
Call to Order – Yvonne Haynes, LCSW, Board Chair

- Welcome and Introductions
- Emergency Egress Procedures
- Mission of the Board

Approval of Minutes

- Regulatory Committee Meeting – February 1, 2018
- Board Meeting – February 2, 2018
- Formal Hearing – March 16, 2018

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.

Agency Report - David E. Brown, DC

Presentation

- None

Staff Reports

- Executive Director's Report – **Jaime Hoyle**
- Discipline Report – **Jennifer Lang, Deputy Executive Director**
- Licensing Manager's Report – **Latasha Austin, Licensing Manager**

Committee and Board Member Reports

- Board of Health Professions Report – **Yvonne Haynes, LCSW**
- Legislative/Regulatory Committee – **Joe Walsh, LCSW, PhD**

Legislation and Regulatory Actions – Elaine Yeatts

- General Assembly Legislative Report
- Regulatory Changes- HB614
- Chart of Regulatory Actions

Unfinished Business

- None

New Business

- **Review of Guidance Documents**
 - Guidance Document 140-3 (*Guidance on Technology-Assisted Therapy & the Use of Social Media*)
 - Guidance Document 140-5 (*Guidance for Conduct of an Informal Conference by an Agency Subordinate*)
 - Guidance Document 140-12 (*Disposition of Applicant Cases Involving Practicing Without A License*)
 - **Virginia Board of Social Work Bylaws**
 - **Board Elections**
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Next Meeting

Meeting Adjournment

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).

DRAFT



Approval of
Regulatory Committee
Meeting Minutes
February 1, 2018

**THE VIRGINIA BOARD OF SOCIAL WORK
REGULATORY COMMITTEE MEETING MINUTES
Thursday, February 1, 2018**

TIME AND PLACE:	A meeting of the Regulatory Committee of the Virginia Board of Social Work (Board) convened at 3:00 p.m. on Thursday, February 1, 2018, at the Department of Health Professions (DHP), 9960 Mayland Drive, 2 nd Floor, Board Room 1, Richmond, Virginia.
PRESIDING OFFICER:	Joseph Walsh, LCSW, Ph.D., Regulatory Committee Chair
COMMITTEE MEMBERS PRESENT:	Dolores Paulson, LCSW, Ph.D. John Salay, LCSW Maria Eugenia del Villar, LCSW
COMMITTEE MEMBERS ABSENT:	Gloria Manns, LCSW
STAFF PRESENT:	Jaime Hoyle, Executive Director Jennifer Lang, Deputy Executive Director Elaine Yeatts, DHP Senior Policy Analyst
CALL TO ORDER:	Dr. Walsh called the meeting to order.
ESTABLISHMENT OF A QUORUM:	Ms. Hoyle announced that with four members of the Committee present, a quorum was established.
EMERGENCY EGRESS:	Dr. Walsh announced the Emergency Egress Procedures.
MISSION STATEMENT:	Dr. Walsh read the DHP mission statement, which was also the mission statement of the Board.
ADOPTION OF AGENDA:	Dr. Walsh asked that the Committee add the "Joint Guidance on Title Assessments and Signatures" under Unfinished Business. The changes to the agenda were accepted.
PUBLIC COMMENT:	There was no public comment.
APPROVAL OF MINUTES:	Upon a motion by Mr. Salay, which was properly seconded, the meeting minutes from October 26, 2017 were approved as written.
UNFINISHED BUSINESS:	<u>Examination Requirements (18VAC140-20-70)</u> : The Committee discussed the need to clarify the Regulations regarding how often a

<p>NEW BUSINESS:</p>	<p>supervisee my take the exam before going under supervision. The Regulations allow for a two-year approval period in which an applicant could potentially take the exam every 90 days. If the applicant has not passed the exam by the end of the two-period the applicant must reapply to be approved for another two-year period. At the same time, the Regulations require an applicant to go under supervision for a year after failing the exam twice.</p> <p>Mr. Salay moved to recommend the Board amend the Regulations by Fast Track action to state that if an applicant for clinical social work licensure has not passed the examination within the second two-year approval period, he shall be required to register for supervision and complete one additional year as a supervisee before approval to re-take the examination is granted. Dr. Paulson seconded the motion, and the motion passed unanimously.</p> <p><u>Affirmative Criminal Convictions:</u> Ms. Hoyle provided an update on the Committee's request to amend guidance document 140-2: "Impact of Criminal Convictions, Impairment, and Past History on Social Work licensure in Virginia" to include that Virginia State Police Report should be requested from an applicant with a criminal conviction, in addition to the already requested documentation. Board counsel advised that the Board does not have the authority to require an applicant furnish a criminal background check. If the Board wishes to pursue criminal background checks, it would require a statutory change.</p> <p>Ms. Yeatts indicated that the Committee should review guidance documents every four years to determine if they need to be revised, repealed, or reaffirmed. Mr. Salay suggested the Committee look at the Board of Nursing Guidance Document related to employment opportunities for persons with a criminal background.</p> <p><u>Draft Joint Guidance Document on Assessment Titles and Signatures:</u> Mr. Walsh drafted a letter to the full Board explaining its decision to not recommend adoption of the Board of Psychology's proposed joint guidance document on Assessment Titles and Signatures. The Committee reviewed and discussed the letter. Dr. Paulson moved that the Committee send the letter, with minor edits, to the full Board. Ms. Del Villar seconded the motion, and it passed unanimously.</p> <p>The Committee discussed the proposed amendments to the Bylaws. Ms. Yeatts suggested changing the terms for leadership positions be amended from two year terms with the possibility of being reelected for a second term to a one year term with the possibility of being reelected for a second one year term. The Committee voted unanimously to Recommend the Board adopt the proposed amendments to the Bylaws.</p>
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NEXT MEETING:	Dr. Walsh scheduled the next Regulatory Committee meeting for June 14, 2018 at 1:00 p.m.
ADJOURNMENT:	There being no further business to come before the Committee, the meeting was adjourned at 4:33 p.m.

Joseph Walsh, Chair

Jaime Hoyle, Executive Director

DRAFT



Approval of
Quarterly Full Board
Meeting Minutes
February 2, 2018

**THE VIRGINIA BOARD OF SOCIAL WORK
MINUTES
Friday, February 2, 2018**

TIME AND PLACE:	A meeting of the Virginia Board of Social Work (Board) convened on Friday, February 2, 2018, at the Department of Health Professions (DHP), 9960 Mayland Drive, 2 nd Floor, Board Room 1, Richmond, Virginia.
PRESIDING OFFICER:	Yvonne Haynes, LCSW, Chair
BOARD MEMBERS PRESENT:	Canek Aguirre, Citizen Member (arrived after quorum was established) Angelia Allen, Citizen Member (arrived after quorum was established) Jamie Clancey, L.C.S.W. Maria Eugenia del Villar, L.C.S.W. Dolores Paulson, L.C.S.W., Ph.D. John Salay, L.C.S.W., Vice-Chair Joseph Walsh, L.C.S.W., Ph.D.
BOARD MEMBERS ABSENT:	Gloria Manns, L.C.S.W.
STAFF PRESENT:	Jaime Hoyle, Executive Director Jennifer Lang, Deputy Executive Director Elaine Yeatts, DHP Senior Policy Analyst
BOARD COUNSEL PRESENT:	James E. Rutkowski, Assistant Attorney General
CALL TO ORDER:	Ms. Haynes called the meeting to order.
ESTABLISHMENT OF A QUORUM:	Ms. Hoyle announced that six members of the Board were present; therefore, a quorum was established.
ADOPTION OF AGENDA:	Ms. Haynes requested that Ms. Yeatts provide her report under Unfinished Business. The agenda was accepted as amended.
PUBLIC COMMENT:	There was no public comment.
EMERGENCY EGRESS:	Ms. Haynes announced the Emergency Egress Procedures.

MISSION STATEMENT:	Ms. Haynes read the mission statement of the Department of Health Professions, which is the mission statement of the Board.
APPROVAL OF MINUTES:	Upon a motion by Dr. Walsh and properly seconded by Ms. Del Villar, the meeting minutes from October 27, 2017 were approved.
DIRECTOR'S REPORT:	No report.
REGULATORY/LEGISLATIVE UPDATE:	<p>Ms. Yeatts informed the Board that House Bill 614, the Board of Social Work's legislation establishing a mid-level license had passed out of Health, Welfare, and Institutions Committee unanimously and was up for its 2nd reading in the House. Ms. Hoyle thanked Ms. Yeatts for all of her hard work getting the bill out of the subcommittee.</p> <p>Ms. Yeatts provided updates on legislation that might be of interest to the Board.</p>
CHAIRMAN'S REPORT:	<p>Ms. Haynes informed the Board that she was able to attend the Association of State Social Work Boards (ASWB) annual conference in Atlanta, in November, as a Delegate. Due to the fact Ms. Haynes serves on the Bylaws Committee, she was able to attend at no cost to the Board. Ms. Hoyle, also received a scholarship as a board administrator to attend, and was an alternate Delegate.</p> <p>Ms. Haynes explained the changes to the ASWB bylaws and their plans for increase mobility and portability in the profession.</p>
BOARD COUNSEL'S REPORT:	No report.
EXECUTIVE DIRECTOR'S REPORT:	<p>Ms. Hoyle recognized Sarah Georgen for her time as licensing manager for the Board of Social Work and wished her luck in her future endeavors. She also thanked her for leaving the Board in such a good position.</p> <p>Ms. Hoyle also thanked Ms. Lang for assisting with the Social Work workload. Ms. Hoyle also introduced and thanked Ken Heath, who is a contract employee with the Board.</p> <p>Ms. Hoyle informed the Board that she has advertised for the Licensing Manager position, and the recruitment closed on January 19th. Ms. Hoyle plans to hold interviews on February 14th.</p>

<p>DEPUTY DIRECTOR'S REPORT:</p> <p>COMMITTEE REPORTS:</p>	<p>Ms. Hoyle discussed the license statistics and the budget included in the agenda packet.</p> <p>Ms. Hoyle also informed the Board that Dr. Paulson and she presented on a panel at the Catholic University, School of Social Work. The panel also included Board staff from DC and Maryland.</p> <p>Ms. Lang reported that the disciplinary statistics were included in the agenda packet.</p> <p><i>Regulatory/Legislative Committee Report</i></p> <p>Dr. Walsh reported the following recommendations from the Regulatory Committee:</p> <ol style="list-style-type: none"> 1. The Committee recommends that the Board amend the Regulations regarding Examination Requirements (<u>18VAC140-20-70</u>) by Fast Track action to require an applicant for clinical social work licensure who has not passed the examination within the second two-year approval period, to register for supervision and complete one additional year as a supervisee. After completion of the additional year of supervision, the applicant may reapply to take the examination. Upon a motion by Mr. Salay, which was properly seconded by Ms. Clancey, the Board voted unanimously to accept the recommendation from the Regulatory Committee. 2. The Committee recommends that the Board decline to adopt the Board of Psychology's Draft Joint Guidance Document on Assessment Titles and Signatures. Dr. Walsh presented a letter from the Regulatory Committee detailing the reasons for this recommendation. Upon a motion by Dr. Paulson, which was properly seconded by Mr. Salay, the Board voted unanimously to send the letter, with minor edits, to the Board of Psychology. <p><i>Credentials Committee Report</i></p> <p>Mr. Salay noted that there was nothing to report.</p> <p><i>Special Conference Committee Report</i></p> <p>Ms. Haynes noted that there was nothing to report.</p> <p><i>Board of Health Professions Report</i></p> <p>Ms. Haynes reported that her report and draft meeting minutes of the Board of Health Professions were included in the agenda packet.</p>
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UNFINISHED BUSINESS:	There was no Unfinished Business.
NEW BUSINESS:	<p>Upon a motion by Mr. Salay, which was properly seconded by Dr. Paulson, the Board voted unanimously to adopt the amendments to Guidance Document 140-10.</p> <p>Upon a motion by Ms. Clancey, which was properly seconded by Dr. Paulson, the Board voted unanimously to reaffirm Guidance Document 140-9.</p> <p>Dr. Paulson made a motion, which was properly seconded by Ms. Del Villar, that licensed clinical social workers shall be required to have completed a minimum of 15 contact hours of continuing education and licensed social workers shall be required to have completed a minimum of 7.5 contact hours of continuing education prior to licensure renewal each year. A minimum of three of those hours must pertain to ethics or the standards of practice for the behavioral health professions or to laws governing the practice of social work in Virginia. A minimum of 10 hours for licensed clinical social workers or 5 hours for licensed social works shall be documented in Category I and a maximum of 5 of the required 15 hours for licensed clinical social workers or a maximum of 3 of the required 7.5 hours for licensed social workers may be earned in Category II. The motion did not pass.</p> <p>Upon a motion by Dr. Paulson, which was properly seconded by Mr. Salay, the Board voted unanimously to amend the regulations to require licensed clinical social workers and licensed social workers to complete 6 hours of ethics every two years.</p>
NEXT MEETING:	Ms. Haynes announced that the next regularly scheduled full Board meeting would occur on June 15, 2018 at 10: 00 a.m.
ADJOURNMENT:	The meeting was adjourned at 12:08 p.m.

