

DRAFT
BOARD OF COUNSELING
QUARTERLY BOARD MEETING
Friday, August 16, 2019

TIME AND PLACE: Dr. Doyle called the meeting to order at 9:05 a.m. on Friday, August 16, 2019, in Board Room 2 at the Department of Health Professions (“DHP”), 9960 Mayland Drive, Henrico, Virginia.

PRESIDING: Kevin Doyle, Ed.D., LPC, LSATP, Chairperson

BOARD MEMBERS PRESENT: Barry Alvarez, LMFT
Johnston Brendel, Ed.D., LPC, LMFT
Jane Engelken, LPC, LSATP
Natalie Harris, LPC, LMFT
Danielle Hunt, LPC
Bev-Freda L. Jackson, Ph.D., MA, Citizen Member
Maria Stransky, LPC, CSAC, CSOTP
Terry R. Tinsley, Ph.D., LPC, LMFT, CSOTP, NCC
Holly Tracy, LPC, LMFT
Tiffinee Yancey, Ph.D., LPC

BOARD MEMBERS ABSENT: Vivian Sanchez-Jones, Citizen Member

STAFF PRESENT: Christy Evans, Discipline Case Specialists
Jennifer Lang, Deputy Executive Director
Charlotte Lenart, Licensing Manager
Brenda Maida, Licensing Specialist

OTHERS PRESENT: Barbara Allison-Bryan, DHP Chief Deputy
David E. Brown, D.C., DHP Director
James Rutkowski, Assistant Attorney General
Elaine Yeatts, DHP Senior Policy Analyst

WELCOME & INTRODUCTIONS: Dr. Doyle welcomed the Board members, staff, and general-public in attendance.

PUBLIC HEARING: See “Attachment A”

SUMMARY SUSPENSION CONSIDERATION: See “Attachment B”

APPROVAL OF MINUTES: Upon a motion made by Dr. Brendel, and seconded by Ms. Harris, the Board voted unanimously to approve the May 31, 2019 Quarterly Board meeting minutes.

ADOPTION OF AGENDA: The Board adopted the agenda after agreeing to move the public comment immediately after the public hearing and moving the presentation by Dr. Wibberly directly after summary suspension consideration.

PUBLIC COMMENT: Patrick McCloud, CEO of Virginia Apartment Management Association provided information on the issues and concerns of counselors submitting letters recommending an Emotional Support Animal (“ESA”) without having the training, qualifications and existing therapeutic relationship.

DHP DIRECTOR’S REPORT: Dr. Brown informed the Board that DHP will offer a Board member training for new and existing Board member on October 7, 2019

Dr. Brown provided an update on Agency activities including the Telemedicine workgroup and International Medical Graduate Workgroup.

CHAIRMAN REPORT: Dr. Doyle congratulated Dr. Brendel and Ms. Hunt on their reappointment and thanked them for their continuing service.

Dr. Doyle noted that the Board was well represented at the American Association of State Counseling Boards (AASCB) and National Board for Certified Counselor (NBCC) joint conference August 7-9th, 2019 in Washington, DC.

Mr. Alvarez, Ms. Hunt, Dr. Tinsley and Ms. Tracy each discussed the topics and issues addressed at the conference.

LEGISLATION AND REGULATORY ACTIONS: **Regulatory/Legislative Report**

Ms. Yeatts provided a chart of current regulatory actions as of August 5, 2019 that listed:

- 18VAC 115-15 Regulations Governing Delegation to an Agency Subordinate – Period Review (action 5301); Fast-Track – *At Secretary’s Office*
- 18VAC 115-20 Regulations Governing the Practice of Professional Counseling – Unprofessional conduct - conversion therapy (action 5225); NOIRA – Register Date: 7/8/19, Comment closed: 8/7/19, Board to adopt proposed regulations: 8/16/19
- 18VAC 115-20 Regulations Governing the Practice of Professional Counseling – Periodic review (action 5230); NOIRA – Register Date: 8/19/19, Comment closes: 9/18/19
- 18VAC 115-20 Regulations Governing the Practice of Professional Counseling – Credential review for foreign graduates (Action 5089); Proposed – Register Date: 7/22/19, Comment closes:9/20/19
- 18VAC 115-20 Regulations Governing the Practice of Professional Counseling - requirement for CACREP accreditation for educational programs (action 4259); Proposed- *At Secretary’s*

