
Refer to the 2nd page of the Agenda for meeting access information*

Call to Order – J.D. Ball, Ph.D, Committee Chair

- Welcome and Introductions/Roll Call
- Mission of the Board

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Approval of Minutes

- Regulatory Committee Meeting – October 26, 2020*

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Ordering of Agenda

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.

Chair Report – Dr. Ball

Unfinished Business

- Guidance Document on Psychologists' Use of Social Media – Dr. Ball
- Planning for a Stakeholder Meeting to Include Discussion on EPPP and PCSAS - Dr. Ball

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New Business

- Adopt Proposed Regulations for the Psychology Interjurisdictional Compact (PSYPACT)* - Elaine Yeatts, DHP
Sr. Policy Analyst

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Next Meeting – August 30, 2021

*Requires a Committee Vote

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

Virginia Board of Psychology

Instructions for Accessing April 12, 2021 Virtual Regulatory Meeting and Providing Public Comment

- **Access:** Perimeter Center building access is closed to the public due to the COVID-19 pandemic. To observe this virtual meeting, use one of the options below. Participation capacity is limited and is on a first come, first serve basis due to the capacity of CISCO WebEx technology.
- **Public comment:** Comments will be received during the public comment period from those persons who have submitted an email to jaimе.һoуlе@dһp.virginia.gov **no later than 9 a.m. April 12, 2021** indicating that they wish to offer comment. Comment may be offered by these individuals when their names are announced by the Chair. Comments must be restricted to 3-5 minutes each.
- Public participation connections will be muted following the public comment periods.
- Please call from a location without background noise and ensure your line is muted.
- Dial (804) 938-6243 to report an interruption during the broadcast.
- FOIA Council *Electronic Meetings Public Comment* form for submitting feedback on this electronic meeting may be accessed at <http://foiacouncil.dls.virginia.gov/sample%20letters/welcome.htm>

JOIN WEBEX MEETING <https://virginia-dhp.my.webex.com/virginia-dhp.my/j.php?MTID=m07a8b4b55d76c07fe6680ea4b839c938>

Meeting number (access code): 132 120 3964

Meeting password: cgX4ghBXD66

JOIN BY PHONE +1-408-418-9388 United States Toll



Virginia Department of
Health Professions
Board of Psychology

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.

**VIRGINIA BOARD OF PSYCHOLOGY
REGULATORY COMMITTEE
DRAFT MEETING MINUTES
October 26, 2020**

- TIME AND PLACE:** Consistent with Amendment 28 to HB29 (the Budget Bill for 2018-2020) and the applicable provisions of § 2.2-3708.2 in the Freedom of Information Act, the Committee convened the meeting virtually to consider such regulatory and business matters as are presented on the agenda necessary for the committee to discharge its lawful purposes, duties, and responsibilities.
- PRESIDING OFFICER:** JD Ball, Ph.D., ABPP, Regulatory Committee Chair
- MEMBERS PRESENT:** Jim Werth, Ph.D., ABPP, Board Chair
Herbert Stewart, Ph.D.
- MEMBERS ABSENT:** Christine Payne, MBA
- STAFF PRESENT:** Jaime Hoyle, JD, Executive Director
Jennifer Lang, Deputy Executive Director
Charlotte Lenart, Deputy Executive Director of Licensing
Jared McDonough, Administrative Assistant
Sharniece Vaughan, Licensing Specialist
Elaine Yeatts, DHP Senior Policy Analyst/Agency Regulatory Coordinator
- CALL TO ORDER:** Dr. Ball called the virtual board meeting to order at 1:08 p.m.
- After completing a roll call of Board members and staff, Ms. Hoyle indicated that with three Committee members present a quorum was established.
- APPROVAL OF MINUTES:** Dr. Stewart made a motion, which was properly seconded, to approve the July 13, 2020 Regulatory Committee Meeting minutes with corrections. The motion carried unanimously.
- Dr. Werth made a motion, which was properly seconded, to approve the Regulatory Advisory Panel Meetings for September 10, 2020 and October 1, 2020. The motion carried unanimously.
- APPROVAL OF AGENDA:** Dr. Stewart made a motion, which was properly seconded, to approve the agenda as amended. The motion carried unanimously.
- PUBLIC COMMENT PERIOD:** There was no public comment.