Yvonne Haynes, LCSW, Chair

Jaime Hoyle, Executive Director



Approval of Formal Hearing Minutes March 16, 2018

**VIRGINIA BOARD OF SOCIAL WORK
FORMAL HEARING
MINUTES
March 16, 2018**

CALL TO ORDER: A panel of the Board of Social Work convened on March 16, 2018, at 10:16 a.m., at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Henrico, VA in Board Room 1.

MEMBERS PRESENT: Yvonne Haynes, LCSW, Chairman
Jamie Clancey, LCSW
Maria Eugenia del Villar, LCSW
Gloria Manns, LCSW
Joseph Walsh, Ph.D., LCSW

BOARD COUNSEL: James Rutkowski, Assistant Attorney General

STAFF PRESENT: Jaime Hoyle, Executive Director
Christy Evans, Discipline Case Specialist
Latasha Austin, Licensing Manager

COURT REPORTER: Deborah Langlo
DLL Court Reporting

RESPONDENT: Cynthia Sample, LCSW
License #: 0904003947
Case #: 153979 and 181348

PARTIES ON BEHALF OF THE COMMONWEALTH: Emily Tatum, Adjudication Specialist

PRELIMINARY MATTERS: Ms. Haynes noted that Ms. Sample did not appear before the Board in accordance with the Board's Notice of Formal Hearing dated February 6, 2018, and was not represented by legal counsel. Ms. Tatum presented an affidavit attesting that the Notice had been mailed to Ms. Sample's address of record with the Board by certified and first class mail. Ms. Haynes opined that proper notice of the proceeding had been provided and the formal hearing would proceed in Ms. Sample's absence.

DISCUSSION: The Chairman accepted Commonwealth's Exhibit(s) 1-11 into evidence and the Board received sworn testimony regarding the allegations in the Notice.

CLOSED SESSION: Upon a motion by Ms. Manns, and duly seconded by Ms. del Villar, the Board voted to convene a closed meeting pursuant to §2.2-3711(A)(27) of the Code of Virginia for the purpose of deliberation to reach a decision in the matter. Additionally, she moved that Mr. Rutkowski, Ms. Hoyle, Ms. Evans, and Ms. Austin attend the closed meeting because their presence was deemed necessary and would aid the Board in its deliberation.

RECONVENE: Having certified that the matters discussed in the preceding closed session met the requirements of §2.2-3712 of the Code, the Board reconvened in open session and announced its decision.

DECISION:

Ms. Clancey moved that the Board accept the Findings of Fact, Conclusions of Law and decision in the matter as presented by Mr. Rutkowski, with a modification to include finding of fact 2(c) as a confidential attachment. She further moved that the Board revoke Ms. Sample's right to renew her license to practice clinical social work in the Commonwealth of Virginia. The motion was seconded by Ms. Manns.

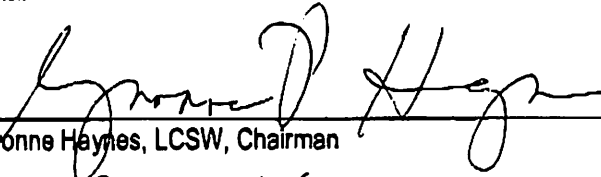
VOTE:

The vote was unanimous.

ADJOURNMENT:

The Board adjourned at 11:44 a.m.

The decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions and decisions of this formal hearing panel.



Yvonne Haynes, LCSW, Chairman

3/20/18
Date



Jaime Hayle, Executive Director

3/30/18
Date



Virginia Department of
Health Professions
Board of Social Work

Executive Director's Report

Virginia Department of Health Professions
Cash Balance
As of April 30, 2018

	<u>110- Social Work</u>
Board Cash Balance as June 30, 2017	\$ 401,802
YTD FY18 Revenue	178,582
Less: YTD FY18 Direct and Allocated Expenditures	<u>425,892</u>
Board Cash Balance as April 30, 2018	<u><u>154,492</u></u>

Virginia Department of Health Professions
Revenue and Expenditures Summary
Department 11000 - Social Work
For the Period Beginning July 1, 2017 and Ending April 30, 2018

Account Number	Account Description	Amount	Budget	Amount	
				Under/(Over) Budget	% of Budget
4002400	Fee Revenue				
4002401	Application Fee	147,810.00	100,300.00	(47,510.00)	147.37%
4002406	License & Renewal Fee	17,002.00	602,865.00	585,863.00	2.82%
4002407	Dup. License Certificate Fee	1,235.00	850.00	(385.00)	145.29%
4002409	Board Endorsement - Out	4,970.00	2,750.00	(2,220.00)	180.73%
4002421	Monetary Penalty & Late Fees	7,565.00	1,100.00	(6,465.00)	687.73%
4002432	Misc. Fee (Bad Check Fee)	-	35.00	35.00	0.00%
	Total Fee Revenue	<u>178,582.00</u>	<u>707,900.00</u>	<u>529,318.00</u>	<u>25.23%</u>
	Total Revenue	<u>178,582.00</u>	<u>707,900.00</u>	<u>529,318.00</u>	<u>25.23%</u>
5011110	Employer Retirement Contrib.	3,548.40	6,580.00	3,031.60	53.93%
5011120	Fed Old-Age Ins- Sal St Emp	2,163.08	4,361.00	2,197.92	49.60%
5011140	Group Insurance	344.63	639.00	294.37	53.93%
5011160	Retiree Medical/Hospitalizatn	310.42	576.00	265.58	53.89%
5011170	Long term Disability Ins	173.55	322.00	148.45	53.90%
	Total Employee Benefits	<u>6,540.08</u>	<u>12,478.00</u>	<u>5,937.92</u>	<u>52.41%</u>
5011200	Salaries				
5011230	Salaries, Classified	26,363.38	48,772.00	22,408.62	54.05%
5011250	Salaries, Overtime	1,889.06	8,220.00	6,330.94	22.98%
	Total Salaries	<u>28,252.44</u>	<u>56,992.00</u>	<u>28,739.56</u>	<u>49.57%</u>
5011300	Special Payments				
5011340	Specified Per Diem Payment	1,550.00	2,800.00	1,250.00	55.36%
5011380	Deferred Compnstrn Match Pmts	-	480.00	480.00	0.00%
	Total Special Payments	<u>1,550.00</u>	<u>3,280.00</u>	<u>1,730.00</u>	<u>47.26%</u>
5011930	Turnover/Vacancy Benefits	-	-	-	0.00%
	Total Personal Services	<u>36,342.52</u>	<u>72,750.00</u>	<u>36,407.48</u>	<u>49.96%</u>
5012000	Contractual Svcs				
5012100	Communication Services				
5012110	Express Services	-	537.00	537.00	0.00%
5012140	Postal Services	8,179.68	4,411.00	(3,768.68)	185.44%
5012150	Printing Services	111.30	67.00	(44.30)	166.12%
5012160	Telecommunications Svcs (VITA)	208.71	550.00	341.29	37.95%
	Total Communication Services	<u>8,499.69</u>	<u>5,565.00</u>	<u>(2,934.69)</u>	<u>152.73%</u>
5012200	Employee Development Services				
5012210	Organization Memberships	-	1,500.00	1,500.00	0.00%
5012250	Employee Tuition Reimbursement	1,530.00	-	(1,530.00)	0.00%
	Total Employee Development Services	<u>1,530.00</u>	<u>1,500.00</u>	<u>(30.00)</u>	<u>102.00%</u>
5012400	Mgmnt and Informational Svcs	-			
5012420	Fiscal Services	9,762.40	5,500.00	(4,262.40)	177.50%
5012440	Management Services	59.50	212.00	152.50	28.07%
5012460	Public Infrmtnl & Relatn Svcs	16.00	-	(16.00)	0.00%
5012470	Legal Services	345.00	-	(345.00)	0.00%

Virginia Department of Health Professions
Revenue and Expenditures Summary
Department 11000 - Social Work
For the Period Beginning July 1, 2017 and Ending April 30, 2018

Account Number	Account Description	Amount			% of Budget
		Amount	Budget	Under/(Over)	
	Total Mgmt and Informational Svcs	10,182.90	5,712.00	(4,470.90)	178.27%
5012500	Repair and Maintenance Svcs				
5012530	Equipment Repair & Maint Srvc	1,585.34	-	(1,585.34)	0.00%
	Total Repair and Maintenance Svcs	1,585.34	-	(1,585.34)	0.00%
5012600	Support Services				
5012630	Clerical Services	18,046.89	66,208.00	48,161.11	27.26%
5012640	Food & Dietary Services	807.20	480.00	(327.20)	168.17%
5012650	Laundry and Linen Services	16.23	-	(16.23)	0.00%
5012660	Manual Labor Services	236.84	2,188.00	1,951.16	10.82%
5012670	Production Services	1,229.65	2,405.00	1,175.35	51.13%
5012680	Skilled Services	12,390.24	24,297.00	11,906.76	50.99%
	Total Support Services	32,727.05	95,578.00	62,850.95	34.24%
5012800	Transportation Services				
5012820	Travel, Personal Vehicle	2,656.14	2,809.00	152.86	94.56%
5012850	Travel, Subsistence & Lodging	210.74	1,607.00	1,396.26	13.11%
5012880	Trvl, Meal Reimb- Not Rprtble	186.00	917.00	731.00	20.28%
	Total Transportation Services	3,052.88	5,333.00	2,280.12	57.25%
	Total Contractual Svcs	57,577.86	113,688.00	56,110.14	50.65%
5013000	Supplies And Materials				
5013100	Administrative Supplies				
5013120	Office Supplies	414.10	276.00	(138.10)	150.04%
5013130	Stationery and Forms	-	41.00	41.00	0.00%
	Total Administrative Supplies	414.10	317.00	(97.10)	130.63%
5013500	Repair and Maint. Supplies				
5013520	Custodial Repair & Maint Matrl	0.21	-	(0.21)	0.00%
	Total Repair and Maint. Supplies	0.21	-	(0.21)	0.00%
5013600	Residential Supplies				
5013620	Food and Dietary Supplies	-	21.00	21.00	0.00%
5013630	Food Service Supplies	-	82.00	82.00	0.00%
	Total Residential Supplies	-	103.00	103.00	0.00%
	Total Supplies And Materials	414.31	420.00	5.69	98.65%
5015000	Continuous Charges				
5015100	Insurance-Fixed Assets				
5015160	Property Insurance	-	26.00	26.00	0.00%
	Total Insurance-Fixed Assets	-	26.00	26.00	0.00%
5015300	Operating Lease Payments				
5015340	Equipment Rentals	435.74	540.00	104.26	80.69%
5015350	Building Rentals	14.29	-	(14.29)	0.00%
5015390	Building Rentals - Non State	8,159.27	11,584.00	3,424.73	70.44%
	Total Operating Lease Payments	8,609.30	12,124.00	3,514.70	71.01%
5015500	Insurance-Operations				

