, or country that has granted a professional certificate or license to practice a profession, use a professional title, or hold oneself out as a practitioner of that profession.

"Nonexempt setting" means a setting that does not meet the conditions of exemption from the requirements of licensure to engage in the practice of counseling as set forth in § 54.1-3501 of the Code of Virginia.

"Regional accrediting agency" means one of the regional accreditation agencies recognized by the U.S. Secretary of Education responsible for accrediting senior postsecondary institutions.

"Residency" means a postgraduate, supervised, clinical experience.

"Resident" means an individual who has a supervisory contract and has been issued a temporary license by the board to provide clinical services in professional counseling under supervision.

"Supervision" means the ongoing process performed by a supervisor who monitors the performance of the person supervised and provides regular, documented individual or group consultation, guidance, and instruction that is specific to the clinical counseling services being performed with respect to the clinical skills and competencies of the person supervised.

"Supervisory contract" means an agreement that outlines the expectations and responsibilities of the supervisor and resident in accordance with regulations of the board.

**18VAC115-20-130. 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. Regardless of the delivery method, whether in person, by phone, or electronically, these standards shall apply to the practice of counseling.

B. Persons licensed or registered by the board shall:

1. Practice in a manner that is in the best interest of the public and does not endanger the public health, safety, or welfare;
2. Practice only within the boundaries of their competence, based on their education, training, supervised experience, and appropriate professional experience and represent their education, training, and experience accurately to clients;
3. Stay abreast of new counseling information, concepts, applications, and practices that are necessary to providing appropriate, effective professional services;

4. Be able to justify all services rendered to clients as necessary and appropriate for diagnostic or therapeutic purposes;
5. Document the need for and steps taken to terminate a counseling relationship when it becomes clear that the client is not benefiting from the relationship. Document the assistance provided in making appropriate arrangements for the continuation of treatment for clients, when necessary, following termination of a counseling relationship;
6. Make appropriate arrangements for continuation of services, when necessary, during interruptions such as vacations, unavailability, relocation, illness, and disability;
7. Disclose to clients all experimental methods of treatment and inform clients of the risks and benefits of any such treatment. Ensure that the welfare of the clients is in no way compromised in any experimentation or research involving those clients;
8. Neither accept nor give commissions, rebates, or other forms of remuneration for referral of clients for professional services;
9. Inform clients of the purposes, goals, techniques, procedures, limitations, potential risks, and benefits of services to be performed; the limitations of confidentiality; and other pertinent information when counseling is initiated and throughout the counseling process as necessary. Provide clients with accurate information regarding the implications of diagnosis, the intended use of tests and reports, fees, and billing arrangements;
10. Select tests for use with clients that are valid, reliable, and appropriate and carefully interpret the performance of individuals not represented in standardized norms;
11. 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 communication privileges with the other professional;

12. Use only in connection with one's practice as a mental health professional those educational and professional degrees or titles that have been earned at a college or university accredited by an accrediting agency recognized by the U.S. Department of Education, or credentials granted by a national certifying agency, and that are counseling in nature; and

13. Advertise professional services fairly and accurately in a manner that is not false, misleading, or deceptive; ~~and~~

~~14. Not engage in conversion therapy with any person younger than 18 years of age.~~

C. In regard to patient records, persons licensed by the board shall:

1. Maintain written or electronic clinical records for each client to include treatment dates and identifying information to substantiate diagnosis and treatment plan, client progress, and termination;

2. Maintain client records securely, inform all employees of the requirements of confidentiality, and provide for the destruction of records that are no longer useful in a manner that ensures client confidentiality;

3. Disclose or release records to others only with the client's expressed written consent or that of the client's legally authorized representative in accordance with § 32.1-127.1:03 of the Code of Virginia;

4. Ensure confidentiality in the usage of client records and clinical materials by obtaining informed consent from the client or the client's legally authorized representative before (i) videotaping, (ii) audio recording, (iii) permitting third party observation, or (iv) using identifiable client records and clinical materials in teaching, writing, or public presentations; and

5. Maintain client records for a minimum of five years or as otherwise required by law from the date of termination of the counseling relationship with the following exceptions:

- a. At minimum, records of a minor child shall be maintained for five years after attaining the age of majority (18 years) or 10 years following termination, whichever comes later;
- 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 his legally authorized representative.

D. In regard to dual relationships, persons licensed by the board shall:

- 1. Avoid dual relationships with clients that could impair professional judgment or increase the risk of harm to clients. Examples of such relationships include familial, social, financial, business, bartering, or close personal relationships with clients. Counselors shall take appropriate professional precautions when a dual relationship cannot be avoided, such as informed consent, consultation, supervision, and documentation to ensure that judgment is not impaired and no exploitation occurs;
- 2. Not engage in any type of romantic relationships or sexual intimacies with clients or those included in a collateral relationship with the client and not counsel persons with whom they have had a romantic relationship or sexual intimacy. Counselors shall not engage in romantic relationships or sexual intimacies with former clients within a minimum of five years after terminating the counseling relationship. Counselors who engage in such relationship or intimacy after five years following termination shall have the responsibility to examine and document thoroughly that such relations do not have an exploitive nature, based on factors such as duration of counseling, amount of time since counseling, termination circumstances, client's personal history and mental status, or adverse impact

on the client. A client's consent to, initiation of, or participation in sexual behavior or involvement with a counselor does not change the nature of the conduct nor lift the regulatory prohibition;

3. Not engage in any romantic relationship or sexual intimacy or establish a counseling or psychotherapeutic relationship with a supervisee or student. Counselors shall avoid any nonsexual dual relationship with a supervisee or student in which there is a risk of exploitation or potential harm to the supervisee or student or the potential for interference with the supervisor's professional judgment; and

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

E. Persons licensed by this board shall report to the board known or suspected violations of the laws and regulations governing the practice of professional counseling.

F. Persons licensed by the board shall advise their clients of their right to report to the Department of Health Professions any information of which the licensee may become aware in his professional capacity indicating that there is a reasonable probability that a person licensed or certified as a mental health service provider, as defined in § 54.1-2400.1 of the Code of Virginia, may have engaged in unethical, fraudulent, or unprofessional conduct as defined by the pertinent licensing statutes and regulations.

#### **18VAC115-30-10. Definitions.**

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

"Board"

"Certified substance abuse counselor"

"Certified substance abuse counseling assistant"

"Licensed substance abuse treatment practitioner"

"Practice of substance abuse treatment"

"Substance abuse" and "substance dependence"

"Substance abuse treatment"

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

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

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

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

"Clinical supervisor" means one who provides case-related supervision, consultation, education and guidance for the applicant. The supervisor must be credentialed as defined in 18VAC115-30-60 C.

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

"Contact hour" means the amount of credit awarded for 60 minutes of participation in and successful completion of a continuing education program.

~~"Conversion therapy" means any practice or treatment as defined in § 54.1-2409.5 A of the Code of Virginia.~~

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

"Group supervision" means the process of clinical supervision of no less than two nor more than six persons in a group setting provided by a clinical supervisor.

"NAADAC" means the Association of Addiction Professionals.

"NCC AP" means the National Certification Commission for Addiction Professionals, an affiliate of NAADAC.

"Regionally accredited" means accredited by one of the regional accreditation agencies recognized by the U.S. Department of Education as responsible for accrediting senior postsecondary institutions.

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

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

#### **18VAC115-30-140. Standards of practice.**

A. The protection of the public health, safety, and welfare and the best interest of the public shall be the primary guide in determining the appropriate professional conduct of all persons whose activities are regulated by the board.

B. Persons certified by the board shall:

1. Practice in a manner that is in the best interest of the public and does not endanger the public health, safety, or welfare.
2. Be able to justify all services rendered to clients as necessary for diagnostic or therapeutic purposes.
3. Practice only within the competency area for which they are qualified by training or experience.
4. Report to the board known or suspected violations of the laws and regulations governing the practice of certified substance abuse counselors or certified substance abuse counseling assistants.
5. Neither accept nor give commissions, rebates, or other forms of remuneration for referral of clients for professional services. Make appropriate consultations and referrals based on the best interest of clients.
6. Stay abreast of new developments, concepts, and practices that are necessary to providing appropriate services.
7. Document the need for and steps taken to terminate a counseling 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 counseling relationship.
8. Not willfully or negligently breach 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.
9. ~~Not engage in conversion therapy with any person younger than 18 years of age.~~

~~40.~~ Practice under supervision as specified in § 54.1-3507.1 of the Code of Virginia. Substance abuse counselors shall not directly bill for services rendered, or in any way represent themselves as independent, autonomous practitioners.

C. In regard to client records, persons certified by the board shall:

1. Disclose counseling records to others only in accordance with applicable law.
2. Maintain client records securely, inform all employees of the requirements of confidentiality, and provide for the destruction of records that are no longer useful in a manner that ensures client confidentiality.
3. Ensure confidentiality in the usage of client records and clinical materials by obtaining informed consent from the client or the client's legally authorized representative before (i) videotaping, (ii) audio recording, (iii) permitting third-party observation, or (iv) using identifiable client records and clinical materials in teaching, writing, or public presentations.
4. Maintain timely, accurate, legible, and complete written or electronic records for each client, to include counseling dates and identifying information to substantiate the substance abuse counseling plan, client progress, and termination.
5. Maintain client records for a minimum of five years or as otherwise required by law from the date of termination of the counseling relationship with the following exceptions:
  - 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 the client's legally authorized representative.

D. In regard to dual relationships, persons certified by the board shall:

1. Not engage in dual relationships with clients, former clients, supervisees, and supervisors that are harmful to the client's or supervisee's well-being or that would impair the substance abuse counselor's, substance abuse counseling assistant's, or supervisor's objectivity and professional judgment or increase the risk of client or supervisee exploitation. This prohibition includes such activities as counseling close friends, former sexual partners, employees, or relatives or engaging in business relationships with clients.
2. Not engage in sexual intimacies or romantic relationships with current clients or supervisees. For at least five years after cessation or termination of professional services, certified substance abuse counselors and certified substance abuse counseling assistants shall not engage in sexual intimacies or romantic relationships with a client or those included in collateral therapeutic services. Because sexual or romantic relationships are potentially exploitative, certified substance abuse counselors and certified substance abuse counseling assistants shall bear the burden of demonstrating that there has been no exploitation. A client's consent to, initiation of, or participation in sexual behavior or involvement with a certified substance abuse counselor or certified substance abuse counseling assistants does not change the nature of the conduct nor lift the regulatory prohibition.
3. Recognize conflicts of interest and inform all parties of obligations, responsibilities, and loyalties to third parties.

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 certified 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.

**18VAC115-50-10. Definitions.**

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

"Board"

"Marriage and family therapist"

"Marriage and family therapy"

"Practice of marriage and family therapy"

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

"CACREP" means the Council for Accreditation of Counseling and Related Educational Programs.

"COAMFTE" means the Commission on Accreditation for Marriage and Family Therapy Education.

"Clinical marriage and family services" means activities such as assessment, diagnosis, and treatment planning and treatment implementation for couples and families.

~~"Conversion therapy" means any practice or treatment as defined in § 54.1-2409.5 A of the Code of Virginia.~~

"Face-to-face" means the in-person delivery of clinical marriage and family services for a client.

"Internship" means a formal academic course from a regionally accredited university in which supervised practical experience is obtained in a clinical setting in the application of counseling principles, methods, and techniques.

"Regional accrediting agency" means one of the regional accreditation agencies recognized by the U.S. Secretary of Education as responsible for accrediting senior post-secondary institutions and training programs.

"Residency" means a postgraduate, supervised clinical experience.

"Resident" means an individual who has a supervisory contract and has been issued a temporary license by the board to provide clinical services in marriage and family therapy under supervision.

"Supervision" means an ongoing process performed by a supervisor who monitors the performance of the person supervised and provides regular, documented, individual or group consultation, guidance, and instruction with respect to the clinical skills and competencies of the person being supervised.

"Supervisory contract" means an agreement that outlines the expectations and responsibilities of the supervisor and resident in accordance with regulations of the board.

**18VAC115-50-110. Standards of practice.**

A. The protection of the public's 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. Regardless of the delivery method, whether in person, by phone or electronically, these standards shall apply to the practice of marriage and family therapy.

B. Persons licensed or registered by the board shall:

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

2. Practice only within the boundaries of their competence, based on their education, training, supervised experience, and appropriate professional experience and represent their education, training, and experience accurately to clients;
3. Stay abreast of new marriage and family therapy information, concepts, applications, and practices that are necessary to providing appropriate, effective professional services;
4. Be able to justify all services rendered to clients as necessary and appropriate for diagnostic or therapeutic purposes;
5. Document the need for and steps taken to terminate a counseling relationship when it becomes clear that the client is not benefiting from the relationship. Document the assistance provided in making appropriate arrangements for the continuation of treatment for clients, when necessary, following termination of a counseling relationship;
6. Make appropriate arrangements for continuation of services, when necessary, during interruptions such as vacations, unavailability, relocation, illness, and disability;
7. Disclose to clients all experimental methods of treatment and inform client of the risks and benefits of any such treatment. Ensure that the welfare of the client is not compromised in any experimentation or research involving those clients;
8. Neither accept nor give commissions, rebates or other forms of remuneration for referral of clients for professional services;
9. Inform clients of the purposes, goals, techniques, procedures, limitations, potential risks, and benefits of services to be performed; the limitations of confidentiality; and other pertinent information when counseling is initiated and throughout the counseling process as necessary. Provide clients with accurate information regarding the implications of diagnosis, the intended use of tests and reports, fees, and billing arrangements;

10. Select tests for use with clients that are valid, reliable, and appropriate and carefully interpret the performance of individuals not represented in standardized norms;

11. 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 communication privileges with the other professional;

12. Use only in connection with one's practice as a mental health professional those educational and professional degrees or titles that have been earned at a college or university accredited by an accrediting agency recognized by the U.S. Department of Education, or credentials granted by a national certifying agency, and that are counseling in nature; and

13. Advertise professional services fairly and accurately in a manner that is not false, misleading or deceptive; ~~and~~

~~14. Not engage in conversion therapy with any person younger than 18 years of age.~~

C. In regard to patient records, persons licensed by the board shall:

1. Maintain written or electronic clinical records for each client to include treatment dates and identifying information to substantiate diagnosis and treatment plan, client progress, and termination;

2. Maintain client records securely, inform all employees of the requirements of confidentiality and provide for the destruction of records that are no longer useful in a manner that ensures client confidentiality;

3. Disclose or release client records to others only with clients' expressed written consent or that of their legally authorized representative in accordance with § 32.1-127.1:03 of the Code of Virginia;

4. Ensure confidentiality in the usage of client records and clinical materials by obtaining informed consent from clients or their legally authorized representative before (i) videotaping, (ii) audio recording, (iii) permitting third party observation, or (iv) using identifiable client records and clinical materials in teaching, writing, or public presentations; and

5. Maintain client records for a minimum of five years or as otherwise required by law from the date of termination of the counseling relationship with the following exceptions:

- a. At minimum, records of a minor child shall be maintained for five years after attaining the age of majority (18 years) or 10 years following termination, whichever comes later;
- 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 transferred to another mental health service provider or given to the client or his legally authorized representative.

D. In regard to dual relationships, persons licensed by the board shall:

1. Avoid dual relationships with clients that could impair professional judgment or increase the risk of harm to clients. Examples of such relationships include familial, social, financial, business, bartering, or close personal relationships with clients. Marriage and family therapists shall take appropriate professional precautions when a dual relationship cannot be avoided, such as informed consent, consultation, supervision, and documentation to ensure that judgment is not impaired and no exploitation occurs;

2. Not engage in any type of romantic relationships or sexual intimacies with clients or those included in a collateral relationship with the client and also not counsel persons with whom they have had a sexual intimacy or romantic relationship. Marriage and family therapists shall not engage in romantic relationships or sexual intimacies with former

clients within a minimum of five years after terminating the counseling relationship. Marriage and family therapists who engage in such relationship or intimacy after five years following termination shall have the responsibility to examine and document thoroughly that such relations do not have an exploitive nature, based on factors such as duration of counseling, amount of time since counseling, termination circumstances, client's personal history and mental status, or adverse impact on the client. A client's consent to, initiation of or participation in sexual behavior or involvement with a marriage and family therapist does not change the nature of the conduct nor lift the regulatory prohibition;

3. Not engage in any romantic relationships or sexual relationship or establish a counseling or psychotherapeutic relationship with a supervisee or student. Marriage and family therapists shall avoid any nonsexual dual relationship with a supervisee or student in which there is a risk of exploitation or potential harm to the supervisee or student or the potential for interference with the supervisor's professional judgment; and

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

E. Persons licensed by this board shall report to the board known or suspected violations of the laws and regulations governing the practice of marriage and family therapy.

F. Persons licensed by the board shall advise their clients of their right to report to the Department of Health Professions any information of which the licensee may become aware in his professional capacity indicating that there is a reasonable probability that a person licensed or certified as a mental health service provider, as defined in § 54.1-2400.1 of the Code of Virginia, may have engaged in unethical, fraudulent or unprofessional conduct as defined by the pertinent licensing statutes and regulations.

**18VAC115-60-10. Definitions.**

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

"Board"

"Licensed substance abuse treatment practitioner"

"Substance abuse"

"Substance abuse treatment"

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

"Applicant" means any individual who has submitted an official application and paid the application fee for licensure as a substance abuse treatment practitioner.

"CACREP" means the Council for Accreditation of Counseling and Related Educational Programs.

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

"Clinical substance abuse treatment services" means activities such as assessment, diagnosis, treatment planning, and treatment implementation.

"COAMFTE" means the Commission on Accreditation for Marriage and Family Therapy Education.

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

~~"Conversion therapy" means any practice or treatment as defined in § 54.1-2409.5 A of the Code of Virginia.~~

"Exempt setting" means an agency or institution in which licensure is not required to engage in the practice of substance abuse treatment according to the conditions set forth in § 54.1-3501 of the Code of Virginia.

"Face-to-face" means the in-person delivery of clinical substance abuse treatment services for a client.

"Group supervision" means the process of clinical supervision of no more than six persons in a group setting provided by a qualified supervisor.

"Internship" means a formal academic course from a regionally accredited university in which supervised, practical experience is obtained in a clinical setting in the application of counseling principles, methods and techniques.

"Jurisdiction" means a state, territory, district, province, or country that has granted a professional certificate or license to practice a profession, use a professional title, or hold oneself out as a practitioner of that profession.

"Nonexempt setting" means a setting that does not meet the conditions of exemption from the requirements of licensure to engage in the practice of substance abuse treatment as set forth in § 54.1-3501 of the Code of Virginia.

"Regional accrediting agency" means one of the regional accreditation agencies recognized by the U.S. Secretary of Education responsible for accrediting senior postsecondary institutions.

"Residency" means a postgraduate, supervised, clinical experience.

"Resident" means an individual who has a supervisory contract and has been issued a temporary license by the board to provide clinical services in substance abuse treatment under supervision.

"Supervision" means the ongoing process performed by a supervisor who monitors the performance of the person supervised and provides regular, documented individual or group consultation, guidance, and instruction with respect to the clinical skills and competencies of the person supervised.

"Supervisory contract" means an agreement that outlines the expectations and responsibilities of the supervisor and resident in accordance with regulations of the board.

**18VAC115-60-130. 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. Regardless of the delivery method, whether in person, by phone or electronically, these standards shall apply to the practice of substance abuse treatment.