CHAIR REPORT:

Dr. Ball acknowledge and thanked staff for their continued work and support.

Dr. Ball and Dr. Werth recently participated on the Regulatory Advisory Panel (RAP) that is on the agenda as unfinished business.

Dr. Ball enjoyed attending the virtual Association of State and Provincial Psychology Boards (ASPPB) annual conference with Dr. Stewart, Dr. Wallace, and Ms. Hoyle.

NEW BUSINESS:

Discussion of endorsement applications for Clinical Psychologist who have an education background in school psychology.

Dr. Susan Wallace, Board member, discussed issues related to endorsement applications for Clinical Psychologists who have an educational background in school psychology. Dr. Wallace discussed the difference between Virginia and other states because Virginia separates clinical, applied and school licensure. She stated that she has reviewed several applications where the applicant holds a clinical psychology license in another state with a school psychology education. These doctorate level applicants do not meet Virginia's clinical psychology license requirements; therefore, the Board is only licensing these individuals as school psychologists.

Dr. Ball indicated that the Board is obligated to inform applicants that Virginia is unique because the Board has three different doctoral level licenses. Ms. Hoyle stated that she would contact ASPPB to ask that they post the different license structures for Virginia.

Dr. Wallace wanted to inform the committee of the issues and was concerned that PSYPACT would be more permissive.

Dr. Ball suggested that in the future two members of the Board review these types of applications preferably by a school and clinical psychology Board member. Dr. Ball stated that this licensure difference between Virginia and other states is an important issue that the Board will need to monitor.

Dr. Werth indicated that the proposed regulations would clearly address this issue; however, this issue will not be resolved for seven years.

UNFINISHED BUSINESS:

Preparation of Closure of Practice guidance document

Dr. Ball led the discussion on a guidance document for the preparation of closure of a practice. After discussion, the Committee recommended a few changes to the guidance document presented. Dr. Ball stated that he would make the initial changes to document, send it to Ms. Yeatts for review, and have the document ready for the full Board meeting.

Dr. Ball made a motion, which was properly seconded, to amend the proposed guidance document as discussed and present to the full Board. The motion carried unanimously.

Guidance document on Telepsychology and Social Media

Dr. Ball provided information on the progress of the guidance document on technology and social media. Dr. Ball will continue to review the ASPPB draft social media guidance document and review the American Psychological Association (APA) version.

Update on Regulatory Advisory Panel for Sex Offender Treatment Provider Regulations

The Committee briefly discussed the next steps for regulatory action for amending the Regulations Governing the Certification of Sex Offender Treatment Providers. The Committee agreed with Ms. Yeatts that unless there was opposition, to suggest the full Board consider a motion for fast track action.

Legislative Update

Ms. Yeatts stated that the legislative proposal to add criminal background checks to comply with PSYPACT and the periodic review of the Regulations Governing the Practice of Psychology are currently in the Governor's office for approval.

Update from Ms. Lenart on FAQ's regarding Interactive Webinars

Ms. Lenart stated the FAQs were updated to include real-time interactive includes a course in which the learner has the opportunity to interact with the presenter during the time of the presentation. (Zoom, WebEx or any video conferencing platforms can be considered as real-time interactive educational experience.)

Ms. Lenart began updating residents' expiration dates in the system. Ms. Lenart plans to complete this project by the next Board meeting.

Dr. Ball had a question regarding the application of FOIA in a Virtual disciplinary hearing. Ms. Yeatts stated that the permanent ability to have virtual meetings would require a change to the APA language, which would need action by the General Assembly. Ms. Lang provided information how the behavioral science boards are conducting virtual informal conferences.