Virginia Department of Health Professions
Revenue and Expenditures Summary
Department 11000 - Social Work
For the Period Beginning July 1, 2017 and Ending April 30, 2018

Account Number	Account Description	Amount	Budget	Amount Under/(Over)	
				Budget	% of Budget
5015510	General Liability Insurance	-	97.00	97.00	0.00%
5015540	Surety Bonds	-	6.00	6.00	0.00%
	Total Insurance-Operations	-	103.00	103.00	0.00%
	Total Continuous Charges	8,609.30	12,253.00	3,643.70	70.26%
5022000	Equipment				
5022100	Computer Hrdware & Sftware				
5022170	Other Computer Equipment	186.00	-	(186.00)	0.00%
	Total Computer Hrdware & Sftware	186.00	-	(186.00)	0.00%
5022200	Educational & Cultural Equip				
5022240	Reference Equipment	-	43.00	43.00	0.00%
	Total Educational & Cultural Equip	-	43.00	43.00	0.00%
5022600	Office Equipment				
5022610	Office Appurtenances	-	21.00	21.00	0.00%
5022620	Office Furniture	631.23	-	(631.23)	0.00%
	Total Office Equipment	631.23	21.00	(610.23)	3005.86%
5022700	Specific Use Equipment				
5022710	Household Equipment	5.90	-	(5.90)	0.00%
	Total Specific Use Equipment	5.90	-	(5.90)	0.00%
	Total Equipment	823.13	64.00	(759.13)	1286.14%
	Total Expenditures	103,767.12	199,175.00	95,407.88	52.10%
Allocated Expenditures					
20100	Behavioral Science Exec	63,554.82	83,832.40	20,277.58	75.81%
30100	Data Center	68,417.36	67,531.59	(885.77)	101.31%
30200	Human Resources	5,138.84	10,669.91	5,531.07	48.16%
30300	Finance	30,881.02	35,512.65	4,631.63	86.96%
30400	Director's Office	15,330.14	18,783.97	3,453.83	81.61%
30500	Enforcement	84,667.10	133,854.73	49,187.63	63.25%
30600	Administrative Proceedings	28,467.07	25,905.73	(2,561.34)	109.89%
30700	Impaired Practitioners	1,016.15	913.01	(103.14)	111.30%
30800	Attorney General	2,708.05	2,708.17	0.12	100.00%
30900	Board of Health Professions	8,242.23	10,670.72	2,428.50	77.24%
31100	Maintenance and Repairs	-	417.32	417.32	0.00%
31300	Emp. Recognition Program	14.28	171.56	157.28	8.33%
31400	Conference Center	5,522.80	5,818.80	296.00	94.91%
31500	Pgm Devlpmnt & Implmntn	8,164.88	10,576.35	2,411.47	77.20%
	Total Allocated Expenditures	322,124.73	407,366.91	85,242.18	79.07%
	Net Revenue in Excess (Shortfall) of Expenditures	\$ (247,309.85)	\$ 101,358.09	\$ 348,667.94	244.00%

Virginia Department of Health Professions

Revenue and Expenditures Summary

Department 11000 - Social Work

For the Period Beginning July 1, 2017 and Ending April 30, 2018

Account Number	Account Description	July	August	September	October	November	December	January	February	March	April	Total
4002400 Fee Revenue												
4002401	Application Fee	13,950.00	16,350.00	15,565.00	15,645.00	12,625.00	10,345.00	15,870.00	14,430.00	17,470.00	15,560.00	147,810.00
4002406	License & Renewal Fee	11,247.00	2,105.00	605.00	785.00	515.00	155.00	315.00	360.00	400.00	515.00	17,002.00
4002407	Dup. License Certificate Fee	140.00	200.00	120.00	185.00	70.00	115.00	115.00	75.00	100.00	115.00	1,235.00
4002409	Board Endorsement - Out	650.00	510.00	590.00	750.00	375.00	500.00	475.00	225.00	570.00	325.00	4,970.00
4002421	Monetary Penalty & Late Fees	4,000.00	905.00	395.00	455.00	560.00	245.00	90.00	315.00	550.00	50.00	7,565.00
	Total Fee Revenue	29,987.00	20,070.00	17,275.00	17,820.00	14,145.00	11,360.00	16,865.00	15,405.00	19,090.00	16,565.00	178,582.00
	Total Revenue	29,987.00	20,070.00	17,275.00	17,820.00	14,145.00	11,360.00	16,865.00	15,405.00	19,090.00	16,565.00	178,582.00
5011000 Personal Services												
5011100 Employee Benefits												
5011110	Employer Retirement Contrib.	800.40	549.60	549.60	549.60	549.60	549.60	618.30	618.30	618.30	(1,854.90)	3,548.40
5011120	Fed Old-Age Ins- Sal St Emp	478.37	337.59	316.01	333.55	341.63	355.93	350.99	351.00	350.98	(1,052.97)	2,163.08
5011140	Group Insurance	77.73	53.38	53.38	53.38	53.38	53.38	60.04	60.04	60.04	(180.12)	344.63
5011160	Retiree Medical/Hospitalizatn	70.02	48.08	48.08	48.08	48.08	48.08	54.08	54.08	54.08	(162.24)	310.42
5011170	Long term Disability Ins	39.15	26.88	26.88	26.88	26.88	26.88	30.26	30.26	30.26	(90.78)	173.55
	Total Employee Benefits	1,465.67	1,015.53	993.95	1,011.49	1,019.57	1,033.87	1,113.67	1,113.68	1,113.66	(3,341.01)	6,540.08
5011200 Salaries												
5011230	Salaries, Classified	5,992.58	4,074.16	4,074.16	4,074.16	4,074.16	4,074.16	4,583.34	4,583.34	2,291.67	(11,458.35)	26,363.38
5011250	Salaries, Overtime	256.73	334.93	52.88	282.04	387.81	574.67	-	-	-	-	1,889.06
	Total Salaries	6,249.31	4,409.09	4,127.04	4,356.20	4,461.97	4,648.83	4,583.34	4,583.34	2,291.67	(11,458.35)	28,252.44
5011340	Specified Per Diem Payment	-	-	100.00	-	500.00	-	-	450.00	450.00	50.00	1,550.00
5011500 Disability Benefits												
5011530	Short-trm Disability Benefits	-	-	-	-	-	-	-	-	2,291.67	(2,291.67)	-
	Total Disability Benefits	-	-	-	-	-	-	-	-	2,291.67	(2,291.67)	-
	Total Personal Services	7,714.98	5,424.62	5,220.99	5,367.69	5,981.54	5,682.70	5,697.01	6,147.02	6,147.00	(17,041.03)	36,342.52
5012000 Contractual Svs												
5012100 Communication Services												
5012140	Postal Services	4,617.68	1,749.19	373.39	373.30	64.31	231.40	71.11	153.02	356.71	189.57	8,179.68
5012150	Printing Services	-	-	76.73	-	-	-	-	-	-	34.57	111.30

Virginia Department of Health Professions

Revenue and Expenditures Summary

Department 11000 - Social Work

For the Period Beginning July 1, 2017 and Ending April 30, 2018

Account Number	Account Description	July	August	September	October	November	December	January	February	March	April	Total
5012160	Telecommunications Svcs (VITA)	17.28	17.97	-	-	24.78	-	24.78	49.56	49.56	24.78	208.71
	Total Communication Services	4,634.96	1,767.16	450.12	373.30	89.09	231.40	95.89	202.58	406.27	248.92	8,499.69
5012200	Employee Development Services											
5012250	Employee Tuition Reimbursement	-	-	600.00	-	930.00	-	-	-	-	-	1,530.00
	Total Employee Development Services	-	-	600.00	-	930.00	-	-	-	-	-	1,530.00
5012400	Mgmt and Informational Svcs											
5012420	Fiscal Services	4,756.93	4,622.31	277.40	57.35	14.77	-	6.19	6.47	9.99	10.99	9,762.40
5012440	Management Services	-	47.84	-	(0.84)	-	4.37	-	3.11	-	5.02	59.50
5012460	Public Infrmtl & Relatn Svcs	-	-	-	-	2.00	2.00	-	6.00	6.00	-	16.00
5012470	Legal Services	-	-	-	-	-	195.00	-	-	-	150.00	345.00
	Total Mgmt and Informational Svcs	4,756.93	4,670.15	277.40	56.51	16.77	201.37	6.19	15.58	15.99	166.01	10,182.90
5012500	Repair and Maintenance Svcs											
5012530	Equipment Repair & Maint Srvc	-	-	-	-	-	-	-	-	1,585.34	-	1,585.34
	Total Repair and Maintenance Svcs	-	-	-	-	-	-	-	-	1,585.34	-	1,585.34
5012600	Support Services											
5012630	Clerical Services	-	2,250.00	3,332.81	1,739.06	-	-	600.00	2,179.70	2,573.44	5,371.88	18,046.89
5012640	Food & Dietary Services	-	55.75	-	-	58.75	211.09	-	-	296.15	185.46	807.20
5012650	Laundry and Linen Services	-	-	-	-	-	-	-	16.23	-	-	16.23
5012660	Manual Labor Services	15.59	-	71.88	-	2.14	16.40	58.35	12.57	57.52	2.39	236.84
5012670	Production Services	91.10	62.20	439.35	-	13.15	114.75	177.30	87.90	230.70	13.20	1,229.65
5012680	Skilled Services	1,290.65	1,290.65	1,290.65	1,290.65	1,290.65	1,290.65	1,290.65	1,290.65	1,032.52	1,032.52	12,390.24
	Total Support Services	1,397.34	3,658.60	5,134.69	3,029.71	1,364.69	1,632.89	2,126.30	3,587.05	4,190.33	6,605.45	32,727.05
5012800	Transportation Services											
5012820	Travel, Personal Vehicle	-	-	150.87	-	854.40	-	-	685.07	913.48	52.32	2,656.14
5012850	Travel, Subsistence & Lodging	-	-	-	-	105.37	-	-	-	105.37	-	210.74
5012880	Trvl, Meal Reimb- Not Rprtble	-	-	-	-	59.25	-	-	67.50	59.25	-	186.00
	Total Transportation Services	-	-	150.87	-	1,019.02	-	-	752.57	1,078.10	52.32	3,052.88
	Total Contractual Svcs	10,789.23	10,095.91	6,613.08	3,459.52	3,419.57	2,065.66	2,228.38	4,557.78	7,276.03	7,072.70	57,577.86