Office

- 18VAC 115-20 Regulations Governing the Practice of Professional Counseling - acceptance of doctoral practicum/internship hours towards residency requirements (action 4829); Final – *At Secretary's Office*
- 18VAC 115-30 Regulations Governing the Certification of Substance Abuse Counselors updating and clarifying regulations (Action 4691); Final – *At Secretary's Office*
- 18VAC 114-40 Regulations Governing the Certification of Rehabilitation Providers (Action 5305); Periodic review – NOIRA – *At Secretary's Office*
- 18VAC 115-50 Regulations Governing the Practice of Marriage and Family Therapy - acceptance of doctoral hours towards residency (action 5226); Fast-Track – Registered Date: 7/22/19, Effective:9/6/19
- 18VAC115-70 Regulations Governing the Registration of Peer Recovery Specialist– Initial regulations for registration (action 4890) Final – *At Secretary's Office*
- 18VAC115-80 Regulations Governing the Registration Qualified Mental Health Professionals– Initial regulations for registration (action 4891) Final – *At Secretary's Office*

Regulatory Actions:

Consideration of public comment on the Notice of Intended Regulatory Action (NOIRA) and proposed regulations on practice of conversion therapy for the Regulations Governing the Practice of Professional Counseling, Substance Abuse Counselors, Practice of Marriage and Family Therapy and Substance Abuse Practitioners. Dr. Brendel moved, and Ms. Stransky properly seconded, to move forward with the drafted proposed language on the practice of conversion therapy. The motion passed with six in favor, four in opposition and one abstention.

Discussion and Recommendations from the Regulatory Committee:

Petition of Rulemaking to amend the Regulations Governing the Practice of Professional Counseling to allow a licensed counselor to supervise residents without the two-year post-

licensure clinical experience requirement, if the licensee has complete a doctoral level supervision course or doctoral level supervision internship as a part of the completion of a doctoral degree. The Regulatory Committee recommended that the full board deny the petitioner's request for changes to the supervisor requirements. All Board members agreed with the Regulatory Committee's recommendation.

Petition of Rulemaking to amend the Regulations Governing the Practice of Professional Counseling to amend the criteria for a supervisor to have a minimum of five years of post-licensure experience or have documentation that the supervisor has experience in all clinical areas. The Board concurred with the concept that the qualifications for a supervisor should be examined to ensure a quality clinical experience for residents and for protection of the public. However, the Board was concerned that requiring additional years of clinical experience or other qualifications would result in reducing the supply of supervisors and restricting the number of residents pursuing licensure. To address all these concerns, the Board will be looking at requirements in other states and at the opportunities for credentialing supervisors to improve supervision quality. The Regulatory Committee recommended that the board deny the petitioner's request for changes to the supervisor requirements. All Board members agreed with the Regulatory Committee's recommendation.

Adopt emergency regulations related to the issuance of temporary licenses engaged in counseling residency. The Board reviewed the proposed language for the temporary resident license. Mr. Alvarez moved, which was seconded by Ms. Stransky, to approve the presented changes and recommended emergency regulations for issuance of temporary resident license. The motion passed unanimously. See "Attachment C"

Supervisor designation and qualifications. The Board stated that this was a timely topic to discuss and asked staff to research the minimum requirements for supervisors in other states and to research the Board's authority to credential supervisors.

PRESENTATION:

Dr. Kathy Wibberly, Director, Mid-Atlantic Telehealth Resource Center provided an in-depth presentation on Telebehavioral Health.

EXECUTIVE DIRECTOR'S REPORT:

In Ms. Hoyle absence, Ms. Lang presented the Executive Director's Report. Ms. Lang provided a staffing update to include a position for a part-time professional reviewer to reduce the burden of the Board members in the review of probable cause cases, the plan to continue to use the agency subordinate for Qualified Mental Health Professionals (QMHPs) cases and the approval to move forward with licensing staffing changes.

Ms. Lang provided information on the Board's financials. The

Financial statement was provided in the agenda packet. Ms. Lang also indicated that the spending for overtime is decreasing and staff continues to do a wonderful job getting things accomplished as efficiently as possible.