B. Persons licensed or registered by the board shall:

1. Practice in a manner that is in the best interest of the public and does not endanger the public health, safety, or welfare;
2. Practice only within the boundaries of their competence, based on their education, training, supervised experience and appropriate professional experience and represent their education, training and experience accurately to clients;
3. Stay abreast of new substance abuse treatment information, concepts, application, and practices that are necessary to providing appropriate, effective professional services;

4. Be able to justify all services rendered to clients as necessary and appropriate for diagnostic or therapeutic purposes;
5. Document the need for and steps taken to terminate a counseling relationship when it becomes clear that the client is not benefiting from the relationship. Document the assistance provided in making appropriate arrangements for the continuation of treatment for clients, when necessary, following termination of a counseling relationship;
6. Make appropriate arrangements for continuation of services, when necessary, during interruptions such as vacations, unavailability, relocation, illness, and disability;
7. Disclose to clients all experimental methods of treatment and inform clients of the risks and benefits of any such treatment. Ensure that the welfare of the clients is in no way compromised in any experimentation or research involving those clients;
8. Neither accept nor give commissions, rebates, or other forms of remuneration for referral of clients for professional services;
9. Inform clients of the purposes, goals, techniques, procedures, limitations, potential risks, and benefits of services to be performed; the limitations of confidentiality; and other pertinent information when counseling is initiated and throughout the counseling process as necessary. Provide clients with accurate information regarding the implications of diagnosis, the intended use of tests and reports, fees, and billing arrangements;
10. Select tests for use with clients that are valid, reliable, and appropriate and carefully interpret the performance of individuals not represented in standardized norms;
11. 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 communication privileges with the other professional;

12. Use only in connection with one's practice as a mental health professional those educational and professional degrees or titles that have been earned at a college or university accredited by an accrediting agency recognized by the U.S. Department of Education, or credentials granted by a national certifying agency, and that are counseling in nature; and

13. Advertise professional services fairly and accurately in a manner that is not false, misleading or deceptive; ~~and~~

~~14. Not engage in conversion therapy with any person younger than 18 years of age.~~

C. In regard to patient records, persons licensed by the board shall:

1. Maintain written or electronic clinical records for each client to include treatment dates and identifying information to substantiate diagnosis and treatment plan, client progress, and termination;

2. Maintain client records securely, inform all employees of the requirements of confidentiality and provide for the destruction of records that are no longer useful in a manner that ensures client confidentiality;

3. Disclose or release records to others only with clients' expressed written consent or that of their legally authorized representative in accordance with § 32.1-127.1:03 of the Code of Virginia;

4. Maintain client records for a minimum of five years or as otherwise required by law from the date of termination of the substance abuse treatment relationship with the following exceptions:

a. At minimum, records of a minor child shall be maintained for five years after attaining the age of majority (18 years) or 10 years following termination, whichever comes later;

- 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; and
  - 5. Ensure confidentiality in the usage of client records and clinical materials by obtaining informed consent from clients or their legally authorized representative before (i) videotaping, (ii) audio recording, (iii) permitting third party observation, or (iv) using identifiable client records and clinical materials in teaching, writing or public presentations.
- D. In regard to dual relationships, persons licensed by the board shall:
- 1. Avoid dual relationships with clients that could impair professional judgment or increase the risk of harm to clients. Examples of such relationships include familial, social, financial, business, bartering, or close personal relationships with clients. Counselors shall take appropriate professional precautions when a dual relationship cannot be avoided, such as informed consent, consultation, supervision, and documentation to ensure that judgment is not impaired and no exploitation occurs;
  - 2. Not engage in any type of romantic relationships or sexual intimacies with clients or those included in a collateral relationship with the client and not counsel persons with whom they have had a romantic relationship or sexual intimacy. Licensed substance abuse treatment practitioners shall not engage in romantic relationships or sexual intimacies with former clients within a minimum of five years after terminating the counseling relationship. Licensed substance abuse treatment practitioners who engage in such relationship or intimacy after five years following termination shall have the responsibility to examine and document thoroughly that such relations do not have an exploitive nature, based on factors such as duration of counseling, amount of time since

counseling, termination circumstances, client's personal history and mental status, or adverse impact on the client. A client's consent to, initiation of or participation in sexual behavior or involvement with a licensed substance abuse treatment practitioner does not change the nature of the conduct nor lift the regulatory prohibition;

3. Not engage in any sexual intimacy or romantic relationship or establish a counseling or psychotherapeutic relationship with a supervisee or student. Licensed substance abuse treatment practitioners shall avoid any nonsexual dual relationship with a supervisee or student in which there is a risk of exploitation or potential harm to the supervisee or the potential for interference with the supervisor's professional judgment; and

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

E. Persons licensed by this board shall report to the board known or suspected violations of the laws and regulations governing the practice of substance abuse treatment.

F. Persons licensed by the board shall advise their clients of their right to report to the Department of Health Professions any information of which the licensee may become aware in his professional capacity indicating that there is a reasonable probability that a person licensed or certified as a mental health service provider, as defined in § 54.1-2400.1 of the Code of Virginia, may have engaged in unethical, fraudulent or unprofessional conduct as defined by the pertinent licensing statutes and regulations.



Code of Virginia

Title 54.1. Professions and Occupations

Chapter 24. General Provisions

## § 54.1-2409.5. Conversion therapy prohibited.

A. As used in this section, "conversion therapy" means any practice or treatment that seeks to change an individual's sexual orientation or gender identity, including efforts to change behaviors or gender expressions or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same gender. "Conversion therapy" does not include counseling that provides acceptance, support, and understanding of a person or facilitates a person's coping, social support, and identity exploration and development, including sexual-orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual practices, as long as such counseling does not seek to change an individual's sexual orientation or gender identity.

B. No person licensed pursuant to this subtitle or who performs counseling as part of his training for a profession licensed pursuant to this subtitle shall engage in conversion therapy with a person under 18 years of age. Any conversion therapy efforts with a person under 18 years of age engaged in by a provider licensed in accordance with the provisions of this subtitle or who performs counseling as part of his training for any profession licensed pursuant to this subtitle shall constitute unprofessional conduct and shall be grounds for disciplinary action by the appropriate health regulatory board within the Department of Health Professions.

2020, cc. [41](#), [721](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

6/24/20

### Virginia Law Library

The Code of Virginia, Constitution of Virginia, Charters, Authorities, Compacts and Uncodified Acts are available in both PDF and CSV formats. 

### Helpful Resources

[Virginia Code Commission](#)  
[Virginia Register of Regulations](#)  
[U.S. Constitution](#)

### For Developers

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Agency

Department of Health Professions

Board

Board of Counseling

Chapter

Regulations Governing the Practice of Professional Counseling [18 VAC 115 - 20]

|                |                                                                       |
|----------------|-----------------------------------------------------------------------|
| Action         | <u>Removal of redundant provisions related to conversion therapy.</u> |
| Stage          | <u>NOIRA</u>                                                          |
| Comment Period | Ended on 4/8/2026                                                     |

1 comments

All good comments for this forum [Show Only Flagged](#)

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**Commenter:** Founding Freedoms Law Center

4/8/26 2:04 pm

**Recent Court cases require this action**

Removing these provisions from the VAC makes sense, not only because they unnecessarily restate something that is plainly already stated within the Virginia Code, as the Agency's NOIRA document explains. But more importantly, the provisions should be removed in light of the recent permanent injunction issued by the Henrico County Circuit Court in *Raymond v. Virginia Board of Counseling*. The court's order acknowledged the unconstitutionality of Virginia's "conversion therapy" statute and regulations from the standpoint of free speech and religious exercise, and thus permanently enjoined enforcement of them not only for the Raymonds, but for all "similarly situated" individuals. More recently, the Supreme Court of the United States issued a landmark decision in *Chiles v. Salazar*. Addressing a virtually identical law in Colorado, the Court held that professionals retain their free speech rights in the context of talk therapy for "conversion therapy" and found that the law was not viewpoint-neutral. The case effectively deemed all such laws unconstitutional. For these reasons, the Department of Health Professions should remove all its regulations related to "conversion therapy."

CommentID: **240449**

### **Agenda Item: Adoption of notice of intended regulatory action (NOIRA)**

**Staff note:** The Regulatory Committee is in the process of conducting an extensive review of Chapters 20, 50, and 60 pursuant to the periodic reviews issued for those chapters. The Regulatory Committee's final recommendations for regulatory changes will be presented to the Board at the proposed stage of the regulatory action.

The Regulatory Committee recommended that the full Board adopt a NOIRA for Chapters 20, 50, and 60 to do the following:

- Update definitions to remove unused terms;
- Update description of fees;
- Repeal unnecessary references to other chapters;
- Update licensure by examination and licensure by endorsement requirements for clarity and to reduce burdens;
- Update degree and coursework requirements;
- Update and reorganize the regulation impacting residency and supervision of residents;
- Update renewal requirements for clarity and to remove use of passive voice;
- Update continuing competency regulations;
- Update reinstatement requirements for consistency;
- Remove gendered voice throughout the Chapters;
- Repeal portions of regulations governing discipline which restate Code language;
- Repeal regulations governing reinstatement following disciplinary action as the language restates Code and is unnecessary to include in regulation; and
- Make other changes as further identified by the regulatory committee

### **Action needed:**

- Motion to accept the recommendation of the Regulatory Committee.

## **Agenda Item: Consideration of Petition for Rulemaking - Branner**

### **Included in your agenda package:**

- Petition for rulemaking;
- Public comments received on Town Hall.

**Staff note:** There were 10 comments received on Town Hall, all in support of the petition.

The Regulatory Committee considered this petition at its June 2026 meeting. The Regulatory Committee recommended that the full Board deny the petition because the scopes of practice and experience between QMHPs and counseling residents are different and such a change would negatively impact public safety.

### **Action needed:**

- Motion to accept the recommendation of the Regulatory Committee to deny the petition for rulemaking; **OR**
- Motion to adopt the petition for rulemaking and issue a NOIRA.



## Petition for Rule-making

*The Code of Virginia (§ 2.2-4007) and the Public Participation Guidelines of this board require a person who wishes to petition the board to develop a new regulation or amend an existing regulation to provide certain information. Within 14 days of receiving a valid petition, the board will notify the petitioner and send a notice to the Register of Regulations identifying the petitioner, the nature of the request and the plan for responding to the petition. Following publication of the petition in the Register, a 21-day comment period will begin to allow written comment on the petition. Within 90 days after the comment period, the board will issue a written decision on the petition. If the board has not met within that 90-day period, the decision will be issued no later than 14 days after it next meets.*

**Please provide the information requested below. (Print or Type)**

Petitioner's full name (Last, First, Middle initial, Suffix,)

Branner, Arthur R. II

Street Address

3112 Eagle Ridge Drive

Area Code and Telephone Number

(916)616- 8821

City

Woodbridge

State

Virginia

Zip Code:

2 2 1 9 1

Email Address (optional)

docbranner@gmail.com

**Respond to the following questions:**

1. What regulation are you petitioning the board to amend? Please state the title of the regulation and the section/sections you want the board to consider amending.

I respectfully request a chage/addendum be made for the requirements for a Licensed Professional Counselor 18 VAC 115-20-10

2. Please summarize the substance of the change you are requesting and state the rationale or purpose for the new or amended rule.

According to the Virginia Board of Counseling under provision 54.1-3521(A), a Qualified Mental Health Professional (QMHP) under supervision may perform functions such as screening, orientation, care coordination, client education, referrals, crisis de-escalation, collecting psychosocial histories, providing psychosocial skills training, implementing care-plan interventions, documentation, and prevention of mental health and substance use disorders. Under 18VAC115-20-100, a resident in counseling may perform these same duties while under supervision, but with additional academic training.

Given that QMHPs are already entrusted to provide direct client services and therapeutic interventions, it seems reasonable that some of their supervised service hours should be considered toward the 3,400 hours of counseling experience and 200 hours of supervision required for licensure. Experience gained as a QMHP prior to earning a Clinical Mental Health Counseling (CMHC) degree can significantly strengthen clinical competence and may even provide an advantage compared to counselors who begin practice only after graduation.

As a 62-year-old QMHP who has worked with a reputable counseling agency since September 26, 2022, and who began pursuing a CMHC degree at an accredited university in September 2024, I respectfully request consideration for awarding some credit toward licensure hours for QMHP service. At a minimum, service hours accumulated while actively pursuing the CMHC degree could be recognized. Such recognition would acknowledge the valuable experience QMHPs bring to the profession and support the development of highly competent counselors.

3. State the legal authority of the board to take the action requested. In general, the legal authority for the adoption of regulations by the board is found in § 54.1-2400 of the Code of Virginia. If there is other legal authority for promulgation of a regulation, please provide that Code reference.

Signature:

Arthur R Branner II

Date: 03/12/2026



Agency

Department of Health Professions

Board

Board of Counseling

Chapter

Regulations Governing the Practice of Professional Counseling [18 VAC 115 - 20]

10 comments

All comments for this forum

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**Commenter:** Arthur R. Branner II

5/5/26 8:44 am

**Comment: Petition for Rule Making QMHP supervised hours to count towards LPC licensure requirements**

According to the Virginia Department of Health Professionals, there is a high demand for Licensed Professionals (LPCs), marriage and family therapists, and substance abuse treatment practitioners. 29% of Virginia's population lives in a designated mental health professional shortage area. 57% of VA health care facilities recently reported severe staff shortages of psychologists and therapists, with many hiring for hundreds of roles. High demand for services has forced some state psychiatric hospitals to limit admissions due to a lack of staff. Cities like Virginia Beach have offered incentives for mental health professionals to address the high vacancy rates. This ruling would incentivize more prospective QMHP's to become licensed clinicians.

CommentID: 240504

**Commenter:** Esmie Branner

5/5/26 8:56 am

**Comment: Petition for Rule Making QMHP supervised hours to count towards LPC licensure requirements**

According to the Virginia Department of Health Professionals, there is a high demand for Licensed Professional Counselors (LPCs), marriage and family therapists, and substance abuse treatment practitioners. High demand for services has forced some state psychiatric hospitals to limit admissions due to a lack of staff. While Virginia ranks reasonably well compared to other states for overall access to care, the sheer demand has overwhelmed the current workforce, particularly for specialized care. This ruling, if passed, will incentivize QMHPs to become licensed therapists.

CommentID: 240505

**Commenter:** Genne Jackson

5/5/26 1:49 pm

**Petition for Rule Making QMHP supervised hours to count towards LPC licensure requirements**

According to the Virginia Department of Health Professionals, there is a high demand for Licensed Professionals (LPCs), marriage and family therapists, and substance abuse treatment practitioners. 29% of Virginia's population lives in a designated mental health professional shortage area. 57% of VA health care facilities recently reported severe staff shortages of psychologists and therapists, with many hiring for hundreds of roles. High demand for services has forced some state psychiatric hospitals to limit admissions due to a lack of staff. Cities like Virginia Beach have offered incentives for mental health professionals to address the high vacancy rates. This ruling would incentivize more prospective QMHP's to become licensed clinicians.

CommentID: 240506

**Commenter:** Penny Pelter, National Counseling Group

5/6/26 12:59 am

**Petition for Rule Making QMHP supervised hours to count towards LPC licensure requirements**

According to the Virginia Department of Health Professionals, there is a high demand for Licensed Professional Counselors (LPCs), marriage and family therapists, and substance abuse treatment practitioners. High demand for services has forced some state psychiatric hospitals to limit admissions due to a lack of staff. While Virginia ranks reasonably well compared to other states for overall access to care, the sheer demand has overwhelmed the current workforce, particularly for specialized care. This ruling, if passed, will incentivize QMHPs to become licensed therapists.

CommentID: 240507

**Commenter:** Queben Cruz , NCG

5/6/26 6:30 am

**Petition for Rule Making QMHP supervised hours to count towards LPC licensure requirements**

According to the Virginia Department of Health Professionals, there is a high demand for Licensed Professionals (LPCs), marriage and family therapists, and substance abuse treatment practitioners. 29% of Virginia's population lives in a designated mental health professional shortage area. 57% of VA health care facilities recently reported severe staff shortages of psychologists and therapists, with many hiring for hundreds of roles. High demand for services has forced some state psychiatric hospitals to limit admissions due to a lack of staff. Cities like Virginia Beach have offered incentives for mental health professionals to address the high vacancy rates. This ruling would incentivize more prospective QMHP's to become licensed clinicians.

CommentID: 240508

**Commenter:** Jennifer Reyes

5/6/26 6:34 am

**Comment: Petition for Rule Making QMHP supervised hours to count towards LPC licensure requirements**

According to the Virginia Department of Health Professionals, there is a high demand for Licensed Professional Counselors (LPCs), marriage and family therapists, and substance abuse treatment practitioners. High demand for services has forced some state psychiatric hospitals to limit admissions due to a lack of staff. While Virginia ranks reasonably well compared to other states for overall access to care, the sheer demand has overwhelmed the current workforce, particularly for specialized care. This ruling, if passed, will incentivize QMHPs to become licensed therapists.

CommentID: 240509

**Commenter:** Dr. Ebonie Pritchett

5/6/26 6:45 am

### **Support for Petition to Count QMHP Supervised Hours Toward LPC Residency**

I am writing in strong support of the petition to allow supervised hours worked as a Qualified Mental Health Professional–Trainee (QMHP-T) to count toward the residency requirements for Licensed Professional Counselor (LPC) licensure.

As a current QMHP-T in the process of becoming a registered QMHP, I am actively providing direct mental health services under supervision. The work performed in this role requires the application of clinical skills, ethical standards, and professional judgment that closely align with the competencies expected of LPC residents. Despite this, these hours are not currently recognized toward LPC licensure, creating a gap that does not reflect the reality of the work being done in the field.

Allowing QMHP supervised hours to count toward LPC residency would create a more equitable and efficient pathway to licensure. It would reduce unnecessary duplication of supervised experience, alleviate workforce shortages, and support professionals who are already serving communities in critical mental health roles.

Additionally, this change would help retain qualified individuals in the behavioral health field by removing barriers that can delay or discourage career advancement. Many QMHP-Ts are already working in high-need settings, gaining valuable, hands-on experience that should be acknowledged as part of their professional development.

I respectfully urge the Board to approve this petition and recognize the validity and value of supervised QMHP experience as counting toward LPC residency requirements.

Thank you for your time and consideration.

CommentID: 240510

**Commenter:** Beatrice Barry, National Counseling Group

5/6/26 9:17 am

### **QMHP hours to count toward my LPC licensure**

Good morning,

I am a QMHP (T) who has been finishing my Master's in Clinical Mental Health Counseling. I graduate this weekend, and I was disappointed to learn that the hours of overage in my internship won't count toward my 3400 hours toward full licensure. If the QMHP hours could be credited, it would be very helpful in moving me towards licensure in Virginia. I would be grateful for this opportunity. As a QMHP working with Medicaid clients, I have encountered a variety of diagnoses and have learned a great deal from my supervisors and my hands-on work with clients. NCG has been a very good site for both my QMHP and my internship. Thank you for considering this provision for using QMHP hours toward my LPC licensure.

CommentID: **240511**

**Commenter:** National Counseling Group

5/6/26 10:59 am

### **QMHP License opportunity**

According to the Virginia Department of Health Professionals, there is a high demand for Licensed Professional Counselors (LPCs), marriage and family therapists, and substance abuse treatment practitioners. High demand for services has forced some state psychiatric hospitals to limit admissions due to a lack of staff. While Virginia ranks reasonably well compared to other states for overall access to care, the sheer demand has overwhelmed the current workforce, particularly for specialized care. This ruling, if passed, will incentivize QMHPs to become licensed therapists

CommentID: **240512**

**Commenter:** Warren C. Washington National Counseling Group

5/6/26 2:27 pm

### **High Demand for LPC's in VA**

According to the Virginia Department of Health Professionals, there is a high demand for Licensed Professional Counselors (LPCs), marriage and family therapists, and substance abuse treatment practitioners. High demand for services has forced some state psychiatric hospitals to limit admissions due to a lack of staff. While Virginia ranks reasonably well compared to other states for overall access to care, the sheer demand has overwhelmed the current workforce, particularly for specialized care. This ruling, if passed, will incentivize QMHPs to become licensed therapists.

CommentID: **240514**

## **Agenda Item: Consideration of Petition for Rulemaking - Thomas**

### **Included in your agenda package:**

- Petition for rulemaking;
- Town Hall summary page showing no comments received;
- 18VAC115-30-60.

**Staff note:** The Regulatory Committee considered this petition at its June 2026 meeting. The Regulatory Committee recommended that the full Board deny the petition because there is too much variation in certification state by state to reliably endorse experience for supervision.

### **Action needed:**

- Motion to accept the recommendation of the Regulatory Committee to deny the petition for rulemaking; **OR**
- Motion to adopt the petition for rulemaking and issue a NOIRA.



## Petition for Rule-making

*The Code of Virginia (§ 2.2-4007) and the Public Participation Guidelines of this board require a person who wishes to petition the board to develop a new regulation or amend an existing regulation to provide certain information. Within 14 days of receiving a valid petition, the board will notify the petitioner and send a notice to the Register of Regulations identifying the petitioner, the nature of the request and the plan for responding to the petition. Following publication of the petition in the Register, a 21-day comment period will begin to allow written comment on the petition. Within 90 days after the comment period, the board will issue a written decision on the petition. If the board has not met within that 90-day period, the decision will be issued no later than 14 days after it next meets.*

**Please provide the information requested below. (Print or Type)**

Petitioner's full name (Last, First, Middle initial, Suffix,)

Street Address

Area Code and Telephone Number

City

State

Zip Code:

\_\_\_\_ \_

Email Address (optional)

**Respond to the following questions:**

1. What regulation are you petitioning the board to amend? Please state the title of the regulation and the section/sections you want the board to consider amending.
2. Please summarize the substance of the change you are requesting and state the rationale or purpose for the new or amended rule.
3. State the legal authority of the board to take the action requested. In general, the legal authority for the adoption of regulations by the board is found in § 54.1-2400 of the Code of Virginia. If there is other legal authority for promulgation of a regulation, please provide that Code reference.