5013000 Supplies And Materials

Virginia Department of Health Professions

Revenue and Expenditures Summary

Department 11000 - Social Work

For the Period Beginning July 1, 2017 and Ending April 30, 2018

Account Number	Account Description	July	August	September	October	November	December	January	February	March	April	Total
5013100	Administrative Supplies											-
5013120	Office Supplies	-	109.77	17.05	12.47	67.03	32.67	15.72	15.99	69.22	74.18	414.10
	Total Administrative Supplies	-	109.77	17.05	12.47	67.03	32.67	15.72	15.99	69.22	74.18	414.10
5013500	Repair and Maint. Supplies											
5013520	Custodial Repair & Maint Matrl	-	-	-	-	-	-	-	-	-	0.21	0.21
	Total Repair and Maint. Supplies	-	-	-	-	-	-	-	-	-	0.21	0.21
	Total Supplies And Materials	-	109.77	17.05	12.47	67.03	32.67	15.72	15.99	69.22	74.39	414.31
5015000	Continuous Charges											
5015300	Operating Lease Payments											
5015340	Equipment Rentals	-	44.09	44.09	44.09	45.58	44.09	44.09	41.87	41.87	85.97	435.74
5015350	Building Rentals	-	1.89	-	-	4.40	-	-	4.80	-	3.20	14.29
5015390	Building Rentals - Non State	775.85	908.18	794.19	775.85	864.74	775.85	775.85	834.43	776.28	878.05	8,159.27
	Total Operating Lease Payments	775.85	954.16	838.28	819.94	914.72	819.94	819.94	881.10	818.15	967.22	8,609.30
	Total Continuous Charges	775.85	954.16	838.28	819.94	914.72	819.94	819.94	881.10	818.15	967.22	8,609.30
5022000	Equipment											
5022170	Other Computer Equipment	-	-	-	-	186.00	-	-	-	-	-	186.00
	Total Computer Hrdware & Sftware	-	-	-	-	186.00	-	-	-	-	-	186.00
5022620	Office Furniture	-	-	-	-	-	-	-	-	631.23	-	631.23
	Total Office Equipment	-	-	-	-	-	-	-	-	631.23	-	631.23
5022710	Household Equipment	-	-	-	-	-	-	-	-	-	5.90	5.90
	Total Specific Use Equipment	-	-	-	-	-	-	-	-	-	5.90	5.90
	Total Equipment	-	-	-	-	186.00	-	-	-	631.23	5.90	823.13
	Total Expenditures	19,280.06	16,584.46	12,689.40	9,659.62	10,568.86	8,600.97	8,761.05	11,601.89	14,941.63	(8,920.82)	103,767.12

Allocated Expenditures

Virginia Department of Health Professions

Revenue and Expenditures Summary

Department 11000 - Social Work

For the Period Beginning July 1, 2017 and Ending April 30, 2018

Account Number	Account Description	July	August	September	October	November	December	January	February	March	April	Total
20100	Behavioral Science Exec	8,922.38	6,332.96	5,891.84	5,895.71	6,069.99	5,900.99	6,231.23	6,011.10	6,084.74	6,213.87	63,554.82
20200	Opt\Vet-Med\ASLP Executive Dir	-	-	-	-	-	-	-	-	-	-	-
20400	Nursing / Nurse Aid	-	-	-	-	-	-	-	-	-	-	-
20600	Funeral\LTCA\PT	-	-	-	-	-	-	-	-	-	-	-
30100	Data Center	9,274.03	2,929.28	7,304.34	7,337.48	2,535.80	9,199.75	6,693.21	6,434.50	13,644.13	3,064.85	68,417.36
30200	Human Resources	31.31	40.01	31.19	35.68	4,886.22	75.06	35.89	36.62	30.68	(63.81)	5,138.84
30300	Finance	6,362.33	3,317.43	3,234.60	1,728.10	4,115.92	3,263.30	2,265.89	4,861.28	1,602.77	129.40	30,881.02
30400	Director's Office	2,056.96	1,635.11	1,504.82	1,532.97	1,466.83	1,578.06	1,670.48	1,583.01	1,596.78	705.13	15,330.14
30500	Enforcement	11,712.05	9,525.95	9,119.18	9,216.20	8,266.53	8,132.10	6,042.47	6,302.47	8,312.42	8,037.72	84,667.10
30600	Administrative Proceedings	6,894.83	239.25	912.87	733.29	701.53	4,804.87	6,946.58	2,471.18	4,762.66	-	28,467.07
30700	Impaired Practitioners	144.71	107.79	99.00	99.76	97.55	103.05	99.81	84.55	79.92	100.01	1,016.15
30800	Attorney General	-	-	677.01	677.01	-	-	677.01	-	-	677.01	2,708.05
30900	Board of Health Professions	1,193.05	849.55	761.60	831.84	842.55	773.36	901.20	953.51	888.07	247.50	8,242.23
31000	SRTA	-	-	-	-	-	-	-	-	-	-	-
31100	Maintenance and Repairs	-	-	-	-	-	-	-	-	-	-	-
31300	Emp. Recognition Program	-	-	-	-	-	-	43.90	-	1.67	(31.29)	14.28
31400	Conference Center	6.89	13.08	10,133.64	(1,196.81)	(3,527.22)	54.60	6.12	(6.80)	10.28	29.01	5,522.80
31500	Pgm Devlpmnt & Implmentn	930.86	820.39	755.18	773.82	875.11	821.29	796.56	804.42	1,229.23	358.02	8,164.88
98700	Cash Transfers	-	-	-	-	-	-	-	-	-	-	-
	Total Allocated Expenditures	47,529.41	25,810.80	40,425.27	27,665.04	26,330.82	34,706.44	32,410.36	29,535.84	38,243.33	19,467.43	322,124.73
	Net Revenue in Excess (Shortfall) of Expenditures	\$ (36,822.47)	\$ (22,325.26)	\$ (35,839.67)	\$ (19,504.66)	\$ (22,754.68)	\$ (31,947.41)	\$ (24,306.41)	\$ (25,732.73)	\$ (34,094.96)	\$ 6,018.39	\$ (247,309.85)



Virginia Department of
Health Professions
Board of Social Work

Deputy Executive Director's Discipline Report

Discipline Reports
 January 12, 2018 - April 5, 2018

OPEN CASES AT BOARD LEVEL (as of April 5, 2018)

Case Stage	Counseling	Psychology	Social Work	BSU Total
Probable Cause Review	41	29	33	103
Scheduled for Informal Conferences	8	1	1	10
Scheduled for Formal Hearings	1	1	0	2
Consent Orders (offered and pending)	1	0	0	1
Cases with APD for processing	14	6	3	23
TOTAL OPEN CASES	65	37	37	139

CASES CLOSED

Closure Category	Counseling	Psychology	Social Work	BSU Total
Closed – no violation	10	7	4	21
Closed – undetermined	7	4	2	13
Closed – violation	1	1	3	5
Credentials/Reinstatement – Denied	2	1	0	3
Credentials/Reinstatement – Approved	1	0	2	3
TOTAL CASES CLOSED	21	13	11	45

AVERAGE CASE PROCESSING TIMES (counted on closed cases)

	Counseling	Psychology	Social Work
Average time for case closures	151	110	291
Avg. time in Enforcement (investigations)	59	59	97
Avg. time in APD (IFC/FH preparation)	82	76	160
Avg. time in Board (includes hearings, reviews, etc.)	85	40	130

Discipline Reports
January 12, 2018 - April 5, 2018

CASES RECEIVED and ACTIVE INVESTIGATIONS

	Counseling	Psychology	Social Work	BSU Total
Cases Received for Board review	43	29	22	94
Open Investigations in Enforcement	32	15	15	62

HEARINGS HELD and CONSENT ORDERS ENTERED

Board Action	Counseling	Psychology	Social Work	BSU Total
Consent Orders Entered	0	0	1	1
Informal Conferences Held Special Conference Committee	4	1	1	6
Formal Hearings Held	0	0	1	1
Summary Suspension Hearings Held	1	0	1	2

UPCOMING HEARINGS (2018)

Hearing/Conference Type	Counseling	Psychology	Social Work
Informal Conferences	April 13, 2018 June 1, 2018 July 27, 2018 September 14, 2018 October 19, 2018 November 30, 2018	June 5, 2018 July 24, 2018 September 18, 2018 December 4, 2018	June 8, 2018 July 20, 2018 November 16, 2018
Formal Hearings	May 18, 2018	May 8, 2018	June 15, 2018



Licensing Manager's Report

Current Count of Licenses

Quarterly Summary Quarter 3 - Fiscal Year 2018

*Current licenses by board and occupation as of the last day of the quarter

Quarter Date Ranges	
Quarter 1	July 01 - September 30
Quarter 2	October 1 - December 31
Quarter 3	January 1 - March 31
Quarter 4	April 1 - June 30

												CURRENT
	Q4 2015	Q1 2016	Q2 2016	Q3 2016	Q4 2016	Q1 2017	Q2 2017	Q3 2017	Q4 2017	Q1 2018	Q2 2018	Q3 2018
SOCIAL WORK TOTAL	6,306	6,544	6,690	6,828	7,057	8,900	9,144	9,340	9,559	9,089	9,326	9,468

Current Count of Licenses

Quarterly Breakdown Quarter 3 - Fiscal Year 2018

*Current licenses by board and occupation as of the last day of the quarter

Quarter Date Ranges	
Quarter 1	July 01 - September 30
Quarter 2	October 1 - December 31
Quarter 3	January 1 - March 31
Quarter 4	April 1 - June 30

Board	Occupation	Q4 2015	Q1 2016	Q2 2016	Q3 2016	Q4 2016	Q1 2017	Q2 2017	Q3 2017	Q4 2017	Q1 2018	Q2 2018	CURRENT Q3 2018
Social Work	Associate Social Worker	0	1	1	1	1	1	1	1	2	2	2	2
	Licensed Clinical Social Worker	5,781	5,948	6,060	6,170	6,358	6,458	6,558	6,684	6,817	6,514	6,680	6,843
	Licensed Social Worker	525	583	617	645	686	739	778	816	852	684	727	763
	Licensed Social Worker Supervision	-	-	-	-	-	-	-	-	7	6	6	4
	Registered Social Worker	0	12	12	12	12	12	12	12	13	11	11	11
	Registration of Supervision						1,690	1,795	1,827	1,868	1,872	1,900	1,845
	Total		6,306	6,544	6,690	6,828	7,057	8,900	9,144	9,340	9,559	9,089	9,326

Current Count of Licenses

Fiscal Year Breakdown Quarter 3 - Fiscal Year 2018

*Current licenses by board and occupation as of the last day of the quarter

Quarter Date Ranges	
Quarter 1	July 01 - September 30
Quarter 2	October 1 - December 31
Quarter 3	January 1 - March 31
Quarter 4	April 1 - June 30

Board	Occupation	FY 2013	Change Between FY14 & FY13	FY 2014	Change Between FY15 & FY14	FY 2015	Change Between FY16 & FY15	FY 2016	Change Between FY16 & FY17	FY 2017
Social Work	Associate Social Worker	3	-66.7%	1	-	0	--	1	100.0%	2
	Licensed Clinical Social Worker	5,515	5.4%	5,814	-0.6%	5,781	10.0%	6,358	7.2%	6,817
	Licensed Social Worker	469	10.4%	518	1.4%	525	30.7%	686	24.2%	852
	Licensed Social Worker Supervision	-	-	-	-	-	-	-	--	7
	Registered Social Worker	21	-19.0%	17	-	0	--	12	8.3%	13
	Registration of Supervision	21	-19.0%	17	-	0	--	12	15466.7%	1,868
Total		6,008	5.7%	6,350	-0.7%	6,306	11.9%	7,057	35.5%	9,559



Virginia Department of
Health Professions
Board of Social Work

General Assembly Legislative Report

Report of the 2018 General Assembly

HB 226 Patients; medically or ethically inappropriate care not required.

Chief patron: Stolle

Summary as passed:

Medically or ethically inappropriate care not required. Establishes a process whereby a physician may cease to provide health care that has been determined to be medically or ethically inappropriate for a patient. This bill is identical to SB 222.

HB 363 Sexual orientation change efforts; prohibited as training for certain health care providers, etc.