Ms. Hoyle also wanted to take the time to thank Dr. Doyle for his dedication and service as the Chairperson for the Virginia Board of Counseling from February 2015 to August 2019. Under his tenure as chair, Dr. Doyle has overseen many changes and increases in the volume of applications and licensees regulated by the Board.

**DEPUTY EXECUTIVE
DIRECTOR'S DISCIPLINE
REPORT:**

Ms. Lang presented information on the AASCB Business Meeting in which 35 states were represented. Ms. Lang recognized Dr. Doyle for being voted as the President-Elect for the AASCB and encouraged board members and staff to get involved in the position within the AASCB organization.

Ms. Lang thanked the Board for their hard work reviewing probable cause cases. A recent report from the Agency showed that the cases for Counseling have increased this year by 99%.

**LICENSING MANAGER'S
REPORT:**

In addition to the statistical information provided in the agenda packet, Ms. Lenart thanked her staff for their hard work and dedication.

BOARD COUNSEL REPORT:

No report.

**BOARD OF HEALTH
PROFESSIONS REPORT:**

Dr. Doyle reported that the Board of Health Professions Regulatory Research Committee completed a study on the issuance of licensure for music therapists in the Commonwealth of Virginia and on July 31, 2019 voted to recommend to the full Board of Health Professions the licensing of music therapists under the Board of Counseling. It was noted that this license will need action from the General Assembly.

**LEGISLATIVE/REGULATORY
COMMITTEE REPORT:**

Dr. Brendel wanted to thank the Regulatory Committee members and staff for their time and dedication.

**AD HOC COMMITTEE ON
TELE-ASSISTED
COUNSELING AND
SUPERVISION REPORT:**

Dr. Tinsley commented that the Adhoc Committee meeting on telehealth will be held directly after following the Board meeting.

ELECTION OF OFFICERS:

Ms. Hunt moved, which was seconded by Dr. Yancey, to nominate Dr. Brendel as Board Chair for the Virginia Board of Counseling. The motion passed unanimously.

Ms. Tracy moved, which was seconded by Ms. Stransky, to nominate

Ms. Hunt as Board Vice-Chair for the Virginia Board of Counseling. The motion passed unanimously.

Dr. Doyle asked the Board members to consider serving on a committee and to let Dr. Brendel know their intentions and preference. Dr. Brendel will appoint and approve committee members.

NEW BUSINESS:

Discuss the need for a workforce survey on Qualified Mental Health Professionals (QMHP) and Registered Peer Recovery Specialists (RPRS). Dr. Carter, Executive Director, Board of Health Professions presented the Boards options for a survey. The Board asked staff to work with Department of Behavioral Health & Developmental Services (DBHDS) and Department of Medical Assistance to come up with viable question.

Discussion on Emotional Support Animals. The Board acknowledges the growing concern with this issue and will discuss the need of a guidance document at a later meeting.

NEXT MEETING:

Next scheduled Quarterly Board Meeting is November 1, 2019 at 10 a.m.

ADJOURN:

The meeting adjourned at 2:11 p.m.