Next Meeting: The next Regulatory Committee meeting is scheduled for February 8, 2021.

ADJOURNMENT: The meeting adjourned at 2:31 p.m.

J.D. Ball, Ph.D., ABPP, Chair

Date

Jaime Hoyle, J.D., Executive Director

Date

DRAFT

VIRGINIA BOARD OF PSYCHOLOGY

GUIDANCE DOCUMENT ON PSYCHOLOGISTS' USE OF SOCIAL MEDIA

This document was developed to guide Virginia's licensed psychologists with respect to their use of social media for personal and professional purposes. Please also see the Board's Guidance Document on Electronic Communication and Telepsychology wherein specific guidance may be found regarding telephone text messaging, email, and other direct electronic communications between providers and patients, including direct service delivery via internet communications.

Definition and Characteristics of Social Media

For the purposes of this document, social media refer to digitally mediated technologies that facilitate creating and exchanging information between people via virtual communities or networks, typically on interactive web-based platforms. The nature of content shared through social media may include one's own or others' text, photos, audio and/or video material, and such various other informational formats as graphic and tabular data displays. Social media content is user posted, but it is not necessarily generated by the user who posts it; and because it can be modified or selectively edited by the user who posts it, or by another user earlier, content accuracy and content authorship is never fully certain.

Through social media, users both generate and access content through digital connections to the web, typically through popular apps that connect individuals or groups. Typically, individual users create a social media profile to be shared with others widely or more narrowly. Of note, social media platforms have changing policies and methods for users to indicate their privacy preferences in this regard. In addition, content that is intended for a narrow audience can be shared by the users with other users who may or may not be within the narrow audience. This wider sharing may be intentional or unintentional and may include the full or only the partial context of the original post, opening and altering the originally shared content for a larger audience. Through indirect or direct transfers of information of this kind, it is possible for content posted to a given internet site to be picked up by and posted on other internet sites. Once shared, content may remain available on the internet for later viewing.

Many popular, corporate-owned social media apps target advertising and other content toward users, based on the corporation's ability to view and learn, through artificial intelligence, a user's social media activities. They may also rely upon computer-based algorithms for re-posting various content through "news feeds." These algorithms may be based not only on what interests a particular end user has shown, but also on whether another user's post has attained some threshold popularity through frequent user "visits," "hits," or "clicks." This automated re-posting process has the effect of giving the most news feed exposure to content that is most interesting to users broadly or to specific user groups. These most interesting posts are often posts with emotional appeal that may be said to have "gone

viral,” meaning they are often the most sensational posts, increasing the likelihood that they are not accurate.

Professional and Personal Use of Social Media

Social media apps make no requirements for users to separate professional and personal activities on social media. However, the Board recommends that psychologists clearly separate any professional and personal use of social media with distinctly different user profiles and email addresses. This separation is important for minimizing dual relationships and avoiding complicating self-disclosures that can interfere with the delivery of psychological services.

Professional activities involve direct attempts to exchange information with current or prospective clients, students, research participants, referral sources, colleagues, and other professional contacts, perhaps including the general public for various educational activities, marketing efforts, and on-line file exchanges. Psychologists should be aware of the risk that friends or family might make personal posts on a social media page intended for professional activities, blurring an attempted distinction.

Personal activities involve shared exchanges of various information with family, friends, social contacts, and personal interest groups. While users can establish different privacy preferences for their professional and personal social media profiles, personal profiles with a recognizable profile or user designation may be of interest to one’s professional contacts, and current, past, or prospective clients may find their way to personal social media profiles in search of personal information posted there, despite a psychologist’s efforts to separate professional and personal social media accounts. Psychologists may wish to caution friends or family about the possibility of social media requests from unknown people.