Chief patron: Hope

Summary as introduced:

Sexual orientation change efforts prohibited. Prohibits any health care provider or person who performs counseling as part of his training for any profession licensed by a regulatory board of the Department of Health Professions from engaging in sexual orientation change efforts with any person under 18 years of age. The bill defines "sexual orientation change efforts" as 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. "Sexual orientation change efforts" does not include counseling that provides assistance to a person undergoing gender transition or 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. The bill provides that no state funds shall be expended for the purpose of conducting sexual orientation change efforts, referring a person for sexual orientation change efforts, extending health benefits coverage for sexual orientation change efforts, or awarding a grant or contract to any entity that conducts sexual orientation change efforts or refers individuals for sexual orientation change efforts.

HB 614 Social work; practice.

Chief patron: Price

Summary as introduced:

Practice of social work. Provides that the Board of Social Work may license baccalaureate social workers, master's social workers, and clinical social workers, as those terms are defined, and may register persons proposing to obtain supervised post-degree experience in the practice of social work.

HB 793 Nurse practitioners; practice agreements.

Chief patron: Robinson

Summary as passed:

Nurse practitioners; practice agreements. Eliminates the requirement for a practice agreement with a patient care team physician for a licensed nurse practitioner who has completed the equivalent of at least five years of full-time clinical experience and submitted an attestation from his patient care team physician stating (i) that the patient care team physician has served as a patient care team physician on a patient care team with the nurse practitioner pursuant to a practice agreement; (ii) that while a party to such practice agreement, the patient care team physician routinely practiced with a patient population and in a practice area included within the category for which the nurse practitioner was certified and licensed; and (iii) the period of time for which the patient care team physician practiced with the nurse practitioner under such a practice agreement. The bill requires that a nurse practitioner authorized to practice without a practice agreement (a) only practice within the scope of his clinical and professional training and limits of his knowledge and experience and consistent with the applicable standards of care, (b) consult and collaborate with other health care providers based on the clinical conditions of the patient to whom health care is provided, and (c) establish a plan for referral of complex medical cases and emergencies to physicians or other appropriate health care providers. The bill requires (1) the Boards of Medicine and Nursing to jointly promulgate regulations governing the practice of nurse practitioners without a practice agreement; (2) the Department of Health Professions, by November 1, 2020, to report to the General Assembly a process by which nurse practitioners who practice without a practice agreement may be included in the online Practitioner Profile maintained by the Department of Health Professions; and (3) the Boards of Medicine and Nursing to report information related to the practice of nurse practitioners without a practice agreement that includes certain data, complaints and disciplinary actions, and recommended modifications to the provisions of this bill to the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health and the Chairman of the Joint Commission on Health Care by November 1, 2021.

HB 1251 CBD oil and THC-A oil; certification for use, dispensing.

Chief patron: Cline

Summary as passed:

CBD oil and THC-A oil; certification for use; dispensing. Provides that a practitioner may issue a written certification for the use of cannabidiol (CBD) oil or THC-A oil for the treatment or to alleviate the symptoms of any diagnosed condition or disease determined by the practitioner to

benefit from such use. Under current law, a practitioner may only issue such certification for the treatment or to alleviate the symptoms of intractable epilepsy. The bill increases the supply of CBD oil or THC-A oil a pharmaceutical processor may dispense from a 30-day supply to a 90-day supply. The bill reduces the minimum amount of cannabidiol or tetrahydrocannabinol acid per milliliter for a dilution of the Cannabis plant to fall under the definition of CBD oil or THC-A oil, respectively. As introduced, this bill was a recommendation of the Joint Commission on Health Care. The bill contains an emergency clause. This bill is identical to SB 726.

HB 1383 Marriage and family therapy; clarifies definition, adds appraisal.

Chief patron: Rodman

Summary as introduced:

Marriage and family therapy; appraisal. Defines "marriage and family therapy" as the "appraisal and treatment" of cognitive, affective, or behavioral mental and emotional disorders within the context of marriage and family systems through the application of therapeutic and family systems theories and techniques and delivery of services to individuals, couples, and families, singularly or in groups, for the purpose of treating such disorders. Under current law, "marriage and family therapy" is defined as the "assessment and treatment" of such disorders.

SB 417 Community health worker; VDH to approve one or more entities to certify workers in the Commonwealth.

Chief patron: Barker

Summary as passed Senate:

Community health workers; certification. Requires the Department of Health to approve one or more entities to certify community health workers in the Commonwealth and prohibits a person from using or assuming the title of certified community health worker unless he is certified by an entity approved by the Department.

SB 762 BHDS, State Board of; definition of "licensed mental health professional."

Chief patron: Barker

Summary as passed Senate:

Board of Behavioral Health and Developmental Services; definition of "licensed mental health professional." Directs the State Board of Behavioral Health and Developmental Services (State Board) to amend regulations governing licensure of providers of behavioral health services to include behavior analysts in the definition of "licensed mental health professional." The bill directs the State Board to promulgate regulations to implement the provisions of the act to be effective within 280 days of its enactment.



Regulatory Changes

HB614

Agenda Item: Adoption of regulation for midlevel licenses

Staff Note:

HB614 goes into effect on July 1, 2018, so regulations need to be amended to be consistent with the new law.

Included in the agenda package:

Copy of HB614 (law)

Draft regulations to conform to the law

Board action:

Adoption of amendments to regulations for LBSW and LMSW

VIRGINIA ACTS OF ASSEMBLY -- 2018 SESSION

CHAPTER 451

An Act to amend and reenact §§ 54.1-3700 and 54.1-3705 of the Code of Virginia, relating to practice of social work.

[H 614]

Approved March 23, 2018

Be it enacted by the General Assembly of Virginia:

- 1. That §§ 54.1-3700 and 54.1-3705 of the Code of Virginia are amended and reenacted as follows: § 54.1-3700. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Administration" means the process of attaining the objectives of an organization through a system of coordinated and cooperative efforts to make social service programs effective instruments for the amelioration of social conditions and for the solution of social problems.

"Baccalaureate social worker" means a person who engages in the practice of social work under the supervision of a master's social worker and provides basic generalist services, including casework management and supportive services and consultation and education.

"Board" means the Board of Social Work.

"Casework" means both direct treatment, with an individual or several individuals, and intervention in the situation on the client's behalf with the objectives of meeting the client's needs, helping the client deal with the problem with which he is confronted, strengthening the client's capacity to function productively, lessening his distress, and enhancing his opportunities and capacities for fulfillment.

"Casework management and supportive services" means assessment of presenting problems and perceived needs, referral services, policy interpretation, data gathering, planning, advocacy, and coordination of services.

"Clinical social worker" means a social worker who, by education and experience, is professionally qualified at the autonomous practice level to provide direct diagnostic, preventive and treatment services where functioning is threatened or affected by social and psychological stress or health impairment.

"Consultation and education" means program consultation in social work to agencies, organizations, or community groups; academic programs and other training such as staff development activities, seminars, and workshops using social work principles and theories of social work education.

"Group work" means helping people, in the realization of their potential for social functioning, through group experiences in which the members are involved with common concerns and in which there is agreement about the group's purpose, function, and structure.

"Master's social worker" mean a person who engages in the practice of social work and provides non-clinical, generalist services, including staff supervision and management.

"Planning and community organization" means helping organizations and communities analyze social problems and human needs; planning to assist organizations and communities in organizing for general community development; and improving social conditions through the application of social planning, resource development, advocacy, and social policy formulation.

"Practice of social work" means rendering or offering to render to individuals, families, groups, organizations, governmental units, or the general public service which is guided by special knowledge of social resources, social systems, human capabilities, and the part conscious and unconscious motivation play in determining behavior. Any person regularly employed by a licensed hospital or nursing home who offers or renders such services in connection with his employment in accordance with patient care policies or plans for social services adopted pursuant to applicable regulations when such services do not include group, marital or family therapy, psychosocial treatment or other measures to modify human behavior involving child abuse, newborn intensive care, emotional disorders or similar issues, shall not be deemed to be engaged in the "practice of social work." Subject to the foregoing, the disciplined application of social work values, principles and methods includes, but is not restricted to, casework management and supportive services, casework, group work, planning and community organization, administration, consultation and education, and research.

"Research" means the application of systematic procedures for the purpose of developing, modifying, and expanding knowledge of social work practice which can be communicated and verified.

"Social worker" means a person trained to provide service and action to effect changes in human behavior, emotional responses, and the social conditions by the application of the values, principles, methods, and procedures of the profession of social work.

§ 54.1-3705. Specific powers and duties of the Board.

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

1. To cooperate with and maintain a close liaison with other professional boards and the community to ensure that regulatory systems stay abreast of community and professional needs.
2. To conduct inspections to ensure that licensees conduct their practices in a competent manner and in conformance with the relevant regulations.
3. To designate specialties within the profession.
4. Expired.
5. *To license baccalaureate social workers, master's social workers, and clinical social workers to practice consistent with the requirements of the chapter and regulations of the Board.*
6. *To register persons proposing to obtain supervised post-degree experience in the practice of social work required by the Board for licensure as a clinical social worker.*

Project 5523 - none

BOARD OF SOCIAL WORK

BSW and MSW licenses

Part I

General Provisions

18VAC140-20-10. Definitions.

A. The following words and terms when used in this chapter shall have the meanings ascribed to them in § 54.1-3700 of the Code of Virginia:

Baccalaureate social worker

Board

Casework

Casework management and supportive services

Clinical social worker

Master's social worker

Practice of social work

Social worker

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

"Accredited school of social work" means a school of social work accredited by the Council on Social Work Education.

"Active practice" means post-licensure practice at the level of licensure for which an applicant is seeking licensure in Virginia and shall include at least 360 hours of practice in a 12-month period.

"Ancillary services" means activities such as case management, recordkeeping, referral, and coordination of services.

"Clinical course of study" means graduate course work that includes specialized advanced courses in human behavior and the social environment, social justice and policy, psychopathology and diversity issues; research; clinical practice with individuals, families, and groups; and a clinical practicum that focuses on diagnostic, prevention and treatment services.

"Clinical social work services" include the application of social work principles and methods in performing assessments and diagnoses based on a recognized manual of mental and emotional disorders or recognized system of problem definition, preventive and early intervention services, and treatment services, including psychosocial interventions, psychotherapy, and counseling for mental disorders, substance abuse, marriage and family dysfunction, and problems caused by social and psychological stress or health impairment.

"Exempt practice" is that which meets the conditions of exemption from the requirements of licensure as defined in § 54.1-3701 of the Code of Virginia.

"Face-to-face supervision" means the physical presence of the individuals involved in the supervisory relationship during either individual or group supervision or the use of technology that provides real-time, visual contact among the individuals involved.

"LBSW" means a licensed baccalaureate social worker.

"LMSW" means a licensed master's social worker.

"Nonexempt practice" is that which does not meet the conditions of exemption from the requirements of licensure as defined in § 54.1-3701 of the Code of Virginia.

"Supervisee" means an individual who has submitted a supervisory contract and has received board approval to provide clinical services in social work under supervision.

"Supervision" means a professional relationship between a supervisor and supervisee in which the supervisor directs, monitors and evaluates the supervisee's social work practice while promoting development of the supervisee's knowledge, skills and abilities to provide social work services in an ethical and competent manner.

18VAC140-20-30. Fees.

A. The board has established fees for the following:

1. Registration of supervision	\$50
2. Addition to or change in registration of supervision	\$25
3. Application processing	
a. Licensed clinical social worker	\$165
b. Licensed social worker <u>LBSW</u>	\$115
c. <u>LMSW</u>	<u>\$115</u>
4. Annual license renewal	
a. Registered social worker	\$25
b. Associate social worker	\$25
c. Licensed social worker <u>LBSW</u>	\$65
d. <u>LMSW</u>	<u>\$65</u>
d-e. Licensed clinical social worker	\$90
5. Penalty for late renewal	
a. Registered social worker	\$10
b. Associate social worker	\$10
c. Licensed social worker <u>LBSW</u>	\$20
d. <u>LMSW</u>	<u>\$20</u>
d-e. Licensed clinical social worker	\$30
6. Verification of license to another jurisdiction	\$25
7. Additional or replacement licenses	\$15
8. Additional or replacement wall certificates	\$25

- | | |
|-------------------------------------------------|-------|
| 9. Returned check | \$35 |
| 10. Reinstatement following disciplinary action | \$500 |

B. Fees shall be paid by check or money order made payable to the Treasurer of Virginia and forwarded to the board. All fees are nonrefundable.