Signature:

Date:

3/22/26



**Secretariat** Health and Human Resources  
**Agency** Department of Health Professions  
**Board** Board of Counseling  
[Edit Petition](#)

Petition 453

| Petition Information                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|---------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Petition Title</b>                 | Allowance of CSAC experience in another jurisdiction to meet requirements to be a CSAC supervisor                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Date Filed</b>                     | 3/23/2026 <a href="#">[Transmittal Sheet]</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Petitioner</b>                     | Lydia Thomas                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>Petitioner's Request</b>           | The petitioner requests that the Board permit experience obtained as a CSAC in another jurisdiction to meet requirements to be a CSAC supervisor in Virginia.                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Agency's Plan</b>                  | The petition for rulemaking will be published in the Virginia Register of Regulations on April 20, 2026. The petition will also be published on the Virginia Regulatory Town Hall at <a href="http://www.townhall.virginia.gov">www.townhall.virginia.gov</a> to receive public comment, which will open on April 20, 2026 and will close on May 20, 2026. The Board will consider the petition and all comments in support or opposition at the next meeting after the close of public comment, currently scheduled for July 17, 2026. |
| <b>Comment Period</b>                 | Began 4/20/2026 Ended 5/20/2026<br>0 comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Virginia Register Announcement</b> | Submitted on 3/23/2026<br><a href="#">The Virginia Register of Regulations</a><br>Published on: 4/20/2026 Volume: 42 Issue: 18                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>Agency Decision</b>                | Pending                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

| Contact Information   |                                                                                      |
|-----------------------|--------------------------------------------------------------------------------------|
| <b>Name / Title:</b>  | Maria S. Stransky / <i>Executive Director</i>                                        |
| <b>Address:</b>       | 9960 Mayland Drive<br>Suite 300<br>Henrico, 23233                                    |
| <b>Email Address:</b> | <a href="mailto:maria.stransky@dhp.virginia.gov">maria.stransky@dhp.virginia.gov</a> |
| <b>Telephone:</b>     | (804)367-4610 FAX: (-) TDD: (-)                                                      |

**18VAC115-30-60. Experience requirements for substance abuse counselors.**

C. Supervisor qualifications. A board-approved clinical supervisor shall hold an active, unrestricted license or certification and shall be:

1. A licensed substance abuse treatment practitioner;
2. A licensed professional counselor, licensed clinical psychologist, licensed clinical social worker, licensed marriage and family therapist, medical doctor, or registered nurse who has either:
  - a. A board-recognized national certification in substance abuse counseling obtained by standards substantially equivalent to those set forth in this chapter;
  - b. A certification as a substance abuse counselor issued by this board; or
  - c. A minimum of one year of experience in substance abuse counseling and at least 100 hours of didactic training covering the areas outlined in [18VAC115-30-50](#) B 2 a through 2 m; or
3. A substance abuse counselor certified by the Virginia Board of Counseling who has two years of experience as a Virginia board-certified substance abuse counselor.



## **Discipline Reports** January 1, 2026 to June 30, 2026

| <b>NEW CASES RECEIVED BY BOARD</b><br>January 1, 2026 to June 30, 2026 |
|------------------------------------------------------------------------|
| <b>268</b>                                                             |

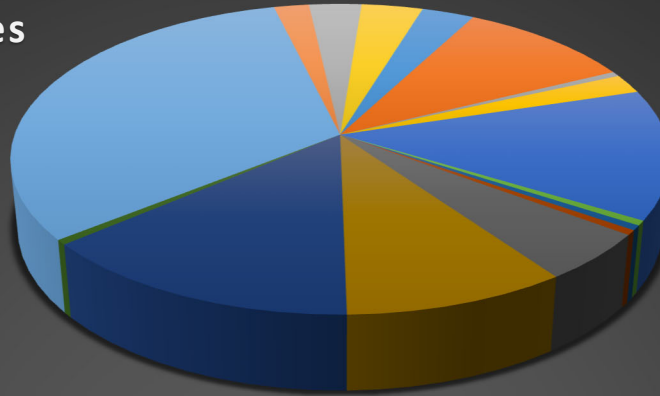
| <b>TOTAL OPEN INVESTIGATIONS</b><br><b>(ENFORCEMENT)</b> |
|----------------------------------------------------------|
| <b>93</b>                                                |

| <b>OPEN CASE STAGES</b><br>as of Jun 30, 2026             |            |
|-----------------------------------------------------------|------------|
| Probable Cause Review                                     | 295        |
| Scheduled for Informal Conferences                        | 16         |
| Scheduled for Formal Hearings                             | 4          |
| Other (pending CCA, PHCO, hold, etc.)                     | 18         |
| Cases with APD for processing<br>(IFC, FH, Consent Order) | 24         |
| <b>TOTAL ACTIVE CASES AT BOARD LEVEL</b>                  | <b>357</b> |

| <b>CONFERENCES AND HEARINGS</b>                                                                                   |                                                                                                               |
|-------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|
| <b>Informal Conferences Held:</b><br>Feb 27, 2026<br>Mar 27, 2026<br>Apr 24, 2026<br>May 29, 2026<br>Jun 26, 2026 | <b>Scheduled Conferences:</b><br>Aug 28, 2026<br>Sep 18, 2026<br>Oct 30, 2026<br>Nov 20, 2026<br>Dec 18, 2026 |

| <b>CASES CLOSED</b><br>January 1, 2026 to June 30, 2026                                                                           |            |
|-----------------------------------------------------------------------------------------------------------------------------------|------------|
| No violation<br>4 Informal Conferences                                                                                            | 158        |
| Undetermined                                                                                                                      | 28         |
| Violation<br>1 Informal Conference<br>4 Confidential Consent Agreement<br>4 Pre-Hearing Consent Orders<br>4 Mandatory Suspensions | 13         |
| Application Approved                                                                                                              | 0          |
| Application Denied                                                                                                                | 0          |
| Application Withdrawn                                                                                                             | 1          |
| <b>TOTAL CASES CLOSED</b>                                                                                                         | <b>200</b> |

## Closed Case Categories



|                                                                                |                                                                        |
|--------------------------------------------------------------------------------|------------------------------------------------------------------------|
| ■ Abuse/Abandonment/Neglect (6)                                                | ■ Business Practice Issues (20)                                        |
| ■ Confidentiality Breach (1)                                                   | ■ Criminal Activity (4)<br>4 violations (LPC-2, QMHP-2, RPRS)          |
| ■ Diagnosis/Treatment (27)                                                     | ■ Drug Related, patient care (1)                                       |
| ■ Eligibility (1)                                                              | ■ Fraud, non-patient care (1)                                          |
| ■ Fraud, patient care (10)<br>1 violation (QMHP)                               | ■ Inability to Safely Practice (19)<br>1 violation (LPC)               |
| ■ Inappropriate Relationship (28)<br>5 violations (LPC-2, QMHP-2, CSAC-3, RIC) | ■ Misappropriation of patient property (1)<br>1 violation (RIC/CSAC-A) |
| ■ No jurisdiction (64)                                                         | ■ Records Release (4)<br>1 violation (LPC)                             |
| ■ Scope of Practice (6)                                                        | ■ Unlicensed Activity (7)                                              |

| AVERAGE CASE PROCESSING TIMES<br>(counted on closed cases) |     |
|------------------------------------------------------------|-----|
| Average time for case closures                             | 320 |
| Avg. time in Enforcement (investigations)                  | 91  |
| Avg. time in APD (IFC/FH preparation)                      | 167 |
| Avg. time in Board (includes hearings, reviews, etc).      | 216 |

## **Behavioral Science Unit (BSU)**

### **Boards of Counseling, Psychology, and Social Work**

#### ***Current Open Cases by Board***

*as of Jun 30, 2026*

|                                     |            |
|-------------------------------------|------------|
| Board of Counseling                 | 357        |
| Board of Psychology                 | 167        |
| Board of Social Work                | 210        |
| <b>TOTAL CASES WITH BOARD STAFF</b> | <b>734</b> |

#### ***BSU Cases Received from Enforcement***

|                                            | COUNSELING | PSYCHOLOGY | SOCIAL WORK | BSU TOTAL |
|--------------------------------------------|------------|------------|-------------|-----------|
| <b>2021</b>                                | 344        | 132        | 94          | 570       |
| <b>2022</b>                                | 381        | 127        | 108         | 616       |
| <b>2023</b>                                | 440        | 124        | 160         | 724       |
| <b>2024</b>                                | 493        | 193        | 198         | 884       |
| <b>2025</b>                                | 486        | 152        | 207         | 845       |
| <b>2026</b><br><small>as of Jun 30</small> | 268        | 88         | 118         | 474       |

### **Discipline Staff for BSU**

Jennifer Lang, Acting Executive Director/Deputy Executive Director  
 Christy Palmore, Discipline and Compliance Senior Case Specialist  
 Krystal Blanton, Discipline and Compliance Senior Case Specialist  
     Discipline Reviewer, Board of Counseling (part-time)  
     Discipline Reviewer, Board of Psychology (part-time)  
     Discipline Reviewer, Board of Social Work (part-time)  
     Discipline Reviewer, Board of Social Work (part-time)

# **Recent Orders entered by the Board of Counseling**

\*For informational purposes only.  
Board action is not required.

**BEFORE THE VIRGINIA DEPARTMENT OF HEALTH PROFESSIONS**

**IN RE:        RICHARD LEE DAVIS, L.P.C.**  
**License Number:    0701-006490**  
**Case Number:        250279**

**ORDER OF MANDATORY SUSPENSION**

In accordance with Virginia Code § 54.1-2409, the Director of the Virginia Department of Health Professions received evidence that Richard Lee Davis, L.P.C., was convicted of a felony offense, to wit: health care fraud (two counts), in the United States District Court for the Eastern District of Virginia. A copy of the Judgment in a Criminal Case is attached hereto as Commonwealth's Exhibit 1.

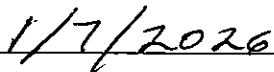
WHEREUPON, by the authority vested in the Director of the Department of Health Professions pursuant to Virginia Code § 54.1-2409, it is hereby ORDERED that the license of Richard Lee Davis, L.P.C., to practice professional counseling in the Commonwealth of Virginia is hereby SUSPENDED.

Upon entry of this Order, the license of Richard Lee Davis, L.P.C., will be recorded as suspended. Should Mr. Davis seek reinstatement of his license pursuant to Virginia Code § 54.1-2409, he shall be responsible for any fees that may be required for the reinstatement of the license prior to issuance of the license to resume practice.

Pursuant to Virginia Code § 2.2-4023 and § 54.1-2400.2, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record and shall be made available for public inspection or copying on request.

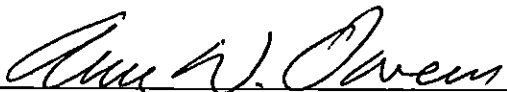
  
\_\_\_\_\_  
Arne W. Owens, Director  
Virginia Department of Health Professions

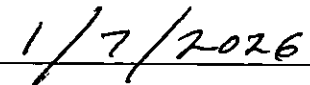
ENTERED:

  
\_\_\_\_\_

### **CERTIFICATION OF DUPLICATE RECORDS**

As Director of the Department of Health Professions, I hereby certify that the attached Judgment in a Criminal Case entered February 7, 2025, regarding Richard Lee Davis, L.P.C., is a true copy of the records received from the United States District Court for the Eastern District of Virginia.

  
\_\_\_\_\_  
Arne W. Owens

  
\_\_\_\_\_  
Date

UNITED STATES DISTRICT COURT  
Eastern District of Virginia  
Richmond Division

UNITED STATES OF AMERICA )  
 )  
 v. )  
 )  
 RICHARD DAVIS, )  
 )  
 )  
 )  
 )  
 )  
 )  
 )  
 )

**JUDGMENT IN A CRIMINAL CASE**

Case Number: 3:23CR00135-001

USM Number: 84827-510

Robert Wagner, Esquire  
Defendant's Attorney

The defendant was found guilty on Counts Three and Four of the Indictment after a plea of not guilty.

The defendant is adjudged guilty of:

| <u>Title and Section</u> | <u>Nature of Offense</u> | <u>Offense Ended</u> | <u>Count</u> |
|--------------------------|--------------------------|----------------------|--------------|
| 18 U.S.C. §§ 1347 and 2  | Health Care Fraud        | 4/30/2018            | 3            |
| 18 U.S.C. §§ 1347 and 2  | Health Care Fraud        | 5/9/2018             | 4            |

The defendant is sentenced as provided in pages 2 through 7 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

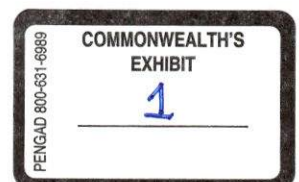
The defendant has been found not guilty of: Counts One, Two, Five, and Six of the Indictment.

It is ordered that the defendant must notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the Court and United States Attorney of material changes in economic circumstances.

February 7, 2025  
Date of Imposition of Judgment

/s/ [Signature]  
John A. Gibney, Jr.  
Senior United States District Judge

13 February 2025  
Date



Case Number: 3:23CR00135-001  
Defendant's Name: DAVIS, RICHARD

## IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of FOURTEEN (14) MONTHS, TO CONSIST OF FOURTEEN (14) MONTHS ON COUNT THREE AND FOURTEEN (14) MONTHS ON COUNT FOUR TO BE SERVED CONCURRENTLY. THE DEFENDANT SHALL RECEIVE CREDIT FOR TIME SERVED.

The Court makes the following recommendations to the Bureau of Prisons:

1. The defendant shall be designated to a facility near Richmond, Virginia, but in particular, the defendant shall be designated to a facility with hospital services on site.

The court makes the following recommendations to the Bureau of Prisons:

- ☐ The defendant is remanded to the custody of the United States Marshal.
- ☒ The defendant shall surrender to the United States Marshal for this district:

☒ at 9:00 ☒ a.m. ☐ p.m. on March 3, 2025.

☒ as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

- ☐ before 2 p.m. on \_\_\_\_\_.
- ☐ as notified by the United States Marshal.
- ☐ as notified by the Probation or Pretrial Services Office.

## RETURN

I have executed this judgment as follows: \_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this Judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By

\_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

Case Number: 3:23CR00135-001  
Defendant's Name: DAVIS, RICHARD

### **SUPERVISED RELEASE**

Upon release from imprisonment, you will be on supervised release for a term of ONE (1) YEAR, TO CONSIST OF ONE (1) YEAR ON COUNT THREE AND ONE (1) YEAR ON COUNT FOUR, TO BE SERVED CONCURRENTLY.

### **MANDATORY CONDITIONS**

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
4. ☐ The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
5. ☒ You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. *(check if applicable)*
6. ☐ You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
7. ☐ You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, et seq.) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
8. ☐ You must participate in an approved program for domestic violence. *(check if applicable)*

You must comply with the standard conditions listed in this judgment as well as with any other special conditions listed in this judgment.

Case Number: 3:23CR00135-001  
Defendant's Name: DAVIS, RICHARD

### STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

### U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: [www.uscourts.gov](http://www.uscourts.gov)

Defendant's Signature \_\_\_\_\_ Date \_\_\_\_\_

Case Number: 3:23CR00135-001  
Defendant's Name: DAVIS, RICHARD

### **SPECIAL CONDITIONS OF SUPERVISION**

1. The defendant shall not incur new credit charges or open additional lines of credit without the approval of the probation officer.
2. The defendant shall provide the probation officer access to any requested financial information.
3. Any balance remaining unpaid on the special assessment at the inception of supervision shall be paid in full by the defendant in monthly installments of not less than \$10.00, until paid in full. Said payments shall commence 60 days after defendant's supervision begins.

Case Number: 3:23CR00135-001  
 Defendant's Name: DAVIS, RICHARD

## CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

|               | <u>Assessment</u> | <u>Restitution</u> | <u>Fine</u> | <u>AVAA</u><br><u>Assessment*</u> | <u>JVTA</u><br><u>Assessment**</u> |
|---------------|-------------------|--------------------|-------------|-----------------------------------|------------------------------------|
| <b>TOTALS</b> | \$ 200.00         | \$ 200,000.00      | \$          | \$                                | \$                                 |

☐ The determination of restitution is deferred until \_\_\_\_\_. An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.

☒ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

**\*\*\*SEE AMENDED RESTITUTION ORDER ENTERED 2/12/2025 (ECF NO. 71)\*\*\***

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

| <u>Name of Payee</u>                                                                                                                                               | <u>Total Loss***</u> | <u>Restitution Ordered</u> | <u>Priority or Percentage</u> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|----------------------------|-------------------------------|
| Department of Medical Assistance Services<br>c/o Jill Costen, Director<br>Medicaid Fraud Control Unit<br>202 N. 9 <sup>th</sup> Street<br>Richmond, Virginia 23219 |                      | \$200,00.00                |                               |

**TOTALS** \$200,000.00

☐ Restitution amount ordered pursuant to plea agreement \$

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the Judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☒ The Court determined that the defendant does not have the ability to pay interest and it is ordered that:

☒ the interest requirement is waived for the ☐ fine ☒ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

\* Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299.

\*\* Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.

\*\*\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

Payments of Restitution are to be made payable to the Clerk, United States District Court, Eastern District of Virginia.

Case Number: 3:23CR00135-001  
 Defendant's Name: DAVIS, RICHARD

## SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A ☐ Lump sum payment of \$\_\_\_\_\_ due immediately, balance due  
☐ not later than \_\_\_\_\_, or  
☐ in accordance with ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☒ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☒ F below); or
- C ☐ Payment in equal (e.g., weekly, monthly, quarterly) installments of \$\_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal (e.g., weekly, monthly, quarterly) installments of \$\_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment. The Court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☒ Special instructions regarding the payment of criminal monetary penalties:

Any balance remaining unpaid on the special assessment at the inception of supervision shall be paid by the defendant in monthly installments of not less than \$10.00, until paid in full. Said payments shall commence 60 days after defendant's supervision begins.

Any balance remaining unpaid on the restitution at the inception of supervision shall be paid by the defendant in equal monthly installments of not less than \$10.00 per month or 25 percent of net income, whichever is greater, beginning 60 days after release from confinement.

Unless the Court has expressly ordered otherwise, if this Judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the Clerk of the Court.

☐ Joint and Several

| Case Number<br>Defendant and Co-Defendant Names<br>(including defendant number) | Total Amount | Joint and Several<br>Amount | Corresponding Payee,<br>if appropriate |
|---------------------------------------------------------------------------------|--------------|-----------------------------|----------------------------------------|
|---------------------------------------------------------------------------------|--------------|-----------------------------|----------------------------------------|

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVTA assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.

**BEFORE THE VIRGINIA BOARD OF COUNSELING**

**IN RE: JANA BRULTZ, L.P.C.**  
**License Number: 0701-003392**  
**Case Number: 237430**

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**CONSENT ORDER**

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**JURISDICTION AND PROCEDURAL HISTORY**

The Virginia Board of Counseling (“Board”) and Jana Brultz, L.P.C., as evidenced by their signatures hereto, in lieu of proceeding to an informal conference, enter into the following Consent Order affecting Ms. Brultz’s license to practice as a professional counselor in the Commonwealth of Virginia.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1. Jana Brultz, L.P.C., was issued License Number 0701-003392 to practice as a professional counselor on September 17, 2002, which is scheduled to expire on June 30, 2026.

2. Ms. Brultz violated 18 VAC 115-20-130(B)(1) and (D)(1) and 18 VAC 115-20-140(A)(3), (7), and (8) of the Regulations Governing the Practice of Professional Counseling in that, in 2024 she failed to maintain appropriate professional boundaries with Client A, an individual who she had been treating since 2020. Specifically:

a. By e-mail sent on March 19, 2024, Ms. Brultz cancelled Client A’s weekly telemedicine appointment for the next day. On March 20, 2024, Ms. Brultz called Client A from her personal cell phone, which was not typical for their interactions. Client A stated that Ms. Brultz was in a panic and sounded like she was crying; she told Client A that she was in legal trouble for something related to her work, and that she needed to borrow money or she could lose her license and go to jail. Client A stated that she thought the “trouble” might relate to her health insurance causing problems for Ms. Brultz, so when Ms. Brultz told her that \$2,500.00 would be a great help, Client A asked how to send the money. While Client A was sending the money to Ms. Brultz via Venmo, Ms. Brultz then mentioned needing

**Jana Brultz, L.P.C.**  
**CONSENT ORDER**  
Page 2 of 4

\$3,000.00; Client A told Ms. Brultz that she had just sent the \$2,500.00, and Ms. Brultz acknowledged receiving it, saying, “I knew I could trust you.” Shortly thereafter, Ms. Brultz texted Client A, “I’m sorry but I need 5, is there any way to do 2,500 more?” and she proceeded to text and call Client A multiple times that day with additional requests for money.

b. Client A stated that she became concerned that she had fallen victim to a “deepfake” scam or that Ms. Brultz might have been a victim of identity theft, because when she asked Ms. Brultz what was going on, Ms. Brultz would not explain anything to her. In a text exchange on March 20, 2024, when Client A asked Ms. Brultz to verify her identity, Ms. Brultz replied by mentioning private information about Client A to “prove” who she was.

c. In the morning on March 21, 2024, Ms. Brultz told Client A by text that she would be paid back that day, and later that afternoon she texted Ms. Brultz that she would send her the money by noon the next day via Venmo. Approximately one week after the initial phone call, Client A received in the mail a cashier’s check from Ms. Brultz for \$2,500.00.

d. Following the incident, although Client A did not contact Ms. Brultz or make additional appointments with her, Ms. Brultz sent Client A e-mail messages on March 22, 2024, April 18, 2024, April 25, 2024, and May 28, 2024. In the messages, Ms. Brultz apologized, explained the situation, and offered to allow Client A to “share your thoughts after what happened.” In the final message, Ms. Brultz wrote, “I wish that you were willing to say how you feel...tell me off, or whatever you think.”

e. Client A stated that prior to this incident, she had a “fantastic relationship” with Ms. Brultz, and that she will have a hard time starting over with a new therapist and, as a result, she may never return to therapy.

3. Ms. Brultz stated that she had asked Client A for a loan after receiving a call from someone purporting to be a law enforcement officer who demanded that she pay escalating sums of money to avoid

**Jana Brultz, L.P.C.**  
**CONSENT ORDER**  
Page 3 of 4

going to jail for allegedly failing to respond to a subpoena. Ms. Brultz acknowledged that she had been a victim of a scam, but stated that she was in fear of going to jail and losing her family and job if she did not comply.

4. In statements to the Department of Health Professions investigator, Ms. Brultz acknowledged that Client A was likely very hurt by what had happened, and she expressed her concern for Client A.