Social Media Policy

Apart from how psychologists manage their own social media profiles, the popularity of social media among prospective clients/recipients of psychological services creates a need for psychologists to prepare and disseminate to prospective and actual clients a written social media policy. The essential elements of this policy include a description of how the psychologist will conduct themselves on the internet in a professional capacity and encouragement to clients to ask questions about matters that may remain unclear. Such a policy is advisable even if only to describe how the psychologist intends to use email and texting (see the Board’s Guidance Document on Electronic Communications and Telepsychology). Specific examples of topics covered in a social media policy may include:

- how the psychologist will handle requests to “friend” or “follow” others on social media (inadvisable in light of threats to boundary and confidentiality);

- the purpose, content and intended practices on any professional practice social media page maintained by the psychologist (accepting clients as “fans” of these pages is inadvisable as this fan list may be interpreted as a client list);
- the psychologist’s personal intent to use internet searches to gather information on clients (inadvisable in light of threats to trust in the relationship with the client and the potential for gathering misinformation);
- the extent to which stringent efforts to protect client confidentiality prevent the psychologist from responding to posts from others, including even “like” responses to client posts;
- the specific privacy preferences the psychologist has selected on any of the psychologist’s professional social media accounts;
- instructions to current or prospective clients as to how they are expected to interact with the psychologist through social media (e.g., avoid the use of insecure and untimely social media texting or messaging to contact the psychologist and similarly avoid “wall postings” to engage with the psychologist online); and
- a discussion of the turnaround times of various methods of communication with clients and emergency procedures to follow for contacting psychologist.

Maintain Adherence to Board’s Regulations for Standards of Conduct

As also detailed in the Board’s Guidance on Electronic Communications and Telepsychology, the Board of Psychology’s Regulations for Standards of Conduct apply to the psychologist’s social media behaviors. These include the following:

- Preservation of Confidentiality –
 - Be familiar with and use all available privacy settings on social media platforms’
 - Use trusted and secure networks to access social media accounts
 - Use encryption when sending protected and private information over social media
 - Carefully train all staff with any responsibility for assisting social media account
 - Let clients know they can turn off location tracking during appointments
 - Carefully consider client confidentiality in all aspects of internet usage and be aware of potential for enormously wide audience at all times
 - While it is best not to share personal devices, ensure that no family member can access any Personal Health Information (PHI) stored on your device
- Informed Consent –
 - Explain benefits (e.g., immediate, ever present, large audience, etc.) and risks (disguised identities, theft, misleading false appearance of psychologist’s immediate emergency availability, etc.) of social media,

- Procure informed consent from those legally entitled and competent to provide it
- Multiple Relationships
 - Avoid conflicts of interest
 - Manage responsibility for who may access accounts
 - Keep personal and professional accounts separate
- Competence
 - Familiarize self with legal requirements
 - Be aware of multi-state presence and complex legal implications of social media use
 - Maintain current knowledge of privacy preference settings
- Professional Representation
 - Assure all information regarding credentials, published research findings, curriculum vitae, and personal professional representations are neither fraudulent nor misleading
 - Clarify on social media sites the jurisdiction in which you are licensed to practice

General Considerations in the Use of Social Media

There is an extensive existing literature on the proper use of social media, and psychologists should consult the references at the end of this document and a great deal of other relevant professional information for more detail than it is practical to provide here. A concise distillation of key considerations from that some of that literature include the following:

- Use social media with an eye to protecting the reputation of the profession and the public opinion of psychologists with an awareness that any social media activity may reflect upon yourself as a professional and may affect the welfare of the public;
- Use only trusted and secure WiFi networks to access work websites
- Conduct a regularly scheduled risk analysis and ongoing evaluation of data and platform security, website information accuracy, strong password and data encryption updates, vetting of third part services, and assurance of client de-identifications
- Maintain adequate technology training for self and employees
- Take precautions to prevent damage, theft or loss of equipment that handles sensitive information
- Encrypt and frequently back up all stored sensitive information
- Use virus protection