C. Examination fees shall be paid directly to the examination service according to its requirements.

18VAC140-20-37. Licensure; general.

~~Licensed social workers~~ LBSWs and LMSWs may practice in exempt practice settings under appropriate supervision. Only licensed clinical social workers may practice at the autonomous level.

18VAC140-20-51. Requirements for licensure by examination as a ~~licensed social worker~~ LBSW or LMSW.

A. In order to be approved to sit for the board-approved examination for as a ~~licensed social worker~~ LBSW or a LMSW, an applicant shall:

1. Meet the education requirements prescribed in 18VAC140-20-60 A.
2. Submit a completed application to the board office to include:
 - a. The application fee prescribed in 18VAC140-20-30; and
 - b. Official transcript or transcripts submitted from the appropriate institutions of higher education.

B. In order to be licensed by examination as a ~~licensed social worker~~ LBSW or a LMSW, an applicant shall:

1. Meet the ~~education and experience~~ requirements prescribed in 18VAC140-20-60; and

2. Submit, in addition to the application requirements of subsection A of this section, the following:

~~a. Documentation, on the appropriate forms, of the successful completion of the supervised experience requirements of 18VAC140-20-60 along with documentation of the supervisor's out-of-state license where applicable. An applicant whose former supervisor is deceased, or whose whereabouts is unknown, shall submit to the board a notarized affidavit from the present chief executive officer of the agency, corporation or partnership in which the applicant was supervised. The affidavit shall specify dates of employment, job responsibilities, supervisor's name and last known address, and the total number of hours spent by the applicant with the supervisor in face-to-face supervision;~~

b. Verification of a passing score on the board-approved national examination;

~~b.~~ Documentation of any other health or mental health licensure or certification, if applicable; and

~~c.~~ A current report from the U.S. Department of Health and Human Services National Practitioner Data Bank (NPDB).

3. ~~Provide evidence of passage of the examination prescribed in 18VAC140-20-70~~ For licensure as a LBSW, submit documentation, on the appropriate forms, of the successful completion of the supervised experience requirements of 18VAC140-20-60 along with documentation of the supervisor's out-of-state license where applicable. An applicant whose former supervisor is deceased, or whose whereabouts is unknown, shall submit to the board a notarized affidavit from the present chief executive officer of the agency, corporation or partnership in which the applicant was supervised. The affidavit shall specify dates of employment, job responsibilities, supervisor's name and last known

address, and the total number of hours spent by the applicant with the supervisor in face-to-face supervision.

18VAC140-20-60. Education and experience requirements for a ~~licensed social worker~~ LBSW or LMSW.

A. Education. The applicant for licensure as a LBSW shall hold a bachelor's ~~or a master's~~ degree from an accredited school of social work. The applicant for licensure as a LBSW shall hold a master's degree from an accredited school of social work. Graduates of foreign institutions must establish the equivalency of their education to this requirement through the Foreign Equivalency Determination Service of the Council on Social Work Education.

B. Master's degree applicant. An applicant who holds a master's degree may apply for licensure as a ~~licensed social worker~~ LMSW without documentation of supervised experience.

C. Supervised experience requirement for bachelor's degree applicants. Supervised experience without prior written board approval will not be accepted toward licensure, except supervision obtained in another United States jurisdiction may be accepted if it met the requirements of that jurisdiction.

1. Registration. Prior to the onset of supervision, an individual who proposes to obtain supervised experience in Virginia shall:

a. Register on a form provided by the board and completed by the supervisor and the supervised individual; and

b. Pay the registration of supervision fee set forth in 18VAC140-20-30.

2. Hours. Bachelor's degree applicants shall have completed a minimum of 3,000 hours of supervised post-bachelor's degree experience in casework management and supportive services under supervision satisfactory to the board. A minimum of one hour

and a maximum of four hours of face-to-face supervision shall be provided per 40 hours of work experience for a total of at least 100 hours.

3. Supervised experience shall be acquired in no less than two nor more than four consecutive years from the beginning of the supervised experience. An individual who does not complete the supervision requirement after four consecutive years of supervised experience may request an extension of up to 12 months. The request for an extension shall include evidence that demonstrates extenuating circumstances that prevented completion of the supervised experience within four consecutive years.

D. Requirements for supervisors.

1. The supervisor providing supervision shall hold an active, unrestricted license as a licensed social worker with a master's degree, or a licensed social worker with a bachelor's degree and at least three years of post-licensure social work experience or a licensed clinical social worker in the jurisdiction in which the social work services are being rendered. If this requirement places an undue burden on the applicant due to geography or disability, the board may consider individuals with comparable qualifications.

2. The supervisor shall:

a. Be responsible for the social work practice of the prospective applicant once the supervisory arrangement is accepted by the board;

b. Review and approve the assessment and service plan of a representative sample of cases assigned to the applicant during the course of supervision. The sample should be representative of the variables of gender, age, assessment, length of service and casework method within the client population seen by the applicant. It is the applicant's responsibility to assure the representativeness of the sample that is presented to the supervisor. The supervisor shall be available to the applicant on a regularly scheduled

basis for supervision. The supervisor will maintain documentation, for five years post supervision, of which clients were the subject of supervision;

c. Provide supervision only for those casework management and support services activities for which the supervisor has determined the applicant is competent to provide to clients;

d. Provide supervision only for those activities for which the supervisor is qualified;

e. Evaluate the supervisee in the areas of professional ethics and professional competency; and

f. Ensure that the board is notified of any change in supervision or if the supervision has ended or has been terminated by the supervisor.

3. The supervisor shall not provide supervision for a family member or provide supervision for anyone with whom the supervisor has a dual relationship.

Part III

Examinations

18VAC140-20-70. Examination requirement.

A. An applicant for licensure by the board as a ~~social worker~~ LBSW, a LMSW, or clinical social worker shall pass a written examination prescribed by the board.

1. The examination prescribed for licensure as a clinical social worker shall be the licensing examination of the Association of Social Work Boards at the clinical level.

2. The examination prescribed for licensure as a ~~social worker~~ LBSW shall ~~minimally~~ be the licensing examination of the Association of Social Work Boards at the bachelor's level.

3. The examination prescribed for licensure as a LMSW shall be the licensing examination of the Association of Social Work Boards at the master's level.

B. A candidate approved by the board to sit for an examination shall take that examination within two years of the date of the initial board approval. If the candidate has not passed the examination by the end of the two-year period here prescribed, the applicant shall reapply according to the requirements of the regulations in effect at that time. After an applicant has failed the examination twice, he shall be required to register for supervision and complete one additional year as a supervisee before approval to re-take the examination is granted.

18VAC140-20-105. Continued competency requirements for renewal of an active license.

A. Licensed clinical social workers shall be required to have completed a minimum of 30 contact hours of continuing education, ~~and licensed social workers~~ LBSWs and LMSWs shall be required to have completed a minimum of 15 contact hours of continuing education prior to licensure renewal in even years. Courses or activities shall be directly related to the practice of social work or another behavioral health field. A minimum of two of those hours must pertain to ethics or the standards of practice for the behavioral health professions or to laws governing the practice of social work in Virginia. Up to two continuing education hours required for renewal may be satisfied through delivery of social work services, without compensation, to low-income individuals receiving health services through a local health department or a free clinic organized in whole or primarily for the delivery of those services, as verified by the department or clinic. Three hours of volunteer service is required for one hour of continuing education credit.

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

2. The board may grant an exemption for all or part of the continuing education requirements due to circumstances beyond the control of the licensee such as temporary

disability, mandatory military service, or officially declared disasters upon written request from the licensee prior to the renewal date.

B. Hours may be obtained from a combination of board-approved activities in the following two categories:

1. **Category I. Formally Organized Learning Activities.** A minimum of 20 hours for licensed clinical social workers or 10 hours for licensed social workers shall be documented in this category, which shall include one or more of the following:

a. Regionally accredited university or college academic courses in a behavioral health discipline. A maximum of 15 hours will be accepted for each academic course.

b. Continuing education programs offered by universities or colleges accredited by the Council on Social Work Education.

c. Workshops, seminars, conferences, or courses in the behavioral health field offered by federal, state or local social service agencies, public school systems or licensed health facilities and licensed hospitals.

d. Workshops, seminars, conferences or courses in the behavioral health field offered by an individual or organization that has been certified or approved by one of the following:

(1) The Child Welfare League of America and its state and local affiliates.

(2) The National Association of Social Workers and its state and local affiliates.

(3) The National Association of Black Social Workers and its state and local affiliates.

(4) The Family Service Association of America and its state and local affiliates.

(5) The Clinical Social Work Association and its state and local affiliates.

(6) The Association of Social Work Boards.

(7) Any state social work board.

2. Category II. Individual Professional Activities. A maximum of 10 of the required 30 hours for licensed clinical social workers or a maximum of five of the required 15 hours for licensed social workers may be earned in this category, which shall include one or more of the following:

a. Participation in an Association of Social Work Boards item writing workshop. (Activity will count for a maximum of two hours.)

b. Publication of a professional social work-related book or initial preparation/presentation of a social work-related course. (Activity will count for a maximum of 10 hours.)

c. Publication of a professional social work-related article or chapter of a book, or initial preparation/presentation of a social work-related in-service training, seminar, or workshop. (Activity will count for a maximum of five hours.)

d. Provision of a continuing education program sponsored or approved by an organization listed under Category I. (Activity will count for a maximum of two hours and will only be accepted one time for any specific program.)

e. Field instruction of graduate students in a Council on Social Work Education-accredited school. (Activity will count for a maximum of two hours.)

f. Serving as an officer or committee member of one of the national professional social work associations listed under subdivision B 1 d of this section or as a member of a state social work licensing board. (Activity will count for a maximum of two hours.)

g. Attendance at formal staffings at federal, state, or local social service agencies, public school systems, or licensed health facilities and licensed hospitals. (Activity will count for a maximum of five hours.)

h. Individual or group study including listening to audio tapes, viewing video tapes, reading, professional books or articles. (Activity will count for a maximum of five hours.)

18VAC140-20-110. Late renewal; reinstatement; reactivation.

A. A ~~social worker~~ LBSW, LMSW or clinical social worker whose license has expired may renew that license within one year after its expiration date by:

1. Providing evidence of having met all applicable continuing education requirements.
2. Paying the penalty for late renewal and the renewal fee as prescribed in 18VAC140-20-30.

B. A ~~social worker~~ LBSW, LMSW or clinical social worker who fails to renew the license after one year and who wishes to resume practice shall apply for reinstatement and pay the reinstatement fee, which shall consist of the application processing fee and the penalty fee for late renewal, as set forth in 18VAC140-20-30. An applicant for reinstatement shall also provide:

1. Documentation of having completed all applicable continued competency hours equal to the number of years the license has lapsed, not to exceed four years;
2. Documentation of any other health or mental health licensure or certification held in another United States jurisdiction, if applicable; and
3. A current report from the U.S. Department of Health and Human Services National Practitioner Data Bank.

C. In addition to requirements set forth in subsection B of this section, an applicant for reinstatement whose license has been lapsed for 10 or more years shall also provide evidence of competency to practice by documenting:

1. Active practice in another United States jurisdiction for at least 24 out of the past 60 months immediately preceding application;

2. Active practice in an exempt setting for at least 24 out of the past 60 months immediately preceding application; or

3. Practice as a supervisee under supervision for at least 360 hours in the 12 months immediately preceding reinstatement of licensure in Virginia. The supervised practice shall include a minimum of 60 hours of face-to-face direct client contact and nine hours of face-to-face supervision.