Kevin Doyle, Ed.D., LPC, LSATP
Chairperson

Jaime Hoyle, J.D
Executive Director

Attachment A

DRAFT **BOARD OF COUNSELING** **PUBLIC HEARING** **Friday, August 16, 2019**

- TIME AND PLACE:** The Public Hearing took place within the Board of Counseling's Quarterly Board Meeting, which was called to order at 9:05am on Friday, August 16, 2019, in Board Room 2 at the Department of Health Professions (DHP), 9960 Mayland Drive, Henrico, Virginia.
- PRESIDING:** Kevin Doyle, Ed.D., LPC, LSATP, Chairperson
- BOARD MEMBERS PRESENT:** Barry Alvarez, LMFT
Johnston Brendel, Ed.D., LPC, LMFT
Natalie Harris, LPC, LMFT
Danielle Hunt, LPC
Bev-Freda L. Jackson, Ph.D., MA, Citizen Member
Maria Stransky, LPC, CSAC, CSOTP
Holly Tracy, LPC, LMFT
Tiffinee Yancey, Ph.D., LPC
Terry R. Tinsley, Ph.D., LPC, LMFT, CSOTP, NCC
- BOARD MEMBERS ABSENT:** Jane Engelken, LPC, LSATP
Vivian Sanchez-Jones, Citizen Member
- STAFF PRESENT:** Jennifer Lang, Deputy Executive Director
Charlotte Lenart, Licensing Manager
Brenda Maida, Licensing Specialist
Christy Evans, Discipline Case Specialist
- OTHERS PRESENT:** Barbara Allison-Bryan, DHP Chief Deputy
David E. Brown, D.C., DHP Director
James Rutkowski, Assistant Attorney General
Elaine Yeatts, DHP Senior Policy Analyst
- PUBLIC HEARING:** The purpose of the public hearing was to allow for public comment on the proposed regulations to allow for the credential review of foreign graduates for the Regulations Governing the Practice of Professional Counseling, Marriage and Family Therapy and Substance Abuse Practitioners.
- PUBLIC COMMENT:** There was no public comment.

Kevin Doyle, Ed.D., LPC, LSATP
Chairperson

Jaime Hoyle, J.D
Executive Director

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Attachment B

Re: **Kirk Saunders, LPC**
License # 0701-006528
Case #: 188903 and 192959

Time: 9:26 a.m.

Commonwealth's Representation: Wayne Halbleib, Senior Assistant Attorney General
Emily Tatum, Adjudication Specialist, APD

Purpose of the Meeting: Mr. Halbleib presented a summary of evidence in case #188903 and 192959 for the Board's consideration of a summary suspension of the license of Mr. Saunders.

Closed Meeting: Dr. Brendel moved that the Board convene in 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 of Kirk Saunders, LPC. Additionally, he moved that James Rutkowski, Jennifer Lang, Christy Evans, Charlotte Lenart, and Brenda Maida attend the closed session because their presence was deemed necessary and would aid the Board in its deliberations. The motion was seconded by Mr. Alvarez and passed unanimously.

Reconvene: Having certified that the matters discussed in the preceding closed meeting met the requirements of § 2.2-3712 of the *Code of Virginia*, the Board reconvened in open meeting and announced the decision.

Decision: Ms. Engelken moved to summarily suspend the license of Kirk Saunders, LPC and offer a Consent Order for indefinite suspension for no less than 30 months. The motion was seconded by Ms. Stransky and passed by the Board with a unanimous vote.

Dr. Brendel moved to allow the Board Chairperson to negotiate terms of the Consent Order on behalf of the Board. Ms. Engelken seconded the motion and it passed by a unanimous vote.

Re: Owen Holland, LPC
License #: 0701-005857
Case #: 191099

Time: 10:03 a.m.

Commonwealth's Representation: Sean Murphy, Assistant Attorney General
Emily Tatum, Adjudication Specialist, APD

Purpose of the Meeting: Mr. Murphy presented a summary of evidence in case #191099 for the Board's consideration of a summary suspension of the license of Mr. Holland.

Decision: Dr. Brendel moved to summarily suspend the license of Owen Holland, LPC and offer a Consent Order for revocation. The motion was seconded by Ms. Hunt and passed by the Board with a unanimous vote.

Ms. Hunt moved to allow the Board Chairperson to negotiate terms of the Consent Order on behalf of the Board. Ms. Stransky seconded the motion and it passed by a unanimous vote.

Adjournment: The Board adjourned the summary suspension considerations at 10:17 a.m.

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Attachment C

Project 6111 - Emergency/NOIRA

BOARD OF COUNSELING

Resident license

Part I

General Provisions

18VAC115-20-10. Definitions.

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

"Board"

"Counseling"

"Professional counselor"

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

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

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

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

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

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

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

"CORE" means Council on Rehabilitation Education.

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

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

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

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

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

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

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

"Residency" means a postgraduate, supervised, clinical experience ~~registered with the board~~.

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

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

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

18VAC115-20-20. Fees required by the board.