References

- American Counseling Association (2014). ACA Code of Ethics. Retrieved at <https://www.counseling.org/resources/aca-code-of-ethics.pdf>
- American Medical Association (AMA). (2010). Professionalism in the Use of Social Media. Retrieved at <https://www.ama-assn.org/delivering-care/ethics/professionalism-use-social-media>.
- American Psychological Association (2013). Guidelines for the Practice of Telepsychology. <http://www.apa.org/practice/guidelines/telepsychology.aspx>
- Association of Canadian Psychology Regulatory Organizations. (2011). Model Standards for Telepsychology Service Delivery. Retrieved at <http://www.acpro-aocrp.ca/>
- American Psychological Association/Association of State and Provincial Psychology Boards/American Psychological Association Insurance Trust Joint Task Force (Telepsychology JTF) for the Development of Telepsychology Guidelines for Psychologists. Guidelines for the Practice of Telepsychology. <https://www.asppb.net/general/custom.asp?page=Telepsych>
- ASPPB Social Media Task Force (SMTF) (October 9, 2020). Guidelines for the Use of Social Media by Psychologists in Practice and by Psychology Regulatory Bodies. Association of State and Provincial Psychology Boards. <https://www.asppb.net/page/SMGuidelines>
- Chaffey, D. (2019). Global Social Media Research Summary 2019. Retrieved from <https://www.smartinsights.com/>
- Oregon Board of Psychology Social Media Committee. Social Media Do's and Don'ts. https://www.oregon.gov/OBPE/docs/SMC_GuidelinesUWeb.pdf
- Virginia Board of Psychology. (2018). Guidance Document on Electronic Communications and Telepsychology. http://www.dhp.virginia.gov/Psychology/psychology_guidelines.html
- Virginia Board of Psychology (2020). Regulations Governing the Practice of Psychology. http://www.dhp.virginia.gov/Psychology/psychology_laws_regs.htm#reg

DOCTORAL CLINICAL PSYCHOLOGY /COUNSELING PSYCHOLOGY/SCHOOL PSYCHOLOGY PROGRAMS IN VIRGINIA

| PROGRAM (n = 12) | DEGREE | CITY | DEPARTMENT | CONTACT | TITLE | EMAIL | PHONE |
|---|--------|-----------------|--|--|--------------------------------------|--|----------------|
| Capella University (Online Program) | Psy.D. | | Doctor of Psychology in School Psychology | | | | 1-877-884-0733 |
| Divine Mercy University | Psy.D. | Sterling | The Institute for the Psychologic al Sciences Departmen t of | APA Accredited Suzanne Hollman Christine | Director of the Psy.D. Program | shollman.ips@divinemercy.edu | 703-416-1441 |
| George Mason University | Ph.D. | Fairfax | Psychology Departmen t of | APA Accredited Esposito- Smythers | Program Director | cesposi1@gmu.edu | 703-993-1548 |
| James Madison University Clinical and School Psychology | Psy.D. | Harrisonburg | Graduate Psychology Departmen t of | APA Accredited Kenneth Critchfield | Program Director | critchkl@jmu.edu | 540-588-6439 |
| Radford University | Psy.D. | Radford | Psychology School of Psychology and | APA Accredited Valerie Leake | Program Director | vleake@radford.edu | 540-831-5000 |
| Regent University | Psy.D. | Virginia Beach | Counseling Curry School of | APA Accredited William Hathaway | Dean | willhat@regent.edu | 800-373-5504 |
| University of Virginia | Ph.D. | Charlottesville | Education Departmen t of | APA Accredited Jason Downer | Director of | jd2fe@virginia.edu | 434-924-0792 |
| University of Virginia | Ph.D. | Charlottesville | Psychology | APA Accredited Daniel Willingham | Graduate Studies | willingham@virginia.edu | 434-928-4938 |

| | | | | | | | | |
|---|--------|------------|-----------------------------|----------------|----------------|-------------------------------|--|--------------|
| Virginia Commonwealth University | Ph.D. | Richmond | Department of Psychology | APA Accredited | Rosalie Corona | Director of Graduate Studies | racorona@vcu.edu | 804-828-8059 |
| Virginia Consortium Program in Clinical Psychology | Ph.D. | Norfolk | Virginia Consortium Program | APA Accredited | Robin Lewis | Director of Clinical Training | rlewis@odu.edu | 757-451-7733 |
| Virginia Polytechnic Institute and State University | Ph.D. | Blacksburg | Department of Psychology | APA Accredited | Angela Scarpa | Director of Clinical Training | ascarpa@vt.edu | 866-924-0304 |
| Walden University | Psy.D. | | | | | | | |