D. A ~~social worker~~ LBSW, LMSW or clinical social worker wishing to reactivate an inactive license shall submit the difference between the renewal fee for active licensure and the fee for inactive licensure renewal and document completion of continued competency hours equal to the number of years the license has been inactive, not to exceed four years. An applicant for reactivation who has been inactive for 10 or more years shall also provide evidence of competency to practice by documenting:

1. Active practice in another United States jurisdiction for at least 24 out of the past 60 months immediately preceding application;

2. Active practice in an exempt setting for at least 24 out of the past 60 months immediately preceding application; or

3. Practice as a supervisee under supervision for at least 360 hours in the 12 months immediately preceding reactivation of licensure in Virginia. The supervised practice shall include a minimum of 60 hours of face-to-face direct client contact and nine hours of face-to-face supervision.

Part V

Standards of Practice

18VAC140-20-150. Professional conduct.

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 telephone or electronically, these standards shall apply to the practice of social work.

B. Persons licensed as ~~social workers~~ LBSWs, LMSWs, and clinical social workers shall:

1. Be able to justify all services rendered to or on behalf of clients as necessary for diagnostic or therapeutic purposes.
2. Provide for continuation of care when services must be interrupted or terminated.
3. Practice only within the competency areas for which they are qualified by education and experience.
4. Report to the board known or suspected violations of the laws and regulations governing the practice of social work.
5. Neither accept nor give commissions, rebates, or other forms of remuneration for referral of clients for professional services.
6. Ensure that clients are aware of fees and billing arrangements before rendering services.
7. Inform clients of potential risks and benefits of services and the limitations on confidentiality and ensure that clients have provided informed written consent to treatment.
8. Keep confidential their therapeutic relationships with clients and disclose client records to others only with written consent of the client, with the following exceptions: (i) when the client is a danger to self or others; or (ii) as required by law.
9. When advertising their services to the public, ensure that such advertising is neither fraudulent nor misleading.

10. As treatment requires and with the written consent of the client, collaborate with other health or mental health providers concurrently providing services to the client.

11. Refrain from undertaking any activity in which one's personal problems are likely to lead to inadequate or harmful services.

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

C. In regard to client records, persons licensed by the board shall comply with provisions of § 32.1-127.1:03 of the Code of Virginia on health records privacy and shall:

1. Maintain written or electronic clinical records for each client to include identifying information and assessment that substantiates diagnosis and treatment plans. Each record shall include a diagnosis and treatment plan, progress notes for each case activity, information received from all collaborative contacts and the treatment implications of that information, and the termination process and summary.

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 or as mandated by law.

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.

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

a. At minimum, records of a minor child shall be maintained for six years after attaining the age of majority 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.

c. Records that have been transferred to another mental health professional or have been given to the client or his legally authorized representative.

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

1. Not engage in a dual relationship with a client or a supervisee that could impair professional judgment or increase the risk of exploitation or harm to the client or supervisee. (Examples of such a relationship include, but are not limited to, familial, social, financial, business, bartering, or a close personal relationship with a client or supervisee.) Social workers 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 have any type of romantic relationship or sexual intimacies with a client or those included in collateral therapeutic services, and not provide services to those persons with whom they have had a romantic or sexual relationship. Social workers shall not engage in romantic relationship or sexual intimacies with a former client within a minimum of five years after terminating the professional relationship. Social workers who engage in such a relationship after five years following termination shall have the responsibility to examine and document thoroughly that such a relationship did not have an exploitive nature, based on factors such as duration of therapy, amount of time since therapy, termination circumstances, client's personal history and mental status, adverse impact on the client.

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

3. Not engage in any romantic or sexual relationship or establish a therapeutic relationship with a current supervisee or student. Social workers 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.

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

5. Not engage in a personal relationship with a former client in which there is a risk of exploitation or potential harm or if the former client continues to relate to the social worker in his professional capacity.

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



Chart of Regulatory Actions

**Agenda Item: Regulatory Actions - Chart of Regulatory Actions
As of May 31, 2018**

Chapter		Action / Stage Information
[18 VAC 140 - 20]	Regulations Governing the Practice of Social Work	<u>Hours of ethics for continuing education</u> [Action 5010] NOIRA - <i>At Governor's Office for 76 days</i>
[18 VAC 140 - 20]	Regulations Governing the Practice of Social Work	<u>Examination requirements</u> [Action 5011] Fast-Track - <i>At Governor's Office for 22 days</i>



Guidance Document Review

- 140-3 *(Guidance on Technology-Assisted Therapy & the Use of Social Media)*
- 140-5 *(Guidance for Conduct of an Informal Conference by an Agency Subordinate)*
- 140-12 *(Disposition of Applicant Cases Involving Practicing Without a License)*

Agenda Item: Review of Guidance documents

Staff Note:

It is recommended that Boards review guidance documents at least every four years to revise, reaffirm or repeal.

Included in your agenda package are guidance documents due for review:

140-3, Guidance on technology-assisted therapy and the use of social media, adopted October 25, 2013

140-5, Board guidance for process of delegation of informal fact-finding to an agency subordinate, revised September 2010

140-12, Disposition of applicant cases involving practicing without a license, adopted December 5, 2014

VIRGINIA BOARD OF SOCIAL WORK

Guidance on Technology-Assisted Therapy and the Use of Social Media

BACKGROUND

Social workers are currently engaged in a variety of online contact methods with clients. The use of social media, telecommunication therapy and other electronic communication is increasing exponentially with growing numbers of social media outlets, platforms and applications, including blogs, social networking sites, video sites, and online chat rooms and forums. Some social workers often use electronic media both personally and professionally.

Social media and technology-assisted therapy can benefit health care in a variety of ways, including fostering professional connections, promoting timely communication with clients and family members, and educating and informing consumers and health care professionals.

Social workers are increasingly using blogs, forums and social networking sites to share workplace experiences particularly events that have been challenging or emotionally charged. These outlets provide a venue for the practitioner to express his or her feelings, and reflect or seek support from friends, colleagues, peers or virtually anyone on the Internet. Journaling and reflective practice have been identified as effective tools in health care practice. The Internet provides an alternative media for practitioners to engage in these helpful activities. Without a sense of caution, however, these understandable needs and potential benefits may result in the practitioner disclosing too much information and violating client privacy and confidentiality.

This document is intended to provide guidance to practitioners using electronic therapy or media in a manner that maintains client privacy and confidentiality. 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. ***Therefore, the standards of practice set forth in section 18VAC140-20-150 of the regulations and in the Code of Virginia apply regardless of the method of delivery.***

RECOMMENDATIONS BY THE BOARD

The Board of Social Work recommends the following when a licensee uses technology-assisted services as the delivery method:

- *A Social worker providing services to a client located in Virginia through technology-assisted therapy must be licensed by the Virginia Board of Social Work.*
- *The service is deemed to take place where the client is located.* Therefore, the social worker should make every effort to verify the client's geographic location.
- Social workers shall strive to become and remain knowledgeable about the dynamics of online relationships, the advantages and drawbacks of non-face-to-face interactions, and the ways in which technology-assisted social work practice can be safely and

appropriately conducted. Traditional, face-to-face, in-person contact remains the preferred service delivery modality.

- *The social worker must take steps to ensure client confidentiality and the security of client information in accordance with state and federal law.*
- *The social worker should seek training or otherwise demonstrate expertise in the use of technology-assisted devices, especially in the matter of protecting confidentiality and the security of client information.*
- *When working with a client who is not in Virginia, social workers are advised to check the regulations of the state board in which the client is located. It is important to be mindful that certain states prohibit social work services to a client in the state by an individual who is unlicensed by that state.*
- *Social workers must follow the same code of ethics for technology-assisted therapy as they do in a traditional social work setting.*

ETHICS AND VALUES

Social workers providing technology-assisted therapy shall act ethically, ensure professional competence, protect client confidentiality, and uphold the values of the profession.

TECHNICAL COMPETENCIES

Social workers shall be responsible for becoming proficient in the technological skills and tools required for competent and ethical practice and for seeking appropriate training and consultation to stay current with emerging technologies.

CONFIDENTIALITY AND PRIVACY

Social workers shall protect client privacy when using technology in their practice and document all services, taking special safeguards to protect client information in the electronic record.

During the initial session, social workers should provide clients with information on the use of technology in service delivery. Social workers should assure that the client has received notice of privacy practices and should obtain any authorization for information disclosure and consent for treatment or services, as documented in the client record. Social workers should be aware of privacy risks involved when using wireless devices and other future technological innovations and take proper steps to protect client privacy.

Social workers should adhere to the privacy and security standards of applicable federal and state laws when performing services with the use of technology.

Social workers should give special attention to documenting services performed via the Internet and other technologies. They should be familiar with applicable laws that may dictate documentation standards in addition to licensure boards, third-party payers, and accreditation bodies. All practice activities should be documented and maintained in a safe, secure file with safeguards for electronic records.

BOARD OF SOCIAL WORK IMPLICATIONS

Instances of inappropriate use of social/electronic media or technology-assisted therapy may be reported to the Board, and it may investigate such reports, including reports of inappropriate disclosures on social media by a social worker, on the grounds of:

- Unprofessional conduct;
- Unethical conduct;
- Moral turpitude;
- Mismanagement of client records;
- Revealing a privileged communication; and
- Breach of confidentiality.

If the allegations are found to be true, the social worker may face disciplinary action by the Board, including a reprimand or sanction, assessment of a monetary fine, or temporary or permanent loss of licensure, certification, or registration.

GUIDING PRINCIPLES

Social networks and the Internet provide unparalleled opportunities for rapid knowledge exchange and dissemination among many people, but this exchange does not come without risk. Social workers and students have an obligation to understand the nature, benefits, and consequences of participating in social networking or providing technology-assisted therapy of all types. Online content and behavior has the potential to enhance or undermine not only the individual practitioner's career, but also the profession.

HOW TO AVOID PROBLEMS USING SOCIAL MEDIA

It is important to recognize that instances of inappropriate use of social media can and do occur, but with awareness and caution, social workers can avoid inadvertently disclosing confidential or private information about clients.