A. The board has established the following fees applicable to licensure as a professional counselor or a resident in counseling:

Active annual license renewal	\$130
Inactive annual license renewal	\$65
Initial licensure by examination: Application processing and initial licensure <u>as a professional counselor</u>	\$175 <u>\$140</u>
Initial licensure by endorsement: Application processing and initial licensure <u>as a professional counselor</u>	\$175
Registration of supervision <u>Application and initial licensure as a resident in counseling</u>	\$65 <u>\$100</u>
Add or change supervisor <u>Pre-review of education only</u>	\$30 <u>\$75</u>
Duplicate license	\$10
<u>Active annual license renewal for a professional counselor</u>	<u>\$130</u>

<u>Inactive annual license renewal for a professional counselor</u>	<u>\$65</u>
<u>Annual renewal for resident in counseling</u>	<u>\$30</u>
<u>Late renewal for a professional counselor</u>	<u>\$45</u>
<u>Late renewal for a resident in counseling</u>	<u>\$10</u>
<u>Reinstatement of a lapsed license for a professional counselor</u>	<u>\$200</u>
<u>Reinstatement following revocation or suspension</u>	<u>\$600</u>
Replacement of or additional wall certificate	\$25
Returned check	\$35
Reinstatement following revocation or suspension	\$600

B. All fees are nonrefundable.

C. Examination fees shall be determined and made payable as determined by the board.

Part II

Requirements for Licensure as a Professional Counselor

18VAC115-20-40. Prerequisites for licensure by examination.

Every applicant for licensure examination by the board shall:

1. Meet the degree program requirements prescribed in 18VAC115-20-49, the course work requirements prescribed in 18VAC115-20-51, and the experience requirements prescribed in 18VAC115-20-52;
2. Pass the licensure examination specified by the board;
3. Submit the following to the board:
 - a. A completed application;
 - b. Official transcripts documenting the applicant's completion of the degree program and coursework requirements prescribed in 18VAC115-20-49 and 18VAC115-20-51. Transcripts

previously submitted for ~~registration of supervision~~ board approval of a resident license do not have to be resubmitted unless additional coursework was subsequently obtained;

c. Verification of Supervision forms documenting fulfillment of the residency requirements of 18VAC115-20-52 and copies of all required evaluation forms, including verification of current licensure of the supervisor if any portion of the residency occurred in another jurisdiction;

d. Verification of any other mental health or health professional license or certificate ever held in another jurisdiction;

e. The application processing and initial licensure fee as prescribed in 18VAC115-20-20; and

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

4. Have no unresolved disciplinary action against a mental health or health professional license or certificate held in Virginia or in another jurisdiction. The board will consider history of disciplinary action on a case-by-case basis.

18VAC115-20-52. ~~Residency~~ Resident license and requirements for a residency.

A. ~~Registration.~~ Resident license. Applicants ~~who render counseling services~~ for temporary licensure as a resident in counseling shall:

1. ~~With their supervisor, register their supervisory contract on the appropriate forms for board approval before starting to practice under supervision~~ Apply for licensure on a form provided by the board to include (a) verification of a supervisory contract; (b) the name and licensure number of the clinical supervisor and location for the supervised practice; and (c) an attestation that the applicant will be providing clinical counseling services.

2. Have submitted an official transcript documenting a graduate degree ~~as~~ that meets the requirements specified in 18VAC115-20-49 to include completion of the coursework and internship requirement specified in 18VAC115-20-51; ~~and~~
3. Pay the registration fee;
4. Submit a current report from the U. S. Department of Health and Human Services National Practitioner Data Bank (NPDB); and
5. Have no unresolved disciplinary action against a mental health or health professional license, certificate, or registration in Virginia or in another jurisdiction. The board will consider history of disciplinary action on a case-by-case basis.

B. Residency requirements.

1. The applicant for licensure as a professional counselor shall have completed a 3,400-hour supervised residency in the role of a professional counselor working with various populations, clinical problems, and theoretical approaches in the following areas:
 - a. Assessment and diagnosis using psychotherapy techniques;
 - b. Appraisal, evaluation, and diagnostic procedures;
 - c. Treatment planning and implementation;
 - d. Case management and recordkeeping;
 - e. Professional counselor identity and function; and
 - f. Professional ethics and standards of practice.
2. The residency shall include a minimum of 200 hours of in-person supervision between supervisor and resident in the consultation and review of clinical counseling services provided by the resident. Supervision shall occur at a minimum of one hour and a maximum of four hours per 40 hours of work experience during the period of the residency. For the purpose of meeting the

200-hour supervision requirement, in-person may include the use of secured technology that maintains client confidentiality and provides real-time, visual contact between the supervisor and the resident. Up to 20 hours of the supervision received during the supervised internship may be counted towards the 200 hours of in-person supervision if the supervision was provided by a licensed professional counselor.