**CLINICAL
PSYCHOLOGY
INTERNSHIPS IN
VIRGINIA**

| PROGRAM (n = 16) | | | | CONTACT | | | |
|---------------------------------------|--------------|---------------------------|----------------|------------------------|-----------------------------|--|------------------------|
| | | | | PERSON | TITLE | EMAIL | PHONE |
| College of William and Mary | Williamsburg | Counseling Center | APA Accredited | Carina Sudarky-Gleiser | | cxuda@wm.edu | 757-2213620 |
| Central Virginia VA Healthcare System | Richmond | Psychology Division, MHSL | APA Accredited | Serina Neumann | Director Internship Program | NeumanSA@evms.edu | 757-446-5888 |
| Eastern Virginia Medical School | Norfolk | Department of Psychology | APA Accredited | Kelli Heck | Coordinator | kheck@bop.gov | 804-733-7881, ext 4249 |

| | | | | | | | |
|---|---------------------|---|----------------|--------------------|--|--|------------------------------|
| George Mason University | Fairfax | Counseling and Psychological Services | APA Accredited | Alexandra Minieri | Associate Director, Training Services | aminieri@gmu.edu | 703-993-2380 |
| James Madison University | Harrisonburg | Counseling Center Department of Pupil Services | APA Accredited | Leslie Gerrard | Director for Training | gerrarll@jmu.edu | |
| Loudon County Public Schools McGuire VA Medical Center | Ashburn Richmond | Services | APA Accredited | Thomas Campbell | Director | Thomas.Campbell4@va.gov | 804-675-5106 |
| Naval Medical Center, Portsmouth University of Virginia/Elson Student Health Center | Portsmouth | Psychology Department | APA Accredited | | | | |
| | | Department of Student Health Salem VAMC - Psychology | APA Accredited | Matt Zimmerman | Assistant Director for Training | mz8u@virginia.edu | 434-243-5150 |
| Veteran's Affairs Medical Center, Salem VA | Salem | Training Program (116C) Mental Health & Behavioral Sciences | APA Accredited | Dana Holohon | Director of Training for Psychology | Dana.Holohon@va.gov | 540-982-2463, ext 1578 |
| Veteran's Affairs Medical Center, Hampton VA Virginia Commonwealth University | Hampton Richmond | University Counseling Services | APA Accredited | Stephanie Eppinger | Director of Clinical Training Associate Director of Training | stephanie.eppinger@va.gov | 757-722-9961 804-828-6200 |

| | | | | | | |
|---|----------------|---|----------------|-----------------|---|--------------|
| Virginia Treatment Center for Children | Richmond | VCU, Department of Psychiatry | APA Accredited | Julie A. Linker | jalinker@vcu.edu | 804-828-3129 |
| Virginia Beach City Public Schools | Virginia Beach | Psychological Services Thomas E. Cook Counseling Center | APA Accredited | Scott M. Bell | Training Director scott.bell@vbschools.com | 757-263-2700 |
| Virginia Polytechnic Institute and State University | Blacksburg | Cook Counseling Center | APA Accredited | | | |