### **CONSENT**

Jana Brultz, L.P.C., by affixing her signature to this Consent Order, agrees to the following:

1. I have been advised to seek advice of counsel prior to signing this document and I am not represented by legal counsel.;
2. I am fully aware that without my consent, no legal action can be taken against me or my license except pursuant to the Virginia Administrative Process Act, Virginia Code § 2.2-4000 *et seq.*;
3. I acknowledge that I have the following rights, among others: the right to an informal fact-finding conference before the Board; and the right to representation by counsel;
4. I waive my right to an informal conference;
5. I admit to the Findings of Fact and Conclusions of Law contained herein and waive my right to contest such Findings of Fact and Conclusions of Law and any sanction imposed hereunder in any future judicial or administrative proceeding in which the Board is a party;
6. I consent to the entry of the following Order affecting my license to practice as a Licensed Professional Counselor in the Commonwealth of Virginia.

### **ORDER**

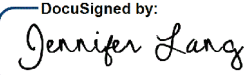
Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Counseling hereby ORDERS as follows:

**Jana Brultz, L.P.C.**  
**CONSENT ORDER**  
Page 4 of 4

1. Jana Brultz, L.P.C., is REPRIMANDED.

Pursuant to Virginia Code §§ 2.2-4023 and 54.1-2400.2, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

FOR THE BOARD

DocuSigned by:  


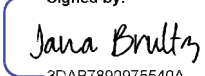
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Jennifer Lang  
Acting Executive Director  
Virginia Board of Counseling

ENTERED: 1/15/2026

SEEN AND AGREED TO:

Signed by:



3DAB7890975540A...

Jana Brultz, L.P.C.

1/15/2026

Date signed:

**BEFORE THE VIRGINIA BOARD OF COUNSELING**

**IN RE: MITCHEL LAMONT THOMAS, QMHP**  
**Registration Number: 0732-004713**  
**Case Number: 235491**

**RATIFICATION AND ORDER**

On January 16, 2026, a panel of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Mitchel Lamont Thomas, QMHP, was not present nor was he represented by legal counsel.

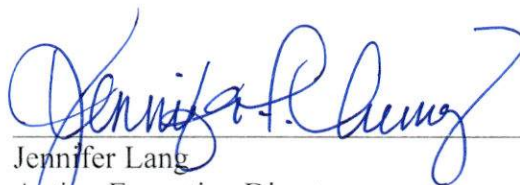
The Board of Counseling ACCEPTS the attached Recommended Findings of Fact and Conclusions of Law of the Agency Subordinate and ADOPTS the Recommended Order in its entirety.

Pursuant to Virginia Code § 54.1-2400.2, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record and shall be made available for public inspection and copying upon request.

Pursuant to Virginia Code § 54.1-2400(10), Mr. Thomas may, not later than 5:00 p.m., on March 23, 2026, request a formal administrative hearing before the Board by notifying Jaime Hoyle, Executive Director, Board of Counseling, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

This Order shall become final on March 23, 2026, unless a request for a formal administrative hearing is received as described above.

FOR THE BOARD



Jennifer Lang  
Acting Executive Director  
Virginia Board of Counseling

ENTERED AND MAILED ON: February 17, 2026

**BEFORE THE VIRGINIA BOARD OF COUNSELING**

**IN RE:       MITCHEL LAMONT THOMAS, QMHP**  
**Registration Number: 0732-004713**  
**Case Number: 235491**

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**REPORT AND RECOMMENDATION OF AGENCY SUBORDINATE**

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**Jurisdiction and Procedural History**

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), Johnston M. Brendel, Ed.D., LPC, LMFT, serving as Agency Subordinate of the Virginia Board of Counseling (“Board”), held an informal conference on October 24, 2025, in Henrico County, Virginia, to inquire into evidence that Mitchel Lamont Thomas, QMHP, violated certain laws and/or regulations governing the practice of qualified mental health professionals in the Commonwealth of Virginia.

Mr. Thomas appeared at this proceeding and was not represented by legal counsel.

Upon consideration of the evidence, the Agency Subordinate makes the following Findings of Fact and Conclusions of Law and recommends that the Board adopt the following Order.

**Recommended Findings of Fact and Conclusions of Law**

1. Mitchel Lamont Thomas, QMHP, was issued Registration Number 0732-004713 to practice as a qualified mental health professional on November 19, 2018, which is scheduled to expire on June 30, 2026.

2. Mr. Thomas violated 18 VAC 115-80-90(B)(1) and (D)(1), and 18 VAC 115-80-100(3), (4), (6), and (7) of the Regulations Governing the Registration of Qualified Mental Health Professionals (“Regulations”), by engaging in a dual relationship with Client A, a male to whom Mr. Thomas provided mental health skill building services from June 2023 to August 2023. Specifically:

a. Mr. Thomas admitted to a Department of Health Professions Investigator (“DHP Investigator”) that approximately a month after his employment was terminated with Personal Solutions

Counseling Services, LLC (“Personal Solutions”), the entity through which Client A was referred to Mr. Thomas for services, Mr. Thomas hired Client A to paint his apartment, borrowed money for gas from Client A, and accepted food that Client A bought for him.

b. As reported by Client A, beginning on or about October 22, 2023, Mr. Thomas permitted Client A to live with him for “a couple of weeks.”

3. Mr. Thomas violated 18 VAC 115-80-100(2), (3), (4), (6), and (7) of the Regulations in that he falsely answered questions on his initial application for registration as a qualified mental health professional – adult, which he signed on November 1, 2018. Specifically:

a. Mr. Thomas answered “No” to the following question: “Have you ever been convicted of, pled Nolo Contendere to, or entered into a plea agreement for a violation of any federal, state or local statute, regulation, or ordinance? (This includes convictions for driving under the influence, but does not include other traffic violations.)” However, Mr. Thomas has been convicted of multiple misdemeanor charges in various jurisdictions, as indicated by the following:

i. On March 29, 2012, Mr. Thomas was convicted of disorderly conduct and driving on a suspended license in the Circuit Court of Chesterfield County. He was sentenced to 90 days’ jail time with 82 days suspended and 3 years’ unsupervised probation, and 12 months’ jail time with 11 months suspended, respectively, as well as 3 years’ unsupervised probation for each conviction.

ii. Mr. Thomas was convicted of trespassing in the Circuit Court of the City of Richmond on December 9, 2015. He was sentenced to 90 days’ incarceration with all 90 days suspended, fined \$150, and assessed court costs in the amount of \$411.00.

iii. On his application for employment with Soaring Eagles VA, LLC dated February 28, 2023, Mr. Thomas indicated he had convictions of “petty [sic] assault 1999, petty [sic] larceny 2000.” Mr. Thomas also answered “Yes” to a question regarding previous criminal convictions

on his application for employment with Dana's Habitat, Inc./Unique Lessons Learning Center dated May 25, 2021, wherein he disclosed previous convictions of "petty [sic] assault 1999, petty [sic] larceny 1999." Further, on his application for employment with The New Y-CAPP, Inc. ("Y-CAPP") dated July 26, 2023, Mr. Thomas disclosed criminal convictions of "petty [sic] assault – 2000, petty [sic] larceny – 2000." In an interview, Mr. Thomas admitted to the DHP Investigator that he was convicted of petit assault in Henrico County, Virginia in 1999.

b. Mr. Thomas answered "No" to the following questions: "Within the past five years, have you exhibited any conduct or behavior that could call into question your ability to practice in a competent and professional manner? Have you ever been censored, warned, terminated, or requested to withdraw from your employment with any health care facility, agency, or practice?" However, as demonstrated by his signature on a "Termination Notice" from Life Lessons Family Services, LLC, dated May 11, 2018, Mr. Thomas acknowledged that he read the notice advising him of his termination therefrom, which was primarily based on his repeated failure to maintain timely, accurate, legible, and complete written or electronic records for each client, to include dates of service and identifying information to substantiate a treatment plan, client progress, and termination.

4. Mr. Thomas violated 18 VAC 115-80-100(4), (6), and (9) of the Regulations in that he failed to cooperate with an employee of the Department of Health Professions in the conduct of an investigation. Specifically:

a. Mr. Thomas disclosed only one criminal conviction to the DHP Investigator and advised her that he had no additional criminal history. However, as set out above, Mr. Thomas has been convicted of multiple misdemeanor convictions and was clearly aware of them.

b. Mr. Thomas provided false information to the DHP Investigator regarding his employment with Gateway Homes when he advised the DHP Investigator that he resigned from that

company and was eligible for rehire. However, personnel records from Gateway Homes indicate that Mr. Thomas was terminated from his employment for sleeping during his shifts and violating company policies, among other reasons. Further, his Gateway Homes' personnel file indicates that he was not eligible for rehire.

c. Mr. Thomas provided false information to the DHP Investigator regarding his employment with Y-CAPP when he advised the DHP Investigator that he resigned from that agency. However, personnel records from Y-CAPP indicate that Mr. Thomas was terminated from his employment for falsifying timesheets, among other reasons.

d. Mr. Thomas provided false information to the DHP Investigator regarding his employment with Personal Solutions when he advised the DHP Investigator that he resigned from that agency. However, personnel records from Personal Solutions indicate that Mr. Thomas was terminated from his employment for breaching client confidentiality, among other reasons.

e. Mr. Thomas provided false information to the DHP Investigator regarding his employment with Cornerstone Youth Services, LLC ("Cornerstone") when he advised the DHP Investigator that there were no concerns by Cornerstone regarding his documentation during the course of his employment there. However, personnel records from Cornerstone indicate that Mr. Thomas received a written warning for a multitude of failures, including the failure to properly and timely complete progress notes.

5. Mr. Thomas violated 18 VAC 115-80-90(C)(4) and 18 VAC 115-80-100(3), (4), (6), and (7) of the Regulations in that he failed to maintain timely, accurate, legible, and complete written or electronic records for each client, to include dates of service and identifying information to substantiate a treatment plan, client progress, and termination. As noted above, Mr. Thomas was terminated from his

employment with Life Lessons and received a written warning from Cornerstone largely due to his repeated failure to enter proper/accurate notes for each client.

6. At the informal conference, Mr. Thomas apologized to the Board, acknowledged he made mistakes, and is working hard to be a better person and professional.

7. Mr. Thomas reported that he is currently employed at Second Chances as a QMHP and meets with his supervisor twice per month.

8. When asked during his informal conference whether he felt his actions caused harm to Client A, Mr. Thomas responded that he would not use the word “harm,” but admitted that Client A suffered anxiety and paranoia because he was worried that Mr. Thomas would not compensate him for the work he performed. Mr. Thomas stated that a similar situation with a client will never happen again, but should a similar situation arise, he would ask his supervisor for assistance.

9. Mr. Thomas sent a letter to the Board dated July 18, 2025, wherein he admitted that Client A lived with him for a brief period while Client A experienced “housing instability.” Mr. Thomas also confirmed this information at his informal conference. These statements contradict the information Mr. Thomas told the DHP Investigator during his March 21, 2024, telephone interview wherein he stated Client A did not reside with him, and that Client A only stayed for “a couple hours to sleep and shower.”

10. Mr. Thomas also admitted in his July 18, 2025 letter that he accepted gas money and food offered by Client A while he experienced a “difficult time financially.” Despite his written admission of July 18, 2025, and his prior admission to the DHP Investigator set out in Finding of Fact and Conclusion of Law #3a, Mr. Thomas stated during his informal conference that he only accepted food from Client A and did not borrow any money from him.

11. In his July 18, 2025 letter to the Board, Mr. Thomas stated that the false information reported on his QMHP-A application was a misunderstanding or oversight, and not intentional deceit.

However, Mr. Thomas acknowledged during the informal conference that although he certified on his application that the information he provided was true and correct, he should have answered “Yes” to the question, “Have you ever been convicted of, pled Nolo Contendere to, or entered into a plea agreement for a violation of any federal, state or local statute, regulation, or ordinance?”

12. When questioned during the informal conference about his misrepresentations to the DHP Investigator regarding his criminal and personnel history, Mr. Thomas stated that he was nervous, that he did not want to disclose more information than he should, and did not believe that information was relevant to the allegations against him regarding Client A.

13. In his letter dated July 18, 2025, Mr. Thomas reported that he completed a 15-hour professional ethics course focused on boundary-setting, ethical decision-making, and clinical integrity. However, when questioned during his informal conference about the certificate of completion he submitted to the Board which reflected only three hours, he stated that the sentence in the letter regarding completing 15 hours in ethics was not true, that it was miswritten, and the 15 hours he referred to actually covered his continuing education units that he completed for the year.

14. Mr. Thomas demonstrated a pattern of misrepresentation of facts in the statements he made during his informal conference, his assertion that he completed a 15-hour ethics course, and his other admissions in his letter dated July 18, 2025.

### **Recommended Order**

Based on the foregoing Findings of Fact and Conclusions of Law, the Agency Subordinate recommends that the Board issue an Order as follows:

1. The registration of Mitchel Lamont Thomas, QMHP, is placed on PROBATION for a period of not less than 24 months of active practice, subject to the following terms and conditions:

a. The period of probation shall begin within 40 days of the date of entry of this Order and shall continue INDEFINITELY. Mr. Thomas may request that the Board terminate his probation after not less than 24 months from the date of entry of this Order. Upon receipt of evidence that Mr. Thomas has complied with the terms and conditions of this Order for no less than 24 months from the date of entry of this Order, the Board authorizes the Executive Director of the Board to terminate the probation imposed on Mr. Thomas's registration. In the alternative, the Executive Director may refer the matter to the Board for further administrative proceedings.

b. All reports required by this Order shall be submitted in writing to the Board office with the first report being received no later than 40 days following the date that this Order is entered. Subsequent reports must be received quarterly by the last day of the months of March, June, September, and December until the period of probation ends. Mr. Thomas is fully responsible for ensuring that all required reports are properly submitted and received by the Board in a timely manner.

c. Mr. Thomas shall submit "Self-Reports" quarterly as stated in Term No. 1(b) of this Order. These reports shall include a current address, telephone number, and verification of any and all current practice employment, as well as any changes in practice employment status. Self-reports must be submitted whether Mr. Thomas has current practice employment or not.

d. Within 40 days of entry of this Order, Mr. Thomas shall enter into individual supervision with a Board-approved supervisor. Prior to beginning supervision, said supervisor shall submit his/her resume, qualifications, and credentials to the Board for approval. Said supervisor shall be a licensee of the Virginia Boards of Counseling, Psychology, or Social Work and shall hold a current, active, and unrestricted license to practice as an independent practitioner in Virginia or an equivalent license in the jurisdiction where Mr. Thomas is providing services. Mr. Thomas' supervisor shall act as a duly constituted agent of the Board.

i. Mr. Thomas and his supervisor shall meet face-to-face for at least one hour, twice per month during the period of probation in a supervisory session for the purpose of monitoring Mr. Thomas' recordkeeping and notes. Mr. Thomas' supervisor shall perform at random audits of Mr. Thomas' client records and notes at least twice per year during the period of probation.

ii. Mr. Thomas' supervisor shall submit a detailed review of the supervisory activities in addition to any supervisory recommendations to the Board. These reviews shall be sent to the Board office quarterly as stated in Term No. 1(h) of this Order. Should Mr. Thomas or his supervisor request modification of the terms of this Order, said request shall be proffered in writing to the Board.

iii. Mr. Thomas shall bear all reasonable expenses of his supervisor including a per hour charge for the supervision, report writing, and information gathering of the supervisor at his/her hourly fee.

iv. Should Mr. Thomas and/or his supervisor terminate supervision, within 10 days of the termination of supervision, Mr. Thomas shall notify the Board of the termination, the date(s) of the termination and the last supervisory session, and the reason for the termination of the supervisory relationship. In addition, within 15 days of the date of termination of supervision, Mr. Thomas shall submit the name and curriculum vitae of a new supervisor for approval by the Board. If Mr. Thomas fails to submit the name and curriculum vitae of a new supervisor to the Board within 15 days of termination of supervision, Mr. Thomas shall discontinue practice until such time as he is able to submit the name and curriculum vitae of a new supervisor and obtain approval of the new supervisor from the Board. Supervision with any new supervisor shall be subject to the terms and conditions of this Order.

e. Within 24 months of the date of entry of the Board's Order, Mr. Thomas shall successfully complete Board-approved courses totaling at least 6 total credit hours in the subjects of

ethics, values, confidentiality, and dual relationships. All continuing education hours/courses shall be completed either virtually, in person, or via a simulated experience and shall include successful completion of a knowledge assessment completed through face-to-face, interactive sessions (i.e., no home study, journal, or Internet courses). Continuing education obtained through compliance with this term shall not be used toward registration renewal.

f. Mr. Thomas shall notify the Board within ten days, in writing, of any changes in the location of his employment, change in employment, including termination, suspension, separation, other employer-related discipline, other interruption in practice (including the name and address of any new employer and the date of employment), change in address, telephone number, or e-mail address, and pending criminal charges and/or convictions.

g. Mr. Thomas shall provide a copy of this Order in its entirety to any current employers in a health or mental health setting within 40 days of the date of entry of this Order. In addition, Mr. Thomas shall also provide each future employer in a health or mental health setting with a copy of this Order in its entirety prior to on the first day of his employment. Each current employer in a health or mental health setting shall send a signed written statement to the Board within 40 days of entry of this Order stating that they have received and read this Order in its entirety. Each future employer shall send a signed written statement to the Board within 10 days of Mr. Thomas' beginning employment with them stating that they have received and read this Order in its entirety. Mr. Thomas is fully responsible for ensuring that said written statements are received by the Board in a timely manner.

h. Mr. Thomas shall sign all required releases and authorization forms within 40 days of the date of entry of this Order or, where applicable, within 10 days of the Board's approval of a practice supervisor, allowing for unrestricted communication between and among the Board and Mr. Thomas' practice supervisor.

2. Mr. Thomas shall comply with all laws and regulations governing the practice of qualified mental health professionals in the Commonwealth of Virginia.

3. Failure to comply with all terms and conditions of this Order within five years of the date of entry of the Order may be reason for revoking or suspending the registration of Mitchel Thomas, QMHP and an administrative proceeding shall be held to determine whether to impose such action.

Reviewed and approved  
By Johnston M. Brendel, Ed.D., LPC, LMFT  
Agency Subordinate

**BEFORE THE VIRGINIA BOARD OF COUNSELING**

**IN RE:           MARCUS WALLER, QMHP**  
**Registration Number:       0732-009459**  
**Case Number:               230055**

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**CONSENT ORDER**

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**JURISDICTION AND PROCEDURAL HISTORY**

The Virginia Board of Counseling (“Board”) and Marcus Waller, QMHP, as evidenced by their signatures hereto, in lieu of proceeding to an informal conference, enter into the following Consent Order affecting Mr. Waller’s registration to practice as a qualified mental health professional in the Commonwealth of Virginia.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1.       Marcus Waller, QMHP, was issued Registration Number 0732-009459 to practice as a qualified mental health professional on February 9, 2022, which is scheduled to expire on June 30, 2026.
2.       During his employment as a QMHP at Gateway Services (“Gateway”), Mr. Waller violated 18 VAC 115-80-90(B)(1) and (C)(4) and 18 VAC 115-80-100(3), (4), and (6) of the Regulations Governing the Registration of Qualified Mental Health Professionals, in that, during the course of his treatment of Client A, a male receiving in-home mental health services to manage his symptoms related to bipolar disorder, depressive episode, and to navigate life, Mr. Waller falsified progress notes and submitted fraudulent billing records to Client A’s Medicaid provider. Specifically, by his own admission, Mr. Waller falsified approximately thirty-one (31) progress notes allegedly provided for services for Client A between on or about March 16 – April 24, 2023, and billed for a total of approximately \$6,347.56 for in-home mental health services for Client A that he did not provide on those dates.
  - a.       Mr. Waller was assigned 6-10 clients to whom he was to provide weekly in-home mental health services, including Client A. During a routine compliance review of Mr. Waller’s cases performed

**Marcus Waller, QMHP**

**CONSENT ORDER**

Page 2 of 8

by Gateway, it appeared that Mr. Waller was intentionally duplicating progress notes for multiple treatment dates instead of actually meeting with Client A on those dates.

b. On April 24, 2023, as part of Gateway's compliance review, Client A reported to Gateway that he had not met with Mr. Waller since his previous counselor was reassigned on March 13, 2023, and he believed Gateway was still trying to find a new counselor for him.

See Confidential Exhibit for the name of the client referenced above.

### **CONSENT**

Marcus Waller, QMHP, by affixing his signature to this Consent Order, agrees to the following:

1. I have been advised to seek advice of counsel prior to signing this document and am not represented by counsel;
2. I am fully aware that without my consent, no legal action can be taken against me or my registration except pursuant to the Virginia Administrative Process Act, Virginia Code § 2.2-4000 *et seq.*;
3. I acknowledge that I have the following rights, among others: the right to an informal fact-finding conference before the Board; and the right to representation by counsel;
4. I waive my right to an informal conference;
5. I admit to the Findings of Fact and Conclusions of Law contained herein and waive my right to contest such Findings of Fact and Conclusions of Law and any sanction imposed hereunder in any future judicial or administrative proceeding in which the Board is a party; and
6. I consent to the entry of the following Order affecting my registration to practice as a qualified mental health professional - adult in the Commonwealth of Virginia.