The following guidelines are intended to minimize the risks of using social media:

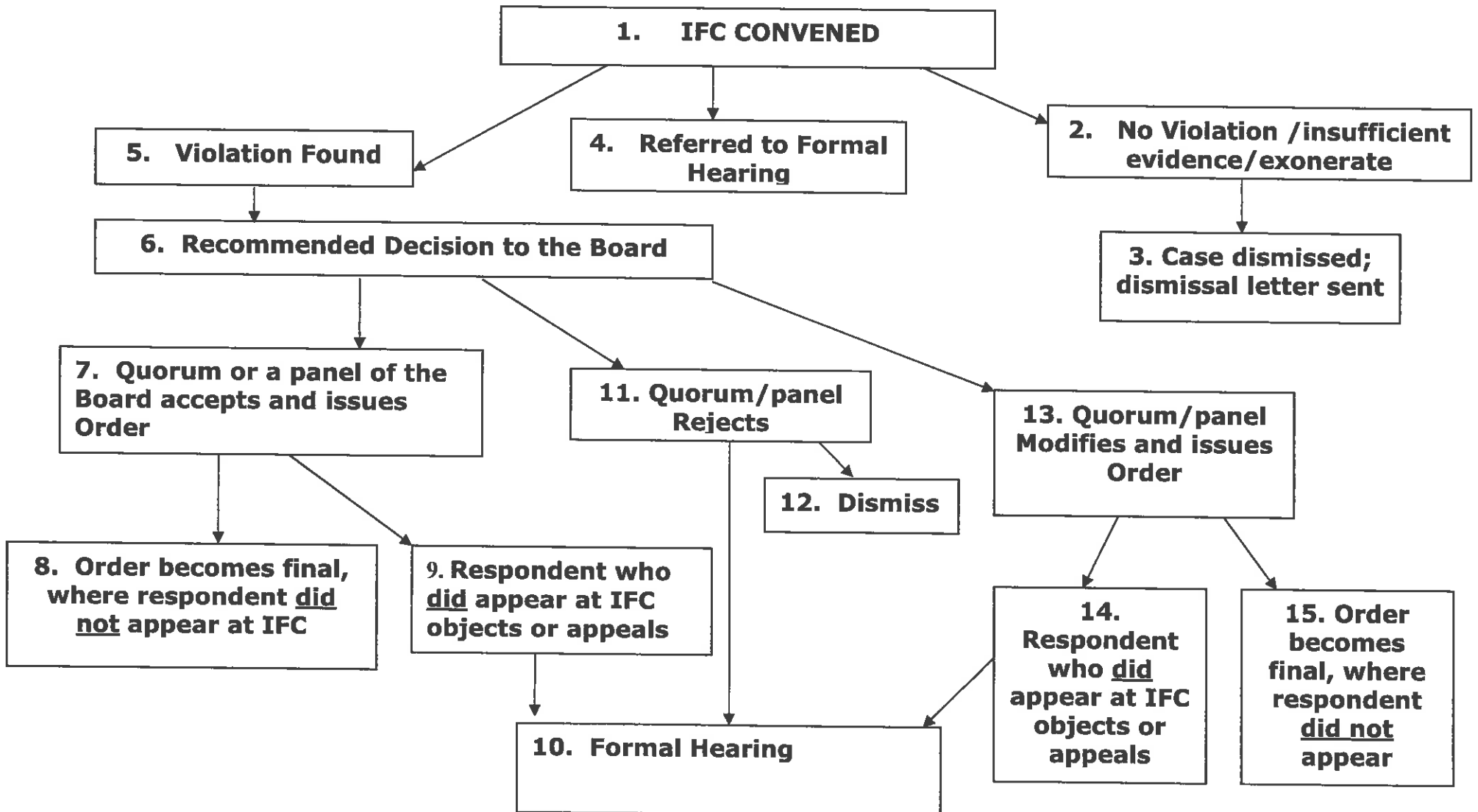
- Recognize the ethical and legal obligations to maintain client privacy and confidentiality at all times.
- Client-identifying information transmitted electronically should be done in accordance with established policies and state and federal law.
- Do not share, post, or otherwise disseminate any information, including images, about a client or information gained in the practitioner-client relationship with anyone unless permitted or required by applicable law.
- Do not identify clients by name or post or publish information that may lead to the identification of a client. Limiting access to postings through privacy settings is not sufficient to ensure privacy.
- Do not refer to clients in a disparaging manner, or otherwise degrade or embarrass the client, even if the client is not identified.

- Do not take photos or videos of clients on personal devices, including cell phones. Follow employer policies for taking photographs or video of clients for treatment or other legitimate purposes using employer-provided devices.
- Maintain professional boundaries in the use of electronic media. Like in-person relationships, the practitioner has the obligation to establish, communicate and enforce professional boundaries with clients in the online environment. Use caution when having online social contact with clients or former clients. Online contact with clients or former clients blurs the distinction between a professional and personal relationship. The fact that a client may initiate contact with the practitioner does not permit the practitioner to engage in a personal relationship with the client.
- Consult employer policies or an appropriate leader within the organization for guidance regarding work related postings.
- Promptly report any identified breach of confidentiality or privacy in accordance with state and federal laws.

CONCLUSION

Social/ electronic media and technology-assisted therapy possess tremendous potential for strengthening professional relationships and providing valuable information to health care consumers. Social workers need to be aware of the potential ramifications of disclosing client-related information via social media or through technology-assisted therapy. Social workers should be mindful of relevant state and federal laws, professional standards regarding confidentiality, and the application of those standards. Social workers should also ensure the standards of practice set forth in 18 VAC 140-20-150 are met when performing technology-assisted therapy.

Guidance for Conduct of an Informal Conference by an Agency Subordinate of a Health Regulatory Board at the Department of Health Professions



Narrative explanation of Flow Chart on Delegation to an Agency Subordinate

This describes the process in which a subordinate hears a case at an informal conference up to a case that may be referred to a formal hearing.

1. Pursuant to a notice, the designated agency subordinate (“subordinate”) will convene the informal conference (“IFC”). An IFC before a subordinate is conducted in the same manner as an IFC before a committee of the board. Following the presentation of information by the parties, the subordinate will consider the evidence presented and render a recommended decision regarding the findings of fact, conclusions of law, and if appropriate, the sanction to be imposed.
2. The subordinate may recommend that the respondent be exonerated, that there be a finding of no violation, or that insufficient evidence exists to determine that a statutory and/or regulatory violation has occurred.
 3. If the subordinate makes such a finding, the case is dismissed and a dismissal letter is issued to the respondent notifying him of the determination.
4. The subordinate may decide that the case should be referred to a formal hearing. A hearing before the board would then be scheduled and notice sent to the respondent.
5. The subordinate may determine that a violation has occurred and recommend the findings of fact and conclusions of law along with an appropriate sanction.
 6. With the assistance of APD, the subordinate drafts a recommended decision, which includes the findings of fact, conclusions of law and sanction. The recommendation is provided to the respondent and to the board and must be ratified by a quorum of the board or a panel consisting of at least five members of the board.
7. If the quorum or panel of the board accepts the recommended decision and:
 8. If the respondent did not appear at the IFC, the board’s decision becomes a final order that can only be appealed to a circuit court; or
 - 9-10. If the respondent did appear at the IFC and objects to and appeals the order, he may request a

formal hearing before the board. A case referred to a formal hearing proceeds in the same manner as cases considered by special conference committees convened pursuant to Va. Code § 54.1-2400(10). If the respondent who appeared at the IFC does not request a formal hearing, the order becomes final after a specified timeframe.

11. A quorum or panel of the board may reject the recommended decision of the subordinate, in which case:

The quorum/panel may decide to refer the case for a formal hearing **(10)**; or the quorum/panel may decide to dismiss the case and a dismissal letter is issued to the respondent notifying him of the decision of the board **(12)**.

13. A quorum or panel of the board may modify the subordinate's recommended decision and issue an order reflecting the modified decision to the respondent.

15. If the respondent did not appear at the informal conference, then the board's decision becomes a final order that can only be appealed to a circuit court.

14-10. If the respondent did appear at the informal conference and objects to and appeals the order, he may request a formal hearing before the board. A case referred to a formal hearing proceeds in the same manner as cases considered by special conference committees convened pursuant to Va. Code § 54.1-2400(10). If the respondent who appeared at the IFC does not request a formal hearing, the order becomes final after a specified timeframe.

VIRGINIA BOARD OF SOCIAL WORK

DISPOSITION OF APPLICANT CASES INVOLVING PRACTICING WITHOUT A LICENSE

The Board of Social Work (“Board”) delegates to the Executive Director for the Board the authority to offer a prehearing consent order to resolve disciplinary cases in which an applicant for Licensed Social Worker (“LSW”) or Licensed Clinical Social Worker (“LCSW”) has been found to be practicing without a license in a non-exempt setting.

In order to engage in the practice of social work, it shall be necessary to hold a license in accordance with Code of Virginia § 54.1-3706 unless practice setting is exempt from the requirements for licensure as outlined in Code of Virginia § 54.1-3701.

Disciplinary Action for Practicing without a Clinical Social Work License (“LCSW”) or a Social Work License (“LSW”), depending on the license for which the applicant has applied.

The Board adopts the following guidelines for resolution of cases of practicing without a social work license:

- Up to five years of unlicensed practice: Consent Order; Reprimand; Monetary penalty equal to renewal fee(s) for number of years of unlicensed practice rounded up to the next renewal date
- More than five years: Informal Conference



Bylaws

VIRGINIA BOARD OF SOCIAL WORK BYLAWS

ARTICLE I: AUTHORIZATION

A. Statutory Authority

The Virginia Board of Social Work ("Board") is established and operates pursuant to §§ 54.1-2400 and 54.1-3700, et seq., of the *Code of Virginia*. Regulations promulgated by the Virginia Board of Social Work may be found in 18VAC140-20-10 et seq., "Regulations Governing the Practice of Social Work".

B. Duties

The Virginia Board of Social Work is charged with promulgating and enforcing regulations governing the licensure and practice of social work and clinical social work in the Commonwealth of Virginia. 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 nine (9) members, appointed by the Governor as follows:
 - a. Seven (7) shall be licensed social workers in Virginia, who have been in active practice of social work for at least five years prior to appointment and,
 - 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 Social Work 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. The Nomination Committee shall present a slate of officers for Chairman and Vice-Chairman at the meeting scheduled prior to July 1. The election of officers shall occur at the first scheduled Board meeting following July 1 of each year, and elected officers shall assume their duties at the end of the meeting.
2. Officers shall be elected at a meeting of the Board with a quorum present.
3. The Chairperson shall ask for additional nominations from the floor by office.
4. Voting shall be by voice vote, roll call, or show of hands. A simple majority shall prevail with the current Chairperson casting a vote only to break a tie.
5. Special elections shall be held in the same manner in the event of a vacancy of a position to fill the unexpired term.
6. The election shall occur in the following order: Chairperson, Vice-Chairperson.
7. All officers shall be elected for a term of one year, and may serve no more than two consecutive terms.

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. Period of Public Comment
 - b. Approval of Minutes of preceding regular Board meeting and any called meeting since the last regular meeting of the Board.
 - c. Reports of Officers and staff
 - d. Reports of Committees
 - e. Election of Officers (as needed)

- f. Unfinished Business
- g. 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
- Nomination Committee
- Any other Standing Committees created by the Board.

1. Regulatory/Legislative Committee

- a. The Regulatory/Legislative Committee shall consist of at least two (2) Board members appointed by the Chairperson of the Board.
- b. The Chairperson of the Committee shall be appointed by the Chairperson of the Board.
- 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 consist of two (2) Board members.
- b. The Special Conference Committee shall 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.
- c. The Special Conference Committee shall hold informal conferences at the request of the applicant or licensee to determine if Board requirements have been met.
- d. 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.

- e. 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 Chairman of the Board, with the Chairman of the Committee to be appointed by the Chairman 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.

4. Nomination Committee

- a. The Nomination Committee shall be composed of at least two members of the Board appointed by the Chairman of the Board, with the Chairman of the Committee to be appointed by the Chairman of the Board.
- b. The Nomination Committee shall consult with Board members and staff to recommend nominee(s) for the Board positions of Chairman and Vice-Chairman.
- c. Sitting officers shall not serve on the Nomination Committee.

ARTICLE IV: GENERAL DELEGATION OF AUTHORITY

The Board delegates the following functions:

1. The Board delegates to Board staff the authority to issue and renew licenses, certificates, or registrations 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.
2. The Board delegates to Board staff 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 and registration applications, renewal forms, and documents used in the disciplinary process.

3. 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.
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 provides 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 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, who may consult with a member of the Special Conference Committee, 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.
10. The Board delegates authority to the Executive Director to close non-jurisdictional cases and fee dispute cases without review by a Board member.
11. The Board delegates to the Executive Director the authority to review alleged violations of law or regulations with a Board member to make a determination as to whether probable cause exists to proceed with possible disciplinary action.
12. 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.

13. 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.
14. 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.
15. 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.
16. 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.
17. 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: 12/17/96

Revised: 10/3/2008; 4/17/2009; 10/25/2013; 10/27/2017; 6/15/2018