POST-DOCTORAL FELLOWSHIPS IN CLINICAL PSYCHOLOGY IN VIRGINIA

Program (n =7)

| | | | | | | |
|---|----------|---|----------------|---------------|---|--------------|
| Central Virginia VA Healthcare System | Richmond | Rehabilitation Psychology Postdoctoral Fellowship | APA Accredited | | | |
| Hunter Holmes McGuire , RichmondVA Medical Center | Richmond | VA Mid-Atlantic Mental Illness Research, | APA Accredited | Scott M. Bell | Training Director Thomas.Campbell4@va.gov | 804-675-5106 |

| | | | |
|---|--------------------------------------|--|--|
| | | Education and Clinical Center (MIRECC) Advanced Psychology | |
| Naval Medical Center, Portsmouth Veterans Affairs Medical Center, Salem - VA Veterans Affairs Medical Center, Salem - VA | Portsmouth Salem Salem | Psychology Department (128Y00A) Department of Psychology Department of Psychology | APA Accredited APA Accredited Accredited, on contingency |
| Veteran's Affairs Medical Center, Hampton - VA | Hampton | Postdoctoral Program in Women's Mental Health | APA Accredited |
| Virginia Commonwealth University Health System | Ricmond | and Trauma Mental Health and Behavioral Sciences Department of Psychology | APA Accredited |

Agenda Item: Proposed regulations - Psypact

Staff Note:

There was a comment period on the Notice of Intended Regulatory Action from 2/1/21 to 3/3/21. No comment was received

Included in your package:

A copy of the publication on Townhall

A copy of emergency regulations

Committee/Board action:

To adopt proposed regulations to replace emergency regulations relating to participation in PsyPact

Agency

Department of Health Professions






Board


Board of Psychology

Chapter

Regulations Governing the Practice of Psychology [18 VAC 125 - 20]

Action:Implementation of Psychology Interstate Compact
Action 5567 / Stage 9019**Emergency/NOIRA Stage** 

| Documents | | |
|--|-------------------|------------------------------------|
|  Emergency Text | 1/29/2021 1:23 pm | Sync Text with RIS |
|  Agency Background Document | 7/20/2020 | Upload / Replace |
|  Attorney General Certification | 8/4/2020 | |
|  Governor's Review Memo | 1/1/2021 | |
|  Registrar Transmittal | 1/1/2021 | |

| Status | |
|--------------------------------|--|
| Public Hearing | Will be held at the proposed stage |
| Emergency Authority | 2.2-4011 |
| Exempt from APA | No, this stage/action is subject to Article 2 of the <i>Administrative Process Act</i> |
| Attorney General Review | Submitted to OAG: 7/20/2020 Review Completed: 8/4/2020 Result: Certified |
| DPB Review | Submitted on 8/4/2020 Policy Analyst: Melanie West Review Completed: 8/17/2020 <i>DPB's policy memo is "Governor's Confidential Working Papers"</i> |
| Secretary Review | Secretary of Health and Human Resources Review Completed: 11/16/2020 |
| Governor's Review | Review Completed: 1/1/2021 Result: Approved |
| Virginia Registrar | Submitted on 1/1/2021 The Virginia Register of Regulations Publication Date: 2/1/2021  Volume: 37 Issue: 12 |
| Comment Period | Ended 3/3/2021 0 comments |
| Effective Date | 1/3/2021 |
| Expiration Date | 7/2/2022 |

Emergency Text

Action:

Implementation of Psychology Interstate Compact

Stage: Emergency/NOIRA

18VAC125-20-10 Definitions

Part I

General Provisions

The following words and terms, in addition to the words and terms defined in § §§ 54.1-3600 and 54.1-3606.2 of the Code of Virginia, when used in this chapter shall have the following meanings, unless the context clearly indicates otherwise:

"APA" means the American Psychological Association.

"ASPPB" means the Association of State and Provincial Psychology Boards.

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

"Board" means the Virginia Board of Psychology.

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

"Compact" means the Psychology Interjurisdictional Compact.

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

"E.Passport" means a certificate issued by ASPPB that authorizes telepsychology services in a compact state.

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

"IPC" means an interjurisdictional practice certificate issued by ASPPB that grants temporary authority to practice in a compact state.

"NASP" means the National Association of School Psychologists.

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

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

"Professional psychology program" means an integrated program of doctoral study designed to train professional psychologists to deliver services in psychology.