**Marcus Waller, QMHP**

**CONSENT ORDER**

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## **ORDER**

Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Counseling hereby ORDERS as follows:

1. Marcus Waller, QMHP, shall be placed on INDEFINITE PROBATION for not less than 12 months of active clinical practice subject to the following terms and conditions:

a. The period of probation shall begin on the date that this Order is entered and shall continue INDEFINITELY. Mr. Waller may request that the Board terminate his probation after not less than 12 months from the date this Order is entered. Upon receipt of evidence that Mr. Waller has complied with the terms and conditions of this Order for no less than 12 months of active clinical practice, the Board authorizes the Executive Director of the Board to terminate the probation imposed on Mr. Waller's registration. In the alternative, the Executive Director may refer the matter to the Board for further administrative proceedings.

b. All reports required by this Order shall be submitted in writing to the Board office with the first report being received no later than 40 days following the date that this Order is entered. Subsequent reports must be received quarterly by the last day of the months of March, June, September, and December until the period of probation ends. Mr. Waller is fully responsible for ensuring that all required reports are properly submitted and received by the Board in a timely manner.

c. Within 12 months of the date of entry of this Order, Mr. Waller shall successfully complete, and submit certification, or other evidence satisfactory to the Board, of completion of three (3) hours of Board-approved counseling continuing education credits ("CE") on the topic of ethics. The course shall be approved in advance of registration by the Executive Director of the Board. Requests for approval must be received at least 15 business days prior to the course date. All CE hours/courses shall

**Marcus Waller, QMHP**

**CONSENT ORDER**

Page 4 of 8

be completed through live, interactive sessions (i.e., no home study, journal, or on-demand Internet courses). CE obtained through compliance with this term shall not be used toward registration renewal.

d. Within 40 days of entry of this Order, Mr. Waller shall enter into individual supervision of his practice with a Board-approved supervisor, under the following terms:

i. Said supervisor shall hold a current, active, and unrestricted registration as an independent clinical mental health professional issued by the Board of Counseling, Board of Psychology, or Board of Social Work in the Commonwealth of Virginia. Said supervisor shall submit his/her resume, qualifications, and credentials to the Board for approval, and shall act as a duly constituted agent of the Board. Mr. Waller shall meet with the supervisor within 15 days of the date of approval for the purpose of beginning supervision. Mr. Waller shall ensure that the Board-approved supervisor receives a copy of this Order in its entirety prior to supervision commencing. Prior to any change of supervision, Mr. Waller must obtain Board approval.

ii. Mr. Waller and his supervisor shall meet in person at least two hours every month of practice during the period of probation, in a supervisory session for the purpose of engaging in continuous audit and monitoring of Mr. Waller's practice. Mr. Waller's supervision shall address practice concerns as identified in the Findings of Fact and Conclusions of Law in this Order.

iii. Mr. Waller's practice supervisor shall perform an audit inspection of Mr. Waller's client treatment records at least once per quarter, and no fewer than four times during the period of supervision. Mr. Waller shall make available to his supervisor the records of all of his clients for audit inspection. The audit shall include an adequate sampling of age range and type of patients seen by Mr. Waller. The audit shall focus on practice concerns as identified in the Findings of Fact and Conclusions of Law in this Order.

**Marcus Waller, QMHP**

**CONSENT ORDER**

Page 5 of 8

iv. Mr. Waller's supervisor shall submit a quarterly detailed review of the supervisory activities, the findings of the audit of records performed for that quarter, and any supervisory recommendations to the Board. These reviews shall be sent to the Board office quarterly as stated in Term No. 1(b) of this Order. Should Mr. Waller or his practice supervisor request modification of the terms of this Order, said request shall be proffered in writing to the Board.

v. Mr. Waller shall bear all reasonable expenses of his supervisor including a per hour charge for the supervision, report writing, and information gathering of the supervisor at his/her hourly fee.

vi. Should Mr. Waller and/or his supervisor terminate supervision, within 10 days of the termination of supervision, Mr. Waller shall notify the Board of the termination, the date(s) of the termination and the last supervisory session, and the reason for the termination of the supervisory relationship. In addition, within 15 days of the date of termination of supervision, Mr. Waller shall submit the name and curriculum vitae of a new supervisor for approval by the Board. If Mr. Waller fails to submit the name and curriculum vitae of a new supervisor to the Board within 15 days of termination of supervision, Mr. Waller shall discontinue clinical practice until such time as he is able to submit the name and curriculum vitae of a new supervisor and obtain approval of the new supervisor from the Board. Supervision with any new supervisor shall be subject to the terms and conditions of this Order.

e. Mr. Waller shall provide a copy of the Order in its entirety to any current employers in a health or mental health setting within 40 days of the date of entry of this Order. In addition, Mr. Waller shall also provide each future employer in a health or mental health setting with a copy of this Order in its entirety prior to or on the first day of his employment. Each current employer in a health or mental health setting shall send a signed written statement to the Board within forty days of entry of this Order stating that they have received and read this Order in its entirety. Each future employer shall send

**Marcus Waller, QMHP**

**CONSENT ORDER**

Page 6 of 8

a signed written statement to the Board within ten days of Mr. Waller's beginning employment with them stating that they have received and read this Order in its entirety. Mr. Waller is fully responsible for ensuring that said written statements are received by the Board in a timely manner.

f. Any and all employers in a health or mental health setting shall provide written reports regarding Mr. Waller's performance on a quarterly basis as stated in Term No. 1(b) of this Order. The reports shall include the employer's opinion of his recordkeeping and his practice judgment and shall notify the Board of any disciplinary actions and concerns.

g. Mr. Waller shall sign all required releases and authorization forms within 40 days of the date of entry of this Order or, where applicable, within ten days of the Board's approval of a practice supervisor, allowing for unrestricted communication between and among the Board, Mr. Waller's practice supervisor, and his employer(s).

h. Mr. Waller shall submit "Self-Reports" quarterly as stated in Term No. 1(b) of this Order. These reports shall include a current address, telephone number, and verification of any and all current practice employment, as well as any changes in practice employment status. Self-Reports must be submitted whether Mr. Waller has current practice employment or not.

i. Mr. Waller shall notify the Board within ten days, in writing, of any changes in the location of his practice; additional practice locations; change in employment, including termination, suspension, separation, or other interruption in employment (including the name and address of any new employer and the date of employment); change in address, telephone number, or e-mail address; and/or criminal charges or convictions.

2. Mr. Waller shall bear any costs associated with the terms and conditions of this Order.

3. Mr. Waller shall comply with all laws and regulations governing the practice of qualified mental health professional in the Commonwealth of Virginia.

**Marcus Waller, QMHP**

**CONSENT ORDER**

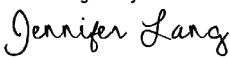
Page 7 of 8

4. Any violation of the foregoing terms and conditions of this Order or any statute or regulation governing the practice of qualified mental health professional shall constitute grounds for further disciplinary action.

5. Failure to comply with all terms and conditions of this Order within five years of the date of entry of the Order may be reason for revoking or suspending the registrations of Marcus Waller, QMHP, and an administrative proceeding shall be held to determine whether to impose such action.

Pursuant to Virginia Code §§ 2.2-4023 and 54.1-2400.2, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

FOR THE BOARD

DocuSigned by:  
  
C8E34441252749E...  
Jennifer Lang  
Acting Executive Director  
Virginia Board of Counseling

ENTERED: 2/25/2026

SEEN AND AGREED TO:

Signed by:  
  
18839AD611FD4F9...  
Marcus Waller, QMHP

2/25/2026

Date Signed:

**BEFORE THE VIRGINIA BOARD OF COUNSELING**

**IN RE: STACEY ARLEEN MANLEY, RIC, CSAC-A**  
**License Number: 0704-009135 (RIC)**  
**Certification Number: 0711-000528 (CSAC-A)**  
**Case Number: 233244**

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**CONSENT ORDER**

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**JURISDICTION AND PROCEDURAL HISTORY**

The Virginia Board of Counseling (“Board”) and Stacey Arleen Manley, as evidenced by their signatures hereto, in lieu of proceeding to an informal conference, enter into the following Consent Order affecting Ms. Manley’s license to practice as a resident in counseling and certification to practice as a substance abuse counseling assistant in the Commonwealth of Virginia.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1. Stacey Arleen Manley was issued License Number 0704-009135 to practice as a resident in counseling on January 1, 2020, which is scheduled to expire on June 30, 2026, and was issued Certification Number 0711-000528 to practice as a substance abuse counseling assistant on November 19, 2020, which is scheduled to expire on June 30, 2026.

2. Ms. Manley violated 18 VAC 115-20-130(B)(1) and 18 VAC 115-20-140(A)(3), (4), (7), and (8) of the Regulations Governing the Practice of Professional Counseling and 18 VAC 115-30-140(B)(1) and 18 VAC 115-30-150 (3), (4), (6), and (7) of the Regulations Governing the Certification of Substance Abuse Counselors and Substance Abuse Counseling Assistants in that during the course of her employment as an intake coordinator at Facility X, she admittedly stole approximately \$1,500 in cash from clients. Specifically:

**Stacey Arleen Manley R.I.C., C.S.A.C.-A.,**

**CONSENT ORDER**

Page 2 of 5

a. Ms. Manley was employed as an intake coordinator at Facility X from November 7, 2022 to October 12, 2023. Between approximately June 2023 and October 2023, two clients and one staff member reported to facility staff that cash and a gift card were stolen from their belongings.

b. On August 9, 2023, Patient A was admitted to Facility X. Upon his admission, Patient A's belongings were inventoried by a staff member for storage in a safe. The Patient Valuables List showed that Patient A had \$4,484. On August 14, 2023, Patient A's valuables were returned to him; however, the amount of cash was only \$3,704. Staff initiated an investigation regarding the missing money.

c. On September 13, 2023, Patient B was admitted to Facility X. Upon her admission, Patient B's belongings were inventoried by a staff member for storage in a safe. The Patient Valuables List showed that Patient B had \$626. Ms. Manley was listed on the inventory form as the staff member who completed a contraband search and wand scan of Patient B. On September 20, 2023, Patient B's valuables were returned to her; however, the amount of cash was only \$226. Staff initiated an investigation regarding the missing money.

d. Nurse C was employed as a registered nurse at Facility X during the course of Ms. Manley's employment. In the spring of 2023, Nurse C reported that someone stole \$40 in cash plus a gift card of unknown value from her purse. In June 2023, Nurse C reported that someone stole \$60 in cash from her purse. As reported by Nurse C, she observed Ms. Manley leaning over Nurse C's purse in what she perceived as a suspicious manner. Nurse C reported the thefts to her supervisor.

e. Based on the preceding events, management at Facility X initiated an investigation and determined that each of the thefts occurred on days Ms. Manley was working. They further determined that Ms. Manley's badge access logs showed her to be "the common denominator" on the days the thefts occurred. Management staff met with Ms. Manley on October 4, 2023, and Ms. Manley admitted she stole

Stacey Arleen Manley R.I.C., C.S.A.C.-A.,

**CONSENT ORDER**

Page 3 of 5

approximately \$1,500 in August 2023. She explained she was having various financial difficulties and needed money. Ms. Manley paid back the \$1,500 she admittedly stole but denied she committed the other reported thefts.

f. Management at Facility X terminated Ms. Manley's employment on October 12, 2023 due to a finding and admission that Ms. Manley stole patient property.

g. Ms. Manley asserted that she enrolled in therapeutic counseling.

3. Pursuant to Virginia Code § 54.1-2400.2(K), the Board considered whether to disclose or not disclose Ms. Manley's health records or health services.

**CONSENT**

Stacey Arleen Manley, by affixing her signature to this Consent Order, agrees to the following:

1. I have been advised to seek advice of counsel prior to signing this document;
2. I am fully aware that without my consent, no legal action can be taken against me or my license except pursuant to the Virginia Administrative Process Act, Virginia Code § 2.2-4000 *et seq.*;
3. I acknowledge that I have the following rights, among others: the right to an informal fact-finding conference before the Board; and the right to representation by counsel;
4. I waive my right to an informal conference;
5. I admit to the Findings of Fact and Conclusions of Law contained herein and waive my right to contest such Findings of Fact and Conclusions of Law and any sanction imposed hereunder in any future judicial or administrative proceeding in which the Board is a party;
6. I consent to the entry of the following Order affecting my license to practice as a resident in counseling and certification to practice as a substance abuse counseling assistant in the Commonwealth of Virginia.

Stacey Arleen Manley R.I.C., C.S.A.C.-A.,

CONSENT ORDER

Page 4 of 5

## ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Counseling hereby ORDERS that Stacey Arleen Manley is REPRIMANDED.

Pursuant to Virginia Code §§ 2.2-4023 and 54.1-2400.2, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record and shall be made available for public inspection and copying upon request.

FOR THE BOARD:

Signed by:

*Maria Stransky*

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Maria Stransky, L.P.C., C.S.A.C, C.S.O.T.P.

Executive Director

Virginia Board of Counseling

ENTERED: 3/11/2026

SEEN AND AGREED TO:

Signed by:

*Stacey Arleen Manley*

0EE9C6000662498...

Stacey Arleen Manley, R.I.C., C.S.A.C.-A.,

2/27/2026

Date Signed:

**BEFORE THE VIRGINIA DEPARTMENT OF HEALTH PROFESSIONS**

**IN RE: MARLON JERMAINE BACOTE, QMHP, RPRS**  
**Registration Numbers: 0732-000221, 0735-000006**  
**Case Number: 255900**

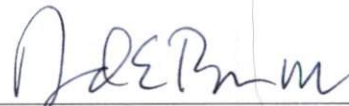
**ORDER OF MANDATORY SUSPENSION**

In accordance with Virginia Code § 54.1-2409, the Director of the Virginia Department of Health Professions received evidence that Marlon Jermaine BaCote, QMHP, RPRS, was convicted of two felony offenses, to wit: possession of a Schedule I or II controlled substance and eluding police, in the Circuit Court of the City of Richmond, Virginia. A copy of the Sentencing Order is attached hereto as Commonwealth's Exhibit 1.

WHEREUPON, by the authority vested in the Director of the Department of Health Professions pursuant to Virginia Code § 54.1-2409, it is hereby ORDERED that the registrations of Marlon Jermaine Bacote, QMHP, RPRS, to practice as a qualified mental health professional and peer recovery specialist in the Commonwealth of Virginia are hereby SUSPENDED.

Upon entry of this Order, the registrations of Marlon Jermaine BaCote, QMHP, RPRS, will be recorded as suspended. Should Mr. BaCote seek reinstatement of his registrations pursuant to Virginia Code § 54.1-2409, he shall be responsible for any fees that may be required for the reinstatement of the registrations prior to issuance of the registrations to resume practice.

Pursuant to Virginia Code § 2.2-4023 and § 54.1-2400.2, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record and shall be made available for public inspection or copying on request.



David E. Brown, D.C., Director  
Virginia Department of Health Professions

ENTERED:

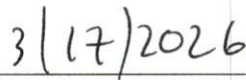
3/17/2026

### **CERTIFICATION OF DUPLICATE RECORDS**

As Director of the Department of Health Professions, I hereby certify that the attached Sentencing Order entered January 29, 2025, regarding Marlon Jermaine BaCote, QMHP, RPRS, is a true copy of the records received from the Circuit Court of the City of Richmond, Virginia.



David E. Brown, D.C.



Date

Virginia:

In the Circuit Court of the City of Richmond, John Marshall Courts Building

FIPS CODE: 760

Hearing Date: January 22, 2025

Judge: Richard B. Campbell

COMMONWEALTH OF VIRGINIA

vs.

MARLON JERMAINE BACOTE, DEFENDANT

**SENTENCING ORDER**

The defendant came before the Court and appeared, in person, represented by Tracy Paner, of the Richmond Public Defender's Office. The Commonwealth was represented by Joseph D'Onofrio.

On May 22, 2023, the defendant pled guilty and the Court, in accordance with the Plea Agreement and pursuant to §19.2-298.02, continued further proceedings under certain terms and conditions.

The defendant having failed to comply, the Court, on motion of the Commonwealth, found the defendant **GUILTY** of the following offenses:

| CASE<br>NUMBER | OFFENSE DESCRIPTION<br>AND INDICATOR (F/M)                   | OFFENSE<br>DATE | VA. CODE<br>SECTION | VCC         |
|----------------|--------------------------------------------------------------|-----------------|---------------------|-------------|
| CR22-F-2704    | Possession of a Schedule I or II<br>Controlled Substance (F) | 04/28/22        | 18.2-250(A,a)       | NAR-3022-F5 |
| CR22-F-2705    | Eluding Police (F)                                           | 04/28/22        | 46.2-817(B)         | REC-6624-F6 |

Pursuant to §19.2-298.01, the Court considered and reviewed the applicable discretionary Sentencing Guidelines and the guidelines worksheets. The Sentencing Guidelines, guidelines worksheets, and the written explanation of any departure from the guidelines, were ordered filed as a part of the record.

Before pronouncing the sentence, the Court inquired if the defendant desired to make a statement and if the defendant desired to advance any reason why judgment should not be pronounced.

After hearing further evidence and argument of counsel, the Court **SENTENCED** the defendant to:

Incarceration with the **Department of Corrections** for the term of:

**5 years with 5 years SUSPENDED** on the charge of Possession of a Schedule I or II Controlled Substance in case number CR22-F-2704, for a period of **5 years**; and

**5 years with 4 years and 9 months SUSPENDED** on the charge of Eluding Police in case number CR22-F-2705, for a period of **5 years**.



**Good Behavior.** The defendant shall keep the peace, be of good behavior, and obey the laws of the Commonwealth, her sister states, and the federal government.

**DNA Testing.** The defendant shall provide a DNA sample, pursuant to §19.2-310.2, and legible fingerprints as directed.

**Substance Abuse Assessment.** The defendant shall undergo a substance abuse assessment, pursuant to §18.2-251.01, and shall enter a treatment and/or education program as directed by the Department of Corrections. The defendant shall pay all or part of the costs of the program, including the costs of the screening, assessment, testing, and treatment, based upon the ability to pay.

**Supervised Probation.** The defendant shall be placed on probation, to commence upon release from incarceration, under the supervision of a Probation Officer, until released by the Court or by the Probation Officer for a period not to exceed 5 years. The defendant shall report to probation within 48 hours of release from incarceration and shall comply with all the rules and requirements set by the Probation Officer. Probation shall include substance abuse counseling and/or testing as prescribed by the Probation Officer.

**HEI.** The defendant, on defense motion and with no objection from the Commonwealth, shall be allowed to serve the sentence on the Sheriff's Home Electronic Incarceration Program, if eligible, and shall be allowed to travel to and from work; District One Probation & Parole Office; and any recovery meetings.

**Costs.** The defendant shall pay the costs of court and any interest that may accrue until the balance is paid in full.

**Contraband.** The Court **ORDERED** the contraband seized shall be destroyed in accordance with the law.

Further proceedings were continued to **January 30, 2025, at 9 a.m.**, for status on HEI.

The Court **ORDERED** the defendant be drug tested in court today and the results were negative for all substances.

**Delayed Reporting.** The defendant, on defense motion and with no objection from the Commonwealth, shall be allowed to depart and remain on bond until **January 30, 2025, at 5 p.m.**, at which time he shall report to the Richmond City Jail to begin serving his sentence on HEI.

**Credit for Time Served.** The defendant shall be given credit for time spent in confinement while awaiting trial pursuant to §53.1-187.

ENTER: January 29, 2025

Richard B. Cyll  
JUDGE

**COMMONWEALTH OF VIRGINIA vs. MARLON JERMAINE BACOTE**

**PAGE 3 of 3**

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**DEFENDANT IDENTIFICATION:**

Alias: **Marion Bacote**

SSN:

DOB: **07/15/71**

Sex: **Male**

**SENTENCING SUMMARY:**

TOTAL SENTENCE IMPOSED: **10 YEARS**

TOTAL SENTENCE SUSPENDED: **9 YEARS, 9 MONTHS**

**ssm:filming/JAIL/HEI/PROB/RPD/RSO/VCSC**

**BEFORE THE VIRGINIA BOARD OF COUNSELING**

**IN RE: TRACY CHRISTINE PERL, L.P.C.**  
**License Number: 0701-005883**  
**Case Numbers: 185713, 187063, 192035, & 196134**

**RATIFICATION AND ORDER**

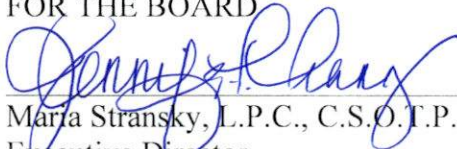
The Board of Counseling ACCEPTS the attached Recommended Findings of Fact and Conclusions of Law of the Agency Subordinate and ADOPTS the Recommended Order in its entirety.

Pursuant to Virginia Code § 54.1-2400.2, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record and shall be made available for public inspection and copying upon request.

Pursuant to Virginia Code § 54.1-2400(10), Ms. Perl may, not later than 5:00 p.m., on May 26, 2026, request a formal administrative hearing before the Board by notifying Maria Stransky, L.P.C., C.S.A.C., C.S.O.T.P., Executive Director, Board of Counseling, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

This Order shall become final on May 26, 2026, unless a request for a formal administrative hearing is received as described above.