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

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

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

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

"Supervisor" means an individual who assumes full responsibility for the education and training activities of a person and provides the supervision required by such a person.

18VAC125-20-150 Standards of practice

A. The protection of the public health, safety, and welfare and the best interest of the public shall be the primary guide in determining the appropriate professional conduct of all persons whose activities are regulated by the board. Psychologists respect the rights, dignity and worth of all people, and are mindful of individual differences.

B. Persons licensed by the board and persons practicing in Virginia with an E.Passport or an IPC shall:

1. Provide and supervise only those services and use only those techniques for which they are qualified by training and appropriate experience. Delegate to their employees, supervisees, residents and research assistants only those responsibilities such persons can be expected to perform competently by education, training and experience. Take ongoing steps to maintain competence in the skills they use;
2. When making public statements regarding credentials, published findings, directory listings, curriculum vitae, etc., ensure that such statements are neither fraudulent nor misleading;
3. Neither accept nor give commissions, rebates or other forms of remuneration for referral of clients for professional services. Make appropriate consultations and referrals consistent with the law and based on the interest of patients or clients;
4. Refrain from undertaking any activity in which their personal problems are likely to lead to inadequate or harmful services;
5. Avoid harming patients or clients, research participants, students and others for whom they provide professional services and minimize harm when it is foreseeable and unavoidable. Not exploit or mislead people for whom they provide professional services. Be alert to and guard against misuse of influence;
6. Avoid dual relationships with patients, clients, residents or supervisees that could impair professional judgment or compromise their well-being (to include but not limited to treatment of close friends, relatives, employees);
7. Withdraw from, adjust or clarify conflicting roles with due regard for the best interest of the affected party or parties and maximal compliance with these standards;
8. Not engage in sexual intimacies or a romantic relationship with a student, supervisee, resident, therapy patient, client, or those included in collateral therapeutic services (such as a parent, spouse, or significant other) while providing professional services. For at least five years after cessation or termination of professional services, not engage in sexual intimacies or a romantic relationship with a therapy patient, client, or those included in collateral therapeutic services. Consent to, initiation of, or participation in sexual behavior or romantic involvement with a psychologist does not change the exploitative nature of the conduct nor lift the prohibition. Since sexual or romantic relationships are potentially exploitative, psychologists shall bear the burden of demonstrating that there has been no exploitation;
9. Keep confidential their professional relationships with patients or clients and disclose client records to others only with written consent except: (i) when a patient or client is a danger to self or others, (ii) as required under § 32.1-127.1:03 of the Code of Virginia, or (iii) as permitted by law for a valid purpose;
10. Make reasonable efforts to provide for continuity of care when services must be interrupted or terminated;
11. Inform clients of professional services, fees, billing arrangements and limits of confidentiality before rendering services. Inform the consumer prior to the use of collection agencies or legal measures to collect fees and provide opportunity for prompt payment. Avoid bartering goods and services. Participate in bartering only if it is not clinically contraindicated and is not exploitative;
12. Construct, maintain, administer, interpret and report testing and diagnostic services in a manner and for purposes which are appropriate;
13. Keep pertinent, confidential records for at least five years after termination of services to any consumer;

14. Design, conduct and report research in accordance with recognized standards of scientific competence and research ethics; and

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

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

The board may take disciplinary action or deny a license or authorization to practice in Virginia with an E.Passport or an IPC for any of the following causes:

1. Conviction of a felony, or a misdemeanor involving moral turpitude;
2. Procuring of a license by fraud or misrepresentation;
3. Misuse of drugs or alcohol to the extent that it interferes with professional functioning;
4. Negligence in professional conduct or violation of practice standards including but not limited to this chapter;
5. Performing functions outside areas of competency;
6. Mental, emotional, or physical incompetence to practice the profession;
7. Failure to comply with the continued competency requirements set forth in this chapter; or
8. Violating or aiding and abetting another to violate any statute applicable to the practice of the profession regulated or any provision of this chapter.