FOR THE BOARD

*for*   
\_\_\_\_\_  
Maria Stransky, L.P.C., C.S.O.T.P., C.S.A.C.  
Executive Director  
Virginia Board of Counseling

ENTERED AND MAILED ON: April 22, 2026

**BEFORE THE VIRGINIA BOARD OF COUNSELING**

**IN RE: TRACY CHRISTINE PERL, L.P.C.**  
**License Number: 0701-005883**  
**Case Numbers: 185713, 187063, 192035, & 196134**

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**REPORT AND RECOMMENDATION OF AGENCY SUBORDINATE**

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**Jurisdiction and Procedural History**

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), Johnston Brendel, L.P.C., L.M.F.T., Ed.D., serving as Agency Subordinate of the Virginia Board of Counseling (“Board”), held an informal conference on March 27, 2026 in Henrico County, Virginia, to inquire into evidence that Tracy Christine Perl, L.P.C. violated certain laws and/or regulations governing the practice of professional counseling in the Commonwealth of Virginia.

Ms. Perl appeared at this proceeding and was represented by Margaret F. Hardy, Esquire.

Upon consideration of the evidence, the Agency Subordinate makes the following Findings of Fact and Conclusions of Law and recommends that the Board adopt the following Order.

**Recommended Findings of Fact and Conclusions of Law**

1. Tracy Christine Perl, L.P.C. was issued License Number 0701-005883 to practice professional counseling on July 30, 2014. Said license is scheduled to expire on June 30, 2026.
2. Evidence relevant to the allegations contained in the Amended Notice of Informal Conference dated March 10, 2026, was considered at this proceeding.
3. The Board found there existed no clear and convincing evidence to support findings of any violation of law and/or regulations governing the practice of professional counseling in the Commonwealth of Virginia.

### **Recommended Order**

Based on the foregoing Findings of Fact and Conclusions of Law, the Agency Subordinate recommends that the Board issue an Order as that this case be DISMISSED.

Reviewed and approved  
By Johnston Brendel, Ed.D., L.P.C., L.M.F.T.  
Agency Subordinate

**BEFORE THE VIRGINIA BOARD OF COUNSELING**

**IN RE:        RICHARD MAURICE HYATTE, S.A.C.-Supervisee., C.S.A.C. Applicant**  
**Registration Numbers: 0709-025241, 0709-026880, 0709-026939, 0709-026940**  
**Case Number: 255838**

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**CONSENT ORDER**

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**JURISDICTION AND PROCEDURAL HISTORY**

The Virginia Board of Counseling (“Board”) and Richard Maurice Hyatte, S.A.C.-Supervisee, C.S.A.C. Applicant, as evidenced by their signatures hereto, in lieu of proceeding to an informal conference, enter into the following Consent Order affecting Mr. Hyatte’s registrations to practice as a supervisee in substance abuse counseling and application for certification by examination to practice as a substance abuse counselor in the Commonwealth of Virginia.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1. Richard Maurice Hyatte, C.S.A.C.-S., C.S.A.C. Applicant, was issued Registration Number 0709-025241 on June 9, 2023, Registration Number 0709-026880 on February 9, 2026, Registration Number 0709-026939 on March 4, 2026, and Registration Number 0709-026940 on March 4, 2026, to practice as a supervisee in substance abuse counseling, all of which are scheduled to expire on June 9, 2028. Mr. Hyatte also submitted an application for certification by examination to practice as a substance abuse counselor in the Commonwealth of Virginia on March 16, 2025.

2. Mr. Hyatte violated 18 VAC 115-30-140(B)(1), (2), (D)(1), and (2) and 18 VAC 115-30-150(3), (4), (6), and (7) of the Regulations Governing the Certification of Substance Abuse Counselors and Substance Abuse Counseling Assistants in that for almost two years, he engaged in a dual sexual relationship with Client A, a woman to whom he provided substance abuse counseling. Specifically:

a. On February 19, 2026, Client A submitted a written complaint to the Department of Health Professions (“DHP”), reporting that at her first counseling appointment, Mr. Hyatte stated that

**Richard Maurice Hyatte, S.A.C.-S.**

**CONSENT ORDER**

Page 2 of 4

he wanted to hug her, but acknowledged that it was not permitted, and at a subsequent appointment on January 11, 2024, he requested Client A's phone number. Client A reported that the following week, she met Mr. Hyatte at a coffee shop and, a week thereafter, a sexual relationship began that continued until August 2025.

b. Client A reported to DHP that she was afraid to tell anyone about the relationship because Mr. Hyatte made it clear that he would lose his job if she said anything. However, in August 2025, Client A told her medical provider, who practiced in the same agency as Mr. Hyatte. Client A reported that at her subsequent appointment in September 2025, she learned Mr. Hyatte was no longer employed by the agency.

c. Client A reported to DHP that, as a result of the relationship with Mr. Hyatte, she experienced anxiety, depression, and guilt for getting involved in a relationship with Mr. Hyatte. She further reported that, in October 2025, she relapsed and entered into inpatient treatment.

3. After receiving a copy of Client A's complaint from the DHP investigator, Mr. Hyatte informed the investigator that he wanted to formally surrender his registrations to practice as a substance abuse counselor-supervisee and withdraw his application for certification as a substance abuse counselor. He further expressed his plan to "and exit the field of counseling completely."

**CONSENT**

Richard Maurice Hyatte, S.A.C.-S, C.S.A.C. Applicant, by affixing his signature to this Consent Order, agrees to the following:

1. I have been advised to seek advice of counsel prior to signing this document;
2. I am fully aware that without my consent, no legal action can be taken against me or my registrations and application except pursuant to the Virginia Administrative Process Act, Virginia Code § 2.2-4000 *et seq.*;

**Richard Maurice Hyatte, S.A.C.-S.**

**CONSENT ORDER**

Page 3 of 4

3. I acknowledge that I have the following rights, among others: the right to an informal fact-finding conference before the Board; and the right to representation by counsel;

4. I waive my right to an informal conference;

5. I admit to the Findings of Fact and Conclusions of Law contained herein and waive my right to contest such Findings of Fact and Conclusions of Law and any sanction imposed hereunder in any future judicial or administrative proceeding in which the Board is a party;

6. I consent to the entry of the following Order affecting my registrations to practice as a supervisee in substance abuse counseling and my application for certification by examination to practice as a substance abuse counselor in the Commonwealth of Virginia.

**ORDER**

Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Counseling hereby ORDERS as follows:

1. The Board accepts the PERMANENT VOLUNTARY SURRENDER of Richard Maurice Hyatte's registrations to practice as a supervisee in substance abuse counseling in the Commonwealth of Virginia IN LIEU OF DISCIPLINARY ACTION.

2. The registrations will be recorded as PERMANENTLY SURRENDERED.

3. Richard Maurice Hyatte is not eligible for renewal or reinstatement of his registrations at any future date.

4. The application of Richard Maurice Hyatte for certification by examination to practice as a substance abuse counselor in the Commonwealth of Virginia is WITHDRAWN.

Pursuant to Virginia Code §§ 2.2-4023 and 54.1-2400.2, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

**Richard Maurice Hyatte, S.A.C.-S.**

**CONSENT ORDER**

Page 4 of 4

FOR THE BOARD

Signed by:

*Maria Stransky*

1FCD3DB3C8E4497...

Maria Stransky, L.P.C., C.S.O.T.P., C.S.A.C.

Executive Director

Virginia Board of Counseling

ENTERED: 5/12/2026

SEEN AND AGREED TO:

DocuSigned by:

*Richard Hyatte*

5E2F6184829349C...

Richard Maurice Hyatte, S.A.C.-S., C.S.A.C. Applicant

Date Signed: 5/12/2026

**BEFORE THE VIRGINIA DEPARTMENT OF HEALTH PROFESSIONS**

**IN RE:        DAPHNE JOYCE JOHNSON, L.P.C.**  
**License Number:    0701-012211**  
**Case Number:        258381**

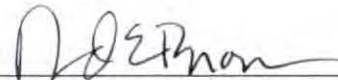
**ORDER OF MANDATORY SUSPENSION**

In accordance with Virginia Code § 54.1-2409, the Director of the Virginia Department of Health Professions received evidence that Daphne Joyce Johnson, L.P.C., was convicted of a felony offense, to wit: health care fraud, in the United States District Court for the Southern District of Texas. A copy of the Judgment in a Criminal Case is attached hereto as Commonwealth's Exhibit 1.

WHEREUPON, by the authority vested in the Director of the Department of Health Professions pursuant to Virginia Code § 54.1-2409, it is hereby ORDERED that the license of Daphne Joyce Johnson, L.P.C., to practice professional counseling in the Commonwealth of Virginia is hereby SUSPENDED.

Upon entry of this Order, the license of Daphne Joyce Johnson, L.P.C., will be recorded as suspended. Should Ms. Johnson seek reinstatement of her license pursuant to Virginia Code § 54.1-2409, she shall be responsible for any fees that may be required for the reinstatement of the license prior to issuance of the license to resume practice.

Pursuant to Virginia Code § 2.2-4023 and § 54.1-2400.2, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record and shall be made available for public inspection or copying on request.



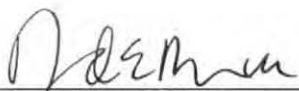
David E. Brown, D.C., Director  
Virginia Department of Health Professions

ENTERED:

5/21/26

### **CERTIFICATION OF DUPLICATE RECORDS**

As Director of the Department of Health Professions, I hereby certify that the attached Judgment in a Criminal Case entered May 18, 2026, regarding Daphne Joyce Johnson, L.P.C., is a true copy of the records received from the United States District Court for the Southern District of Texas.



David E. Brown, D.C.

5/21/26

Date

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
Holding Session in Houston

United States District Court  
Southern District of Texas

**ENTERED**

May 18, 2026

Nathan Ochsner, Clerk

UNITED STATES OF AMERICA

**JUDGMENT IN A CRIMINAL CASE**

v.

**DAPHNE JOHNSON**

**CASE NUMBER: 4:25CR00300-001**

**USM NUMBER: 91394-511**

Katryna Lyn Spearman

Defendant's Attorney

**THE DEFENDANT:**

- ☒ pleaded guilty to count(s) 1 on June 18, 2025.
- ☐ pleaded nolo contendere to count(s) \_\_\_\_\_  
which was accepted by the court.
- ☐ was found guilty on count(s) \_\_\_\_\_  
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

| <u>Title &amp; Section</u> | <u>Nature of Offense</u> | <u>Offense Ended</u> | <u>Count</u> |
|----------------------------|--------------------------|----------------------|--------------|
| 18 U.S.C. § 1347           | Health care fraud        | 08/31/2022           | 1            |

- ☐ See Additional Counts of Conviction.

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has been found not guilty on count(s) \_\_\_\_\_
- ☐ Count(s) \_\_\_\_\_ dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

April 9, 2026

Date of Imposition of Judgment

Charles R. Eskridge  
Signature of Judge

**CHARLES R. ESKRIDGE**

**UNITED STATES DISTRICT JUDGE**

Name and Title of Judge

May 18, 2026

Date



DEFENDANT: **DAPHNE JOHNSON**  
CASE NUMBER: **4:25CR00300-001**

### IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of: time served.

This term consists of TIME SERVED as to Count 1.

- ☐ See Additional Imprisonment Terms.
- ☐ The court makes the following recommendations to the Bureau of Prisons:
- ☐ The defendant is remanded to the custody of the United States Marshal.
- ☐ The defendant shall surrender to the United States Marshal for this district:
- ☐ at \_\_\_\_\_ on \_\_\_\_\_
- ☐ as notified by the United States Marshal.
- ☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:
- ☐ before 2 p.m. on \_\_\_\_\_
- ☐ as notified by the United States Marshal.
- ☐ as notified by the Probation or Pretrial Services Office.

### RETURN

I have executed this judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

DEFENDANT: **DAPHNE JOHNSON**  
CASE NUMBER: **4:25CR00300-001**

### **SUPERVISED RELEASE**

Upon release from imprisonment, you will be on supervised release for a term of: 2 years.

This term consists of TWO (2) YEARS as to Count 1.

### **MANDATORY CONDITIONS**

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
  - ☐ The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4. ☒ You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. *(check if applicable)*
5. ☒ You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
6. ☐ You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, et seq.) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
7. ☐ You must participate in an approved program for domestic violence. *(check if applicable)*

DEFENDANT: **DAPHNE JOHNSON**  
CASE NUMBER: **4:25CR00300-001**

## STANDARD CONDITIONS OF SUPERVISION

☒ See Special Conditions of Supervision.

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

### U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at [www.uscourts.gov](http://www.uscourts.gov).

Defendant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

DEFENDANT: **Daphne Johnson**  
CASE NUMBER: **4:25CR00300-001**

### **SPECIAL CONDITIONS OF SUPERVISION**

You will be monitored by GPS Monitoring (including hybrid GPS) for a period of TWELVE (12) MONTHS, and you must follow the rules and regulations of the location monitoring program. You must pay the costs of the program, if financially able. This form of location monitoring technology will be used to monitor the following restriction on your movement in the community:

☒ **Home Detention:** You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities as preapproved by the officer.

You must provide the probation officer with access to any requested financial information and authorize the release of any financial information. The probation office may share financial information with the U.S. Attorney's Office.

You must not incur new credit charges or open additional lines of credit without the approval of the probation officer.

You must not engage in an occupation, business, profession, or volunteer activity that would require or enable you to have access to Medicare, Medicaid, and all Federal health care programs without the prior approval of the probation officer.

DEFENDANT: **DAAPHNE JOHNSON**  
 CASE NUMBER: **4:25CR00300-001**

### CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

|               | <u>Assessment</u> | <u>Restitution</u> | <u>Fine</u> | <u>AVAA Assessment<sup>1</sup></u> | <u>JVTA Assessment<sup>2</sup></u> |
|---------------|-------------------|--------------------|-------------|------------------------------------|------------------------------------|
| <b>TOTALS</b> | \$100             | \$698,512          | \$          | \$                                 | \$                                 |

- ☐ See Additional Terms for Criminal Monetary Penalties.
- ☐ The determination of restitution is deferred until \_\_\_\_\_. An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.
- ☒ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

| <u>Name of Payee</u>                | <u>Total Loss<sup>3</sup></u> | <u>Restitution Ordered</u> | <u>Priority or Percentage</u> |
|-------------------------------------|-------------------------------|----------------------------|-------------------------------|
| Medicaid                            | \$                            | \$331,112                  |                               |
| Small Business Administration (SBA) | \$                            | \$367,400                  |                               |

- ☐ See Additional Restitution Payees.

|               |    |                  |
|---------------|----|------------------|
| <b>TOTALS</b> | \$ | <u>\$698,512</u> |
|---------------|----|------------------|

- ☒ Restitution amount ordered pursuant to plea agreement \$698,512
- ☒ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- ☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:
- ☐ the interest requirement is waived for the ☐ fine ☐ restitution.
- ☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:
- ☐ Based on the Government's motion, the Court finds that reasonable efforts to collect the special assessment are not likely to be effective. Therefore, the assessment is hereby remitted.

\* Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299.

\*\* Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.

\*\*\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: **DAPHNE JOHNSON**  
 CASE NUMBER: **4:25CR00300-001**

### SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A ☐ Lump sum payment of \$\_\_\_\_\_ due immediately, balance due  
☐ not later than \_\_\_\_\_, or  
☐ in accordance with ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☒ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☒ F below); or
- C ☐ Payment in equal \_\_\_\_\_ installments of \$\_\_\_\_\_ over a period of \_\_\_\_\_,  
 to commence \_\_\_\_\_ after the date of this judgment; or
- D ☐ Payment in equal \_\_\_\_\_ installments of \$\_\_\_\_\_ over a period of \_\_\_\_\_,  
 to commence \_\_\_\_\_ after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within \_\_\_\_\_ after release from imprisonment.  
 The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☒ Special instructions regarding the payment of criminal monetary penalties:

Payable to: Clerk, U.S. District Court  
 Attn: Finance  
 P.O. Box 61010  
 Houston, TX 77208

Any remaining balance shall be paid in monthly installments of \$500 to commence after sentencing.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

#### Case Number

**Defendant and Co-Defendant Names**  
(including defendant number)

Total Amount

**Joint and Several**  
Amount

**Corresponding Payee,**  
if appropriate

- ☐ See Additional Defendants and Co-Defendants Held Joint and Several.
- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVT A assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.

**BEFORE THE VIRGINIA DEPARTMENT OF HEALTH PROFESSIONS**

**IN RE:       ASHLIE NICOLE HART, Q.M.H.P.**  
**Registration Number:       0732-012538**  
**Case Number:               247257**

**ORDER OF MANDATORY SUSPENSION**

In accordance with Virginia Code § 54.1-2409, the Director of the Virginia Department of Health Professions received evidence that Ashlie Nicole Hart, Q.M.H.P., was convicted of a felony offense, to wit: driving while intoxicated – 3rd within 10 years BAC .15-.20, in the Circuit Court of Spotsylvania County, Virginia. A copy of the Conviction and Sentencing Order is attached hereto as Commonwealth's Exhibit 1.

WHEREUPON, by the authority vested in the Director of the Department of Health Professions pursuant to Virginia Code § 54.1-2409, it is hereby ORDERED that the right of Ashlie Nicole Hart to renew her registration to practice as a qualified mental health professional in the Commonwealth of Virginia is hereby SUSPENDED.

Upon entry of this Order, the registration of Ashlie Nicole Hart, Q.M.H.P., will be recorded as suspended. Should Ms. Hart seek reinstatement of her registration pursuant to Virginia Code § 54.1-2409, she shall be responsible for any fees that may be required for the reinstatement of the registration prior to issuance of the registration to resume practice.

Pursuant to Virginia Code § 2.2-4023 and § 54.1-2400.2, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record and shall be made available for public inspection or copying on request.



---

David E. Brown, D.C., Director  
Virginia Department of Health Professions

ENTERED:

6/22/26

### **CERTIFICATION OF DUPLICATE RECORDS**

As Director of the Department of Health Professions, I hereby certify that the attached Conviction and Sentencing Order entered June 11, 2026, regarding Ashlie Nicole Hart, Q.M.H.P., is a true copy of the records received from the Circuit Court of Spotsylvania County, Virginia.



David E. Brown, D.C.

6/22/26

Date

**VIRGINIA:  
IN THE CIRCUIT COURT OF SPOTSYLVANIA COUNTY**

**FIPS 177**

**HEARING DATE: MAY 7, 2026  
JUDGE: THE HONORABLE VICTORIA A.B. WILLIS**

**COMMONWEALTH OF VIRGINIA**

**V**

**CR25-1288, CR25-1289**

**ASHLIE NICOLE HART, DEFENDANT**

**DOB: [REDACTED] SEX: FEMALE  
SSN: [REDACTED] RACE: BLACK**

**ORIGINAL CHARGES:**

| Offense Tracking Number     | Virginia Crime Code<br>(For Administrative<br>Use Only) | Code Section | Case Number   |
|-----------------------------|---------------------------------------------------------|--------------|---------------|
| 177GM2500003853             | LIC-6861-F9                                             | 46.2-391     | CR25001288-00 |
| Offense Date:<br>04/10/2025 | Description: DRIV REVOK FOR DWI/SUBSEQUENT              |              |               |
| 177GM2500003854             | DWI-5682-F6                                             | C.18.2-266   | CR25001289-00 |
| Offense Date:<br>04/10/2025 | Description: DWI, 3RD W/IN 10Y BAC 0.15-.20             |              |               |

**CONVICTED OF:**

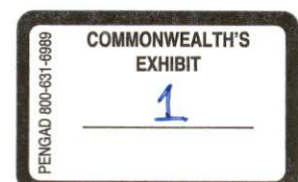
| Offense Tracking Number     | Virginia Crime Code<br>(For Administrative<br>Use Only) | Code Section   | Case Number   |
|-----------------------------|---------------------------------------------------------|----------------|---------------|
| 177GM2500003853             | LIC-6858-M1                                             | 46.2-391(D)(1) | CR25001288-00 |
| Offense Date:<br>04/10/2025 | Description: DRIV SUSP/REV NO ENDANGER-MISD             |                |               |
| 177GM2500003854             | DWI-5682-F6                                             | C.18.2-266     | CR25001289-00 |
| Offense Date:<br>04/10/2025 | Description: DWI, 3RD W/IN 10Y BAC 0.15-.20             |                |               |

**PRESENT:**

**Commonwealth Attorney: Mary Katherine Vaughn, Assistant  
Defense Attorney: Thomas Dodd, Appointed  
Defendant: Ashlie Nicole Hart**

**CONVICTION AND SENTENCING ORDER**

The Defendant was arraigned, and after private consultation with and being advised by her attorney pleaded guilty to the Indictments, which pleas were tendered by the Defendant in person, and the Defendant waived her right to trial with a jury with the concurrence of the Attorney for the Commonwealth and of the Court.



CC:  
Dodd  
PAP  
VASAP  
RRT  
DOC  
6/11/2026  
mkj

The Attorney for the Commonwealth made a motion to amend the Indictment in Case Number CR25-1288 which motion, without objection by the Attorney for the Defendant, was granted.

The Court was advised by the Defendant, her counsel, and the Attorney for the Commonwealth that the Defendant would plead guilty to the Indictments pursuant to a plea agreement, which agreement, in writing, was presented to the Court and filed herein. Thereupon the Defendant was arraigned and, after private consultation with, and being advised by her counsel, pleaded guilty to the Indictments, which pleas were tendered by the accused in person.

The Court, having made inquiry and being of the opinion that the accused fully understood the nature and the effects of her pleas and of the penalties that may be imposed upon her conviction and of the waiver of trial by jury and of appeal, found that the pleas were voluntarily and intelligently made.

The Court, having heard the evidence as stated by the Attorney for the Commonwealth and stipulated to by the Attorney for the Defendant, does accept said agreement and the pleas of guilty of the Defendant. On the pleas of guilty and the evidence presented, it is the judgment of the Court that the Defendant is guilty of One (1) Count of Drive After License Revoked for DWI/etc. and One (1) Count of Driving While Intoxicated – 3rd within 10 years BAC .15-.20 as charged in the Indictments.

Pursuant to the provisions of Virginia Code §19.2-298.01, the Court has considered and reviewed the applicable discretionary sentencing guidelines and the guidelines worksheets. The sentencing guidelines worksheets and the written explanation of any departure from the guidelines are ordered filed as a part of the record in these cases.

The Court inquired if the defendant desired to make a statement and it being demanded of the Defendant if anything she had or knew to say why judgment should not be pronounced against her according to the law, and nothing being offered or alleged in delay of judgment, it is accordingly the judgment of the Court that the Defendant is hereby sentenced in accordance with the aforementioned plea agreement to confinement in Virginia Department of Corrections/Jail for a period as follows:

CR25-1288: 12 months with 10 months suspended (10 days mandatory minimum).

CR25-1289: 5 years with 4 years and 2 months suspended (90 days mandatory minimum).

These sentences will run consecutively to each other and to any other sentences imposed in any other proceeding or Jurisdiction unless expressly set forth above.

The suspension of the sentence is conditioned upon the following:

Good behavior. The Defendant must be of good behavior for a period of Ten (10) years.

Supervised probation. Upon defendant's release from confinement, the Defendant is placed on active, supervised probation under the supervision of a Probation Officer for a period of time not to exceed Five (5) years. The Defendant must comply with all the rules and requirements set by the Probation Officer.

VASAP. Enrollment in and successful completion of the Virginia Alcohol Safety Action Program on Case Number CR25-1289.

Fine. The Defendant shall pay a mandatory fine of \$1000.00 on Case Number CR25-1289.

Costs. The Defendant must pay the costs of these proceedings, including any court appointed attorney fees, unless a payment plan is submitted and accepted by the Clerk.

Searches and Seizures. The Defendant waives his rights against unreasonable searches and seizures at any time and by any law enforcement officer for a period of Five (5) years upon initial release on this charge and any other current charges.

Credit for time served. The Defendant will be given credit for time spent in confinement while awaiting trial pursuant to Virginia Code §53.1-187.

It is further ordered that the Defendant's privilege to drive or operate a motor vehicle in the Commonwealth of Virginia is suspended indefinitely from the date of conviction. Such license forfeiture shall be in addition to and shall run consecutively with any other license suspension, revocation or forfeiture in effect.

The Defendant must provide a blood, saliva or tissue sample for DNA analysis pursuant to Virginia Code Section §19.2-310.2 et seq. at or under the auspices of the Rappahannock Regional Jail within a reasonable time after incarceration in the manner prescribed by law, unless a sample was previously taken. The Defendant is ordered to cooperate fully and promptly in providing information and permitting sampling of blood, saliva or tissue, as required by this order.

The Court certifies that at all times during the trial of this case, the Defendant was personally present and her attorney was likewise personally present and capably represented the Defendant.

The Defendant is remanded to the custody of the Sheriff.

**SENTENCING SUMMARY:**

**TOTAL SENTENCE IMPOSED: 5 YEARS AND 12 MONTHS**

**TOTAL SENTENCE SUSPENDED: 4 YEARS AND 12 MONTHS (100 DAYS MANDATORY MINIMUM)**

**TOTAL ACTIVE TIME: 12 MONTHS (100 DAYS MANDATORY MINIMUM)**

**TOTAL SUPERVISED PROBATION TERM: INDEFINITE NOT TO EXCEED 5 YEARS**

Entered THIS 11<sup>th</sup> day of ~~MAY~~<sup>June</sup>, 2026

Victoria A.B. Willis

VICTORIA A.B. WILLIS, JUDGE

# Approved Training and Education Pathways for Registration as a Behavioral Health Technician Assistant (BHT-A) and Behavioral Health Technician (BHT)

## I. Overview

This policy outlines the approved training and education pathways for individuals seeking registration as:

- Behavioral Health Technician Assistant (BHT-A)
- Behavioral Health Technician (BHT)

## II. Registration Education and Training Requirements

### A. Behavioral Health Technician Assistant (BHT-A)

1. Completion of High School Diploma/GED; and
2. 20 hours of didactic education from a program approved or recognized by the Board

### B. Behavioral Health Technician (BHT)

1. Conferred associate's degree; and
2. 40 hours of didactic education from a program approved or recognized by the Board

## III. Didactic Education Requirements by Core Content

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

| Core Content                      | BHT-A (min. hours) | BHT (min. hours) |
|-----------------------------------|--------------------|------------------|
| Ethics                            | 6                  | 6                |
| Boundaries and Dual Relationships | 6                  | 6                |
| Documentation and Recordkeeping   | 4                  | 4                |
| Confidentiality                   | 2                  | 2                |
| Cultural Competence               | 2                  | 2                |
| Human Services                    | -                  | 20               |
| Total                             | 20                 | 40               |

### Description of Core Content Areas:

**Ethics:** Ethics training in counseling should cover foundational ethical theories and terminology, professional codes of ethics, and structured decision-making models. It should address legal and clinical issues including confidentiality, informed consent, documentation, and boundary management, while also emphasizing cultural competence, personal values, and counselor self-

## **Approved Training and Education Pathways for Registration as a Behavioral Health Technician Assistant (BHT-A) and Behavioral Health Technician (BHT)**

awareness. The training must prepare professionals to apply ethical principles in real-world settings, including online practice, managed care environments, and diverse client populations.

**Boundaries and Dual Relationships:** Boundaries in counseling are the ethical and professional limits that protect the integrity of the client–counselor relationship and prevent harm, exploitation, or conflicts of interest. Ethics training on boundaries should address dual relationships, strategies for minimizing risk in unavoidable situations, and the application of ethical decision-making models to common dilemmas—including bartering, gift-giving, physical touch, social media, and community-based practice. Maintaining appropriate boundaries also involves recognizing signs of impairment, seeking consultation when needed, and adhering to informed consent and confidentiality standards.

**Documentation and Recordkeeping:** Documentation and recordkeeping in counseling involve the accurate, thorough, and ethical maintenance of client records to support clinical care, ensure legal compliance, and protect client confidentiality. Training should address what information must be documented, how to comply with standards such as HIPAA, and how to navigate ethical challenges related to different treatment contexts (e.g., families, groups, involuntary clients). Counselors must understand both their ethical responsibility and legal obligations, using records to support assessment, treatment planning, informed consent, and risk management.

**Confidentiality:** Confidentiality in counseling involves protecting clients' personal and health information, as required by laws such as **HIPAA** and **42 CFR Part 2**. Ethics training should cover the types of protected information, the purpose of these regulations, and how to prevent breaches, particularly in sensitive areas like substance use treatment.

**Cultural Competence:** Cultural competency in mental and behavioral health is the ongoing process of developing the awareness, knowledge, and skills necessary to effectively and ethically serve individuals from diverse backgrounds. It involves recognizing the role of implicit and explicit bias, evaluating personal and organizational perspectives on culture, and understanding how cultural factors influence communication, decision-making, and access to care. Culturally competent practitioners demonstrate inclusivity, apply ethical principles with cultural humility, and utilize frameworks to assess and mitigate bias within professional practice. Prioritizing cultural competency is essential to promoting equitable mental healthcare and reducing systemic disparities.

**Human Services:** Human services as an area of study that focuses on the mental health, biological, psychological, behavioral, and social aspects of human welfare with emphasis on the direct services designed to improve it.

# Approved Training and Education Pathways for Registration as a Behavioral Health Technician Assistant (BHT-A) and Behavioral Health Technician (BHT)

## IV. Approved Methods for Obtaining Didactic Education

Acceptable sources of didactic hours may include a **combination** of the following:

- 1. A Board-approved provider** including but not limited to Community Services Boards (CSBs), agencies licensed by the Department of Behavioral Health and Developmental Services (DBHDS), the Department of Corrections (DOC), and the Department of Education (DOE)—may develop and implement a training or onboarding program that covers all didactic education content areas and required hours outlined in Section III of this document.
- 2. Board-approved didactic education programs** (see Section V and VI).
- 3. Coursework in a human services** - If an applicant has completed human services coursework that addressed one or more of the required content areas, the educational institution may complete the [Verification of Human Services Coursework form](#) to certify the number of actual didactic instruction hours an applicant received in each required content areas.
- 4. Continuing education courses** in one or more of the core content areas from one of the following:
  - Federal, state, or local governmental agencies, public school systems, licensed health facilities, or an agency licensed by DBHDS; or
  - Entities approved for continuing education by a health regulatory board within the Department of Health Professions.

## V. Approved Didactic Education Programs

The following programs are approved by the Board of Counseling to satisfy the didactic education requirement:

| Programs                                                                                                              | Hours Credited                                                   |
|-----------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------|
| <a href="#">Crisis Intervention Team (CIT) Training</a><br>(Only applicable for first responders)                     | 40 Hours <i>(meets all core content requirements)</i>            |
| <a href="#">Camp Community College</a><br>(Behavioural Health Technician Assistant Certification Program – Fall 2026) | 20 Hours <i>(meets all core content requirements for BHT-As)</i> |
| <b>The below programs meet the full 40-hour requirement (no additional training needed)</b>                           |                                                                  |
| <a href="#">Adult Continuing Education (ACE) for Mental Health Tech</a>                                               |                                                                  |
| <a href="#">American Association of Psychiatric Techs (AAPT) Level 2 or Higher</a>                                    |                                                                  |
| Approved Human Services Programs from VA Community Colleges (see next section)                                        |                                                                  |
| Career and Technical Education (CTE) – Mental Health Assistant or Equivalent                                          |                                                                  |
| <a href="#">Foundations to Success</a>                                                                                |                                                                  |
| Institute for Public Health Innovation – <a href="#">CHW Core Skills Competency Training</a>                          |                                                                  |
| Relias Academy ( <a href="#">BHT-A 20 Hour Education Program</a> and <a href="#">BHT 40 Hour Education Program</a> )  |                                                                  |

## Approved Training and Education Pathways for Registration as a Behavioral Health Technician Assistant (BHT-A) and Behavioral Health Technician (BHT)

|                                                                         |
|-------------------------------------------------------------------------|
| <a href="#">Seven Summits Family Services</a>                           |
| <a href="#">U.S. Air Force Mental Health Service Specialist</a>         |
| <a href="#">U.S. Army Behavioral Health Tech 68X</a>                    |
| <a href="#">U.S. Navy Behavioral Health Tech</a>                        |
| <a href="#">Virginia Health Worker Community Health Worker Training</a> |

### VI. Approved Virginia Community College Programs

The following Virginia Community College programs meet the full 40-hour didactic requirement:

| College                                             | Programs                                                                                                                                                                                                                                         |
|-----------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <a href="#">Blue Ridge Community College (BRCC)</a> | <ul style="list-style-type: none"> <li>Human Services I, CSC</li> <li>Human Service II, CSC</li> <li>Substance Abuse Counseling, CSC</li> <li>Human Services, AAS</li> </ul>                                                                     |
| <a href="#">Brightpoint Community College</a>       | <ul style="list-style-type: none"> <li>Bereavement and Grief Counseling, CSC</li> <li>Substance Abuse Assistant, CSC</li> <li>Human Services, AAS</li> <li>Human Services-Pre-Social Work Specialist, AAS</li> <li>Psychology, AS</li> </ul>     |
| <a href="#">Germanna Community College</a>          | <ul style="list-style-type: none"> <li>Paraprofessional Counseling, CSC</li> <li>Behavioral Health Technician, Certificate</li> </ul>                                                                                                            |
| <a href="#">Laurel Ridge Community College</a>      | <ul style="list-style-type: none"> <li>Human Services, AAS</li> </ul>                                                                                                                                                                            |
| <a href="#">Northern Virginia Community College</a> | <ul style="list-style-type: none"> <li>Substance Abuse Rehabilitation Counselor, Certificate</li> </ul>                                                                                                                                          |
| <a href="#">Rappahannock Community College</a>      | <ul style="list-style-type: none"> <li>Psychology/Social Work Specialization, AAS</li> </ul>                                                                                                                                                     |
| <a href="#">Reynolds Community College</a>          | <ul style="list-style-type: none"> <li>Behavioral Health Technician, CSC</li> <li>Human Services Technician, CSC</li> <li>Substance Abuse Counselor Education, CSC</li> <li>Human Services, AAS</li> </ul>                                       |
| <a href="#">Southside Community College</a>         | <ul style="list-style-type: none"> <li>Human Services, CSC</li> <li>Human Services, Certificate</li> <li>Substance Abuse Counseling Assistant, Certificate</li> <li>Substance Abuse Counseling Aide, CSC</li> <li>Human Services, AAS</li> </ul> |
| <a href="#">Southwest Community College</a>         | <ul style="list-style-type: none"> <li>Substance Abuse Rehabilitation Counselor, CSC</li> </ul>                                                                                                                                                  |

## Approved Training and Education Pathways for Registration as a Behavioral Health Technician Assistant (BHT-A) and Behavioral Health Technician (BHT)

|                                                             |                                                                                                                                                                                                                                                                                                                                                                                              |
|-------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                             | <ul style="list-style-type: none"> <li>• Human Services Technology, CSC</li> <li>• Grief and Bereavement and Counseling, CSC</li> <li>• Substance Abuse, AAS</li> <li>• Mental Health, AAS</li> </ul>                                                                                                                                                                                        |
| <a href="#">Tidewater Community College</a>                 | <ul style="list-style-type: none"> <li>• Human Services, AAS</li> </ul>                                                                                                                                                                                                                                                                                                                      |
| <a href="#">Virginia Highlands Community College (VHCC)</a> | <ul style="list-style-type: none"> <li>• Substance Abuse Counseling Assistant, CSC</li> <li>• Victim Advocacy Assistant, CSC</li> <li>• Human Services Advocate, Certificate <ul style="list-style-type: none"> <li>○ <i>Discontinued Fall 2025</i></li> </ul> </li> <li>• Human Services, AAS <ul style="list-style-type: none"> <li>○ <i>Discontinued Fall 2025</i></li> </ul> </li> </ul> |
| <a href="#">Virginia Peninsula College (VPCC)</a>           | <ul style="list-style-type: none"> <li>• Substance Abuse Counseling Assistant, CSC</li> <li>• Human Services, AAS</li> </ul>                                                                                                                                                                                                                                                                 |
| <a href="#">Virginia Western Community College</a>          | <ul style="list-style-type: none"> <li>• Human Services: Foundations, CSC</li> <li>• Human Services, AAS</li> </ul>                                                                                                                                                                                                                                                                          |
| <a href="#">Wytheville Community College (WCC)</a>          | <ul style="list-style-type: none"> <li>• Human Services-Mental Health, CSC</li> <li>• Human Services Professional, AAS</li> <li>• Human Services, AS</li> </ul>                                                                                                                                                                                                                              |

### VIII. Obtaining Board Approval as a Didactic Education Program

If you are interested in gaining Board approval as a didactic education program that would fully satisfy the didactic education training requirement, including the core content, we recommend you follow this process as outlined. Please submit to the Board, preferably 60 days in advance of a [Board meeting](#):

- A comprehensive overview of the curriculum, including a syllabus or outline.
- A description of the course content, detailing specific modules or topics.
- Clearly defined learning objectives for each section of the curriculum.
- The qualifications and credentials of the instructors who will deliver the training.
- A method for assessing participant learning and competency.

# Approved Training and Education Pathways for Registration as a Qualified Mental Health Professional-Trainee (QMHP-T) and Qualified Mental Health Professional (QMHP)

## I. Overview

This policy outlines the approved training and education pathways for individuals seeking registration as:

- Qualified Mental Health Professional-Trainee (QMHP-T)
- Qualified Mental Health Professional (QMHP)

## II. Registration Education and Training Requirements

### A. Qualified Mental Health Professional-Trainee (QMHP-T)

1. Bachelor's degree or active enrollment in good standing in a bachelor's program; and
2. 60 hours of didactic education from a program approved or recognized by the Board

### B. Qualified Mental Health Professional (QMHP)

1. Conferred bachelor's degree; and
2. 80 hours of didactic education from a program approved or recognized by the Board

**NOTE: QMHP-Ts approved and registered prior to May 7, 2025, are deemed to have met the 80-hour didactic education requirement for QMHP registration.**

## III. Didactic Education Requirements by Core Content

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

| Core Content                      | QMHP-T (min. hours) | QMHP (min. hours) |
|-----------------------------------|---------------------|-------------------|
| Ethics                            | 12                  | 12                |
| Boundaries and Dual Relationships | 12                  | 12                |
| Documentation and Recordkeeping   | 8                   | 8                 |
| Confidentiality                   | 4                   | 4                 |
| Cultural Competence               | 4                   | 4                 |
| Human Services                    | 20                  | 40                |
| Total                             | 60                  | 80                |

### Description of Core Content Areas:

**Ethics:** Ethics training in counseling should cover foundational ethical theories and terminology, professional codes of ethics, and structured decision-making models. It should address legal and clinical issues including confidentiality, informed consent, documentation, and boundary

## **Approved Training and Education Pathways for Registration as a Qualified Mental Health Professional-Trainee (QMHP-T) and Qualified Mental Health Professional (QMHP)**

management, while also emphasizing cultural competence, personal values, and counselor self-awareness. The training must prepare professionals to apply ethical principles in real-world settings, including online practice, managed care environments, and diverse client populations.

**Boundaries and Dual Relationships:** Boundaries in counseling are the ethical and professional limits that protect the integrity of the client–counselor relationship and prevent harm, exploitation, or conflicts of interest. Ethics training on boundaries should address dual relationships, strategies for minimizing risk in unavoidable situations, and the application of ethical decision-making models to common dilemmas—including bartering, gift-giving, physical touch, social media, and community-based practice. Maintaining appropriate boundaries also involves recognizing signs of impairment, seeking consultation when needed, and adhering to informed consent and confidentiality standards.

**Documentation and Recordkeeping:** Documentation and recordkeeping in counseling involve the accurate, thorough, and ethical maintenance of client records to support clinical care, ensure legal compliance, and protect client confidentiality. Training should address what information must be documented, how to comply with standards such as HIPAA, and how to navigate ethical challenges related to different treatment contexts (e.g., families, groups, involuntary clients). Counselors must understand both their ethical responsibility and legal obligations, using records to support assessment, treatment planning, informed consent, and risk management.

**Confidentiality:** Confidentiality in counseling involves protecting clients' personal and health information, as required by laws such as **HIPAA** and **42 CFR Part 2**. Ethics training should cover the types of protected information, the purpose of these regulations, and how to prevent breaches, particularly in sensitive areas like substance use treatment.

**Cultural Competence:** Cultural competency in mental and behavioral health is the ongoing process of developing the awareness, knowledge, and skills necessary to effectively and ethically serve individuals from diverse backgrounds. It involves recognizing the role of implicit and explicit bias, evaluating personal and organizational perspectives on culture, and understanding how cultural factors influence communication, decision-making, and access to care. Culturally competent practitioners demonstrate inclusivity, apply ethical principles with cultural humility, and utilize frameworks to assess and mitigate bias within professional practice. Prioritizing cultural competency is essential to promoting equitable mental healthcare and reducing systemic disparities.

**Human Services:** Human services as an area of study that focuses on the mental health, biological, psychological, behavioral, and social aspects of human welfare with emphasis on the direct services designed to improve it.

# Approved Training and Education Pathways for Registration as a Qualified Mental Health Professional-Trainee (QMHP-T) and Qualified Mental Health Professional (QMHP)

## IV. Approved Methods for Obtaining Didactic Education

Acceptable sources of didactic hours may include a **combination** of the following:

- 1. A Board-approved provider** (see [18VAC115-80-80\(C\)](#)) including but not limited to Community Services Boards (CSBs), agencies licensed by the Department of Behavioral Health and Developmental Services (DBHDS), the Department of Corrections (DOC), and the Department of Education (DOE)—may develop and implement a training or onboarding program that covers all didactic education content areas and required hours outlined in Section III of this document.
- 2. Board-approved didactic education programs** (see Section V and VI).
- 3. Coursework in a human services** - If an applicant has completed human services coursework that addressed one or more of the required content areas, the educational institution may complete the [Verification of Human Services Coursework form](#) to certify the number of actual didactic instruction hours an applicant received in each required content areas.
- 4. Continuing education courses** from approved providers (see [18VAC115-80-80\(C\)](#)) in one or more of the core content areas.

## V. Approved Didactic Education Programs

The following programs are approved by the Board of Counseling to satisfy the didactic education requirement:

| Programs/License                                                                                                       | Hours Credited                                        |
|------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|
| <a href="#">Crisis Intervention Team (CIT) Training</a><br>(Only applicable for first responders)                      | 40 Hours <i>(meets all core content requirements)</i> |
| Licensed Baccalaureate Social Worker (LBSW)                                                                            | 60 Hours <i>(meets all core content requirements)</i> |
| <b>The below programs meet the full 80-hour requirement (no additional training needed)</b>                            |                                                       |
| <a href="#">Adult Continuing Education (ACE) for Mental Health Tech</a>                                                |                                                       |
| <a href="#">American Association of Psychiatric Techs (AAPT) Level 2 or Higher</a>                                     |                                                       |
| Approved Human Services Programs from VA Community Colleges (see next section)                                         |                                                       |
| Career and Technical Education (CTE) – Mental Health Assistant or Equivalent                                           |                                                       |
| <a href="#">Foundations to Success</a>                                                                                 |                                                       |
| Institute for Public Health Innovation – <a href="#">CHW Core Skills Competency Training</a>                           |                                                       |
| Master’s Degree in Human Services (See Section VII)                                                                    |                                                       |
| Relias Academy ( <a href="#">QMHP-T 60-Hour Education Program</a> and <a href="#">QMHP 80-Hour Education Program</a> ) |                                                       |
| <a href="#">Seven Summits Family Services</a>                                                                          |                                                       |
| <a href="#">U.S. Air Force Mental Health Service Specialist</a>                                                        |                                                       |
| <a href="#">U.S. Army Behavioral Health Tech 68X</a>                                                                   |                                                       |
| <a href="#">U.S. Navy Behavioral Health Tech</a>                                                                       |                                                       |
| <a href="#">VHWDA Community Health Worker Training Program</a>                                                         |                                                       |

# Approved Training and Education Pathways for Registration as a Qualified Mental Health Professional-Trainee (QMHP-T) and Qualified Mental Health Professional (QMHP)

## VI. Approved Virginia Community College Programs

The following Virginia Community College programs meet the full 80-hour didactic requirement:

| College                                             | Programs                                                                                                                                                                                                                                                       |
|-----------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <a href="#">Blue Ridge Community College (BRCC)</a> | <ul style="list-style-type: none"> <li>• Human Services I, CSC</li> <li>• Human Service II, CSC</li> <li>• Substance Abuse Counseling, CSC</li> <li>• Human Services, AAS</li> </ul>                                                                           |
| <a href="#">Brightpoint Community College</a>       | <ul style="list-style-type: none"> <li>• Bereavement and Grief Counseling, CSC</li> <li>• Substance Abuse Assistant, CSC</li> <li>• Human Services, AAS</li> <li>• Human Services-Pre-Social Work Specialist, AAS</li> <li>• Psychology, AS</li> </ul>         |
| <a href="#">Germanna Community College</a>          | <ul style="list-style-type: none"> <li>• Paraprofessional Counseling, CSC</li> <li>• Behavioral Health Technician, Certificate</li> </ul>                                                                                                                      |
| <a href="#">Laurel Ridge Community College</a>      | <ul style="list-style-type: none"> <li>• Human Services, AAS</li> </ul>                                                                                                                                                                                        |
| <a href="#">Northern Virginia Community College</a> | <ul style="list-style-type: none"> <li>• Substance Abuse Rehabilitation Counselor, Certificate</li> </ul>                                                                                                                                                      |
| <a href="#">Rappahannock Community College</a>      | <ul style="list-style-type: none"> <li>• Psychology/Social Work Specialization, AAS</li> </ul>                                                                                                                                                                 |
| <a href="#">Reynolds Community College</a>          | <ul style="list-style-type: none"> <li>• Behavioral Health Technician, CSC</li> <li>• Human Services Technician, CSC</li> <li>• Substance Abuse Counselor Education, CSC</li> <li>• Human Services, AAS</li> </ul>                                             |
| <a href="#">Southside Community College</a>         | <ul style="list-style-type: none"> <li>• Human Services, CSC</li> <li>• Human Services, Certificate</li> <li>• Substance Abuse Counseling Assistant, Certificate</li> <li>• Substance Abuse Counseling Aide, CSC</li> <li>• Human Services, AAS</li> </ul>     |
| <a href="#">Southwest Community College</a>         | <ul style="list-style-type: none"> <li>• Substance Abuse Rehabilitation Counselor, CSC</li> <li>• Human Services Technology, CSC</li> <li>• Grief and Bereavement and Counseling, CSC</li> <li>• Substance Abuse, AAS</li> <li>• Mental Health, AAS</li> </ul> |

## Approved Training and Education Pathways for Registration as a Qualified Mental Health Professional-Trainee (QMHP-T) and Qualified Mental Health Professional (QMHP)

|                                                             |                                                                                                                                                                                                                                                                                                                                                                                  |
|-------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <a href="#">Tidewater Community College</a>                 | <ul style="list-style-type: none"> <li>Human Services, AAS</li> </ul>                                                                                                                                                                                                                                                                                                            |
| <a href="#">Virginia Highlands Community College (VHCC)</a> | <ul style="list-style-type: none"> <li>Substance Abuse Counseling Assistant, CSC</li> <li>Victim Advocacy Assistant, CSC</li> <li>Human Services Advocate, Certificate <ul style="list-style-type: none"> <li><i>Discontinued Fall 2025</i></li> </ul> </li> <li>Human Services, AAS <ul style="list-style-type: none"> <li><i>Discontinued Fall 2025</i></li> </ul> </li> </ul> |
| <a href="#">Virginia Peninsula College (VPCC)</a>           | <ul style="list-style-type: none"> <li>Substance Abuse Counseling Assistant, CSC</li> <li>Human Services, AAS</li> </ul>                                                                                                                                                                                                                                                         |
| <a href="#">Virginia Western Community College</a>          | <ul style="list-style-type: none"> <li>Human Services: Foundations, CSC</li> <li>Human Services, AAS</li> </ul>                                                                                                                                                                                                                                                                  |
| <a href="#">Wytheville Community College (WCC)</a>          | <ul style="list-style-type: none"> <li>Human Services-Mental Health, CSC</li> <li>Human Services Professional, AAS</li> <li>Human Services, AS</li> </ul>                                                                                                                                                                                                                        |

### VII. Approved Degrees in Human Services

The Board defines “human services” as an area of study that focuses on the mental health, biological, psychological, behavioral, and social aspects of human welfare with emphasis on the direct services designed to improve it. The Board recognizes the following degrees as “human services:”

- Art Therapy
- Behavioral Sciences
- Child Development
- Child and Family Studies/Services
- Cognitive Sciences
- Community Mental Health
- Counseling (Mental health, Vocational, Pastoral, etc.)
- Counselor Education
- Early Childhood Development
- Education (with a focus in psychology and/or special education)
- Educational Psychology
- Family Development/Relations
- Gerontology
- Health and Human Services
- Human Development

## **Approved Training and Education Pathways for Registration as a Qualified Mental Health Professional-Trainee (QMHP-T) and Qualified Mental Health Professional (QMHP)**

- Human Services
- Marriage and Family Therapy
- Music Therapy
- Nursing
- Psychiatric Rehabilitation
- Psychology
- Rehabilitation Counseling
- School Counseling
- Social Work
- Special Education
- Therapeutic Recreation
- Vocational Rehabilitation

### **VIII. Obtaining Board Approval as a Didactic Education Program**

If you are interested in gaining Board approval as a didactic education program that would fully satisfy the didactic education training requirement, including the core content, we recommend you follow this process as outlined. Please submit to the Board, preferably 60 days in advance of a [Board meeting](#):

- A comprehensive overview of the curriculum, including a syllabus or outline.
- A description of the course content, detailing specific modules or topics.
- Clearly defined learning objectives for each section of the curriculum.
- The qualifications and credentials of the instructors who will deliver the training.
- A method for assessing participant learning and competency.

# **Supervision of QMHPs, QMHP-Trainees, BHTs, and BHTAs**

Pursuant to Virginia Code §§ [54.1-3518](#), [54.1-3519](#), [54.1-3520](#), and [54.1-3521](#), Licensed Mental Health Professionals (LMHP) as defined in [12VAC35-105-20](#) can supervise:

- Qualified Mental Health Professionals (QMHP)
- QMHP-Trainees
- Behavioral Health Technicians (BHT)
- Behavioral Health Technician Assistants (BHTA)

Pursuant to statutes listed above, persons under supervision approved by Board of Counseling, Board of Psychology, or Board of Social Work as a prerequisite for licensure can supervise:

- QMHPs
- QMHP-Trainees
- BHTs
- BHTAs

Pursuant to statutes listed above, QMHPs with 3 years of experience can supervise:

- QMHPs
- QMHP-Trainees
- BHTs
- BHTAs

Pursuant to statutes listed above, BHTs with 3 years of experience can supervise:

- BHTs
- BHTAs

\*QMHP-Trainees and a BHTAs cannot supervise. See Va. Code §§ 54.1-3519 and 54.1-3521.

\*It is recommended that all persons providing supervision of QMHPs, BHTs, and BHTAs complete the supervision training as indicated on page 2 of this policy document. This training will become a regulatory requirement.

## Supervision Training

| <b>Profession</b>                                                                                                                                                                                                                                                                                                                          | <b>Number of Hours of Supervision Training</b> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| Physician, Licensed Clinical Psychologist, Licensed Professional Counselor, Licensed Clinical Social Worker, Licensed Substance Abuse Treatment Practitioner, Licensed Marriage and Family Therapist, Certified Psychiatric Clinical Nurse Specialist, Licensed Behavior Analyst, or Licensed Psychiatric/Mental Health Nurse Practitioner | 4                                              |
| Licensed Resident in Counseling, Licensed Resident in Marriage and Family Therapy, Licensed Resident in Substance Abuse Treatment, Registered Resident in Psychology, Registered Supervisee in Social Work                                                                                                                                 | 8                                              |
| QMHP with 3 Years of Experience                                                                                                                                                                                                                                                                                                            | 16                                             |
| BHT with 3 Years of Experience                                                                                                                                                                                                                                                                                                             | 16                                             |

The Board recommends that the Supervision Training be provided by:

- Entities approved for continuing education by a health regulatory board within the Department of Health Professions; or
- Federal, state, or local governmental agencies, public school systems, licensed health facilities, or an agency licensed by DBDHS.

The Supervision Training Curriculum should include the following content areas:

1. Scope of practice
2. Professional boundaries
3. Nature of a professional relationship
4. Confidentiality
5. Record-keeping
6. Ethics
7. Leadership

## **VIRGINIA BOARD OF COUNSELING BYLAWS**

### **ARTICLE I: AUTHORIZATION**

#### **A. Statutory Authority**

The Virginia Board of Counseling ("Board") is established and operates pursuant to §§ 54.1-2400 and 54.1-3500, et seq., of the *Code of Virginia*. Regulations promulgated by the Virginia Board of Counseling may be found in 18VAC115-20-10 et seq., Regulations Governing the Practice of Professional Counseling; 18 VAC 115-30-10 et seq., "Regulations Governing the Certification of Substance Abuse Counselors and Substance Abuse Counseling Assistants"; 18VAC115-40-10 et seq., "Regulations Governing the Certification of Rehabilitation Providers"; 18VAC115-50-10 et seq., "Regulations Governing the Practice of Marriage and Family Therapy"; 18VAC115-60-10 et seq., "Regulations Governing the Practice of Substance Abuse Treatment Practitioners", 18VAC115-80-10 et seq., "Emergency Regulations Governing the Practice of Qualified Mental Health Professionals (QMHP), and 18VAC115-70-10 et seq., "Emergency Regulations Governing the Practice of Registered Peer Recovery Specialists".

#### **B. Duties**

The Virginia Board of Counseling is charged with promulgating and enforcing regulations governing the licensure and practice of professional counselors, marriage and family therapists, and substance abuse treatment practitioners, and the certification and practice of substance abuse counselors and rehabilitation providers in the Commonwealth of Virginia, and the registration of qualified mental health professionals and registered peer recovery specialists. This includes, but is not limited to: setting fees; creating requirements for and issuing licenses, certificates, or registrations; setting standards of practice; and implementing a system of disciplinary action.

#### **C. Mission**

To ensure the delivery of safe and competent patient care by licensing health professionals, enforcing standards of practice, and providing information to healthcare practitioners and the public.

### **ARTICLE II: THE BOARD**

#### **A. Membership**

1. The Board shall consist of twelve (12) members, appointed by the Governor as follows:
  - a. Ten (10) professionals licensed in Virginia, who shall represent the various specialties recognized in the profession. The licensed professionals shall be
    - i. Six (6) licensed professional counselors
    - ii. Three (3) licensed marriage and family therapists, and

- iii. One (1) licensed substance abuse treatment practitioner
  - b. Two (2) shall be citizen members.
2. The terms of the members of the Board shall be four (4) years.
3. Members of the Board of Counseling holding a voting office in any related professional association or one that takes a policy position on the regulations of the Board shall abstain from voting on issues where there may be a conflict of interest present.

**B. Officers**

1. The Chairperson or designee shall preserve order and conduct all proceedings according to parliamentary rules, the Virginia Freedom of Information Act, and the Administrative Process Act. Roberts Rules of Order will guide parliamentary procedure for the meetings. Except where specifically provided otherwise by the law or as otherwise ordered by the Board, the Chairperson shall appoint all committees, and shall sign as Chairperson to the certificates authorized to be signed by the Chairperson.
2. The Vice-Chairperson shall act as Chairperson in the absence of the Chairperson and assume the duties of Chairperson in the event of an unexpired term.
3. In the absences of the Chairperson and Vice-Chairperson, the Chairperson shall appoint another board member to preside at the meeting and/or formal administrative hearing.

**C. Duties of Members**

1. Each member shall participate in all matters before the Board.
2. Members shall attend all regular and special meetings of the Board unless prevented by illness or similar unavoidable cause. In the event of two (2) consecutive unexcused absences at any meeting of the Board or its committees, the Chairperson shall make a recommendation to the Director of the Department of Health Professions for referral to the Secretary of Health and Human Resources and Secretary of the Commonwealth.
3. The Governor may remove any Board member for cause, and the Governor shall be sole judge of the sufficiency of the cause for removal pursuant to § 2.2-108.

**D. Election of Officers**

1. All officers shall be elected for a term of two (2) years and may serve no more than two (2) consecutive terms.

2. The election of officers shall occur at the first scheduled Board meeting following July 1 of each odd year, and elected officers shall assume their duties at the end of the meeting.
  - a. Officers shall be elected at a meeting of the Board with a quorum present.
  - b. The Chairperson shall ask for nominations from the floor by office.
  - c. Voting shall be by voice unless otherwise decided by a vote of the members present. The results shall be recorded in the minutes.
  - d. A simple majority shall prevail with the current Chairperson casting a vote only to break a tie.
  - e. Special elections to fill an unexpired term shall be held in the event of a vacancy of an officer at the subsequent Board meeting following the occurrence of an office being vacated.
  - f. The election shall occur in the following order: Chairperson, Vice-Chairperson.

#### **E. Meetings**

1. The full Board shall meet quarterly, unless a meeting is not required to conduct Board business.
2. Order of Business at Meetings:
  - a. Adoption of Agenda
  - b. Period of Public Comment
  - c. Approval of Minutes of preceding regular Board meeting and any called meeting since the last regular meeting of the Board.
  - d. Reports of Officers and staff
  - e. Reports of Committees
  - f. Election of Officers (as needed)
  - g. Unfinished Business
  - h. New Business
3. The order of business may be changed at any meeting by a majority vote.

### **ARTICLE III: COMMITTEES**

#### **A. Duties and Frequency of Meetings.**

1. Members appointed to a committee shall faithfully perform the duties assigned to the committee.
2. All standing committees shall meet as necessary to conduct the business of the Board.

#### **B. Standing Committees**

Standing committees of the Board shall consist of the following:

Regulatory/Legislative Committee

Special Conference Committee

Credentials Committee

Any other Standing Committees created by the Board.

##### **1. Regulatory/Legislative Committee**

- a. The Chairperson of the Committee shall be appointed by the Chairperson of the Board.
- b. The Regulatory/Legislative Committee shall consist of at least two (2) Board members appointed by the Chairperson of the Committee
- c. The Committee shall consider all questions bearing upon state legislation and regulation governing the professions regulated by the Board.
- d. The Committee shall recommend to the Board changes in law and regulations as it may deem advisable and, at the direction of the Board, shall take such steps as may further the desire of the Board in matters of legislation and regulation.
- e. The Chairperson of the Committee shall submit proposed changes in applicable laws and regulations in writing to the Board prior to any scheduled meeting.

##### **2. Special Conference Committee**

- a. The Special Conference Committee shall:
  - i. consist of two (2) Board members.
  - ii. conduct informal conferences pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400 of the Code of Virginia as necessary to adjudicate cases in a timely manner in accordance with the agency standards for case resolution.

*iii.* hold informal conferences at the request of the applicant or licensee to determine if Board requirements have been met.

- b. The Chairperson of the Board shall designate another board member as an alternate on this committee in the event one of the standing committee members becomes ill or is unable to attend a scheduled conference date.
- c. Should the caseload increase to the level that additional special conference committees are needed, the Chairperson of the Board may appoint additional committees.

### 3. Credentials Committee

- a. The Credentials Committee shall consist of at least two (2) Board members appointed by the Chairperson of the Board, with the Chairperson of the Committee to be appointed by the Chairperson of the Board.
- b. The members of the committee shall review non-routine licensure applications to determine the credentials of the applicant and the applicability of the statutes and regulations.
- c. The Committee member who conducted the initial review shall provide guidance to staff on action to be taken.
- d. The Credentials Committee shall not be required to meet collectively to conduct initial reviews.

## **ARTICLE IV: GENERAL DELEGATION OF AUTHORITY**

The Board delegates the following functions:

- 1. The Executive Director shall be the custodian of all Board records. He/she shall preserve a correct list of all applicants and licensees, shall manage the correspondence of the Board, and shall perform all such other duties as naturally pertain to this position.
- 2. The Board delegates to Board staff the authority to issue and renew licenses or certificates and to approve supervision applications for which regulatory and statutory qualifications have been met. If there is basis, upon which the Board could refuse to issue or renew the license or certification or to deny the supervision application, the Executive Director may only issue a license, certificate, or registration upon consultation with a member of the Credentials Committee, or in accordance with delegated authority provided in a guidance document of the Board.
- 3. The Board delegates to the Executive Director the authority to develop and approve any and all forms used in the daily operations of Board business, to include, but not be limited to, licensure, certification, and registration applications, renewal forms, and documents used in the disciplinary process.

4. The Board delegates to the Executive Director the authority to grant an accommodation of additional testing time or other requests for accommodation to candidates for Board-required examinations pursuant to the Americans with Disabilities Act, provided the candidate provide documentation that supports such an accommodation.
5. The Board delegates to the Executive Director authority to grant an extension for good cause of up to one (1) year for the completion of continuing education requirements upon written request from the licensee or certificate holder prior to the renewal date.
6. The Board delegates to the Executive Director authority to grant an exemption for all or part of the continuing education requirements due to circumstances beyond the control of the licensee or certificate holder, such as temporary disability, mandatory military service, or officially declared disasters.
7. The Board delegates to the Executive Director the authority to reinstate a license or certificate when the reinstatement is due to the lapse of the license or certificate rather than a disciplinary action and there is no basis upon which the Board could refuse to reinstate.
8. The Board delegates to the Executive Director the authority to sign as entered any Order or Consent Order resulting from the disciplinary process or other administrative proceeding.
9. The Board delegates to the Executive Director the authority to enter a Pre-Hearing Consent Order for Indefinite Suspension or revocation of a license, certificate, or registration.
10. The Board delegates to the Executive Director, who may consult with a Special Conference Committee member, the authority to provide guidance to the agency's Enforcement Division in situations wherein a complaint is of questionable jurisdiction and an investigation may not be necessary.
11. The Board delegates authority to the Executive Director to close non-jurisdictional cases and fee dispute cases without review by a Board member.
12. The Board delegates to the Executive Director the authority to determine if there is probable cause to initiate proceedings or action on behalf of the Board of Counseling, including the authority to close a case if staff determines probable cause does not exist, the conduct does not rise to the level of disciplinary action by the Board, or the Board does not have jurisdiction.
13. The Board delegates to the Executive Director the authority to review alleged violations of law or regulations with a Special Conference Committee member to make a determination as to whether probable cause exists to proceed with possible disciplinary action.

14. The Board delegates to the Executive Director the authority to assign the determination of probable cause for disciplinary action to a board member, or the staff counseling review coordinator in consultation with board staff, who may offer a confidential consent agreement, offer a pre-hearing consent order, cause the scheduling of an informal conference, request additional information, or close the case.
15. In accordance with established Board guidance documents, the Board delegates to the Executive Director the determination of probable cause, for the purpose of offering a confidential consent agreement, a pre-hearing consent order, or for scheduling an informal conference.
16. The Board delegates to the Executive Director the selection of the agency subordinate who is deemed appropriately qualified to conduct a proceeding based on the qualifications of the subordinate and the type of case being convened.
17. The Board delegates to the Executive Director the convening of a quorum of the Board by telephone conference call, for the purpose of considering the summary suspension of a license or for the purpose of considering settlement proposals.
18. The Board delegates to the Chairperson, the authority to represent the Board in instances where Board “consultation” or “review” may be requested where a vote of the Board is not required and a meeting is not feasible.
19. The Board delegates authority to the Executive Director to issue an Advisory Letter to the person who is the subject of a complaint pursuant to Virginia Code § 54.1-2400.2(F), when it is determined that a probable cause review indicates a disciplinary proceeding will not be instituted.
20. The Board delegates authority to the Executive Director to delegate tasks to the Deputy Executive Director, as necessary.

## **ARTICLE V: AMENDMENTS**

Proposed amendments to these bylaws shall be presented in writing to all Board members, the Executive Director of the Board, and the Board’s legal counsel prior to any scheduled Board meeting. Amendments to the bylaws shall become effective with a favorable vote of at least two-thirds of the members present at that regular meeting.

Adopted: June 3, 2005

Revised: November 5, 2013; January 27, 2017; November 3, 2017; May 18, 2018