3. No more than half of the 200 hours may be satisfied with group supervision. One hour of group supervision will be deemed equivalent to one hour of individual supervision.

4. Supervision that is not concurrent with a residency will not be accepted, nor will residency hours be accrued in the absence of approved supervision.

5. The residency shall include at least 2,000 hours of face-to-face client contact in providing clinical counseling services. The remaining hours may be spent in the performance of ancillary counseling services.

6. A graduate-level internship in excess of 600 hours, which was completed in a program that meets the requirements set forth in 18VAC115-20-49, may count for up to an additional 300 hours towards the requirements of a residency.

7. The residency shall be completed in not less than 21 months or more than four years. Residents who began a residency before August 24, 2016, shall complete the residency by August 24, 2020. An individual who does not complete the residency after four years shall submit evidence to the board showing why the supervised experience should be allowed to continue. A resident shall meet the renewal requirements of subsection C of 18VAC115-20-100 in order to maintain a license in current, active status.

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

9. Residents may not call themselves professional counselors, directly bill for services rendered, or in any way represent themselves as independent, autonomous practitioners or professional counselors. During the residency, residents shall use their names and the initials of their degree, their resident license number, and the title "Resident in Counseling" in all written communications. Clients shall be informed in writing ~~of the resident's status~~ that the resident does not have authority for independent practice and is under supervision and shall provide the supervisor's name, professional address, and phone number.

10. Residents shall not engage in practice under supervision in any areas for which they have not had appropriate education.

11. Residency hours approved by the licensing board in another United States jurisdiction that meet the requirements of this section shall be accepted.

C. Supervisory qualifications. A person who provides supervision for a resident in professional counseling shall:

1. Document two years of post-licensure clinical experience;
2. Have received professional training in supervision, consisting of three credit hours or 4.0 quarter hours in graduate-level coursework in supervision or at least 20 hours of continuing education in supervision offered by a provider approved under 18VAC115-20-106; and
3. Shall hold an active, unrestricted license as a professional counselor or a marriage and family therapist in the jurisdiction where the supervision is being provided. At least 100 hours of the supervision shall be rendered by a licensed professional counselor. Supervisors who are substance abuse treatment practitioners, school psychologists, clinical psychologists, clinical social workers, or psychiatrists and have been approved to provide supervision may continue to do so until August 24, 2017.

D. Supervisory responsibilities.

1. Supervision by any individual whose relationship to the resident compromises the objectivity of the supervisor is prohibited.
2. The supervisor of a resident shall assume full responsibility for the clinical activities of that resident specified within the supervisory contract for the duration of the residency.
3. The supervisor shall complete evaluation forms to be given to the resident at the end of each three-month period.
4. The supervisor shall report the total hours of residency and shall evaluate the applicant's competency in the six areas stated in subdivision B 1 of this section.
5. The supervisor shall provide supervision as defined in 18VAC115-20-10.

E. Applicants shall document successful completion of their residency on the Verification of Supervision Form at the time of application. Applicants must receive a satisfactory competency evaluation on each item on the evaluation sheet. Supervised experience obtained prior to April 12, 2000, may be accepted toward licensure if this supervised experience met the board's requirements which were in effect at the time the supervision was rendered.

Part III

Examinations

18VAC115-20-70. General examination requirements; schedules; time limits.

A. Every applicant for initial licensure by examination by the board as a professional counselor shall pass a written examination as prescribed by the board. An applicant is required to have passed the prescribed examination within six years from the date of initial issuance of a resident license.

B. Every applicant for licensure by endorsement shall have passed a licensure examination in the jurisdiction in which licensure was obtained.

~~C. A candidate approved to sit for the examination shall pass the examination within two years from the date of such initial approval. If the candidate has not passed the examination by the end of the two-year period here prescribed:~~

- ~~1. The initial approval to sit for the examination shall then become invalid; and~~
- ~~2. The applicant shall file a new application with the board, meet the requirements in effect at that time, and provide evidence of why the board should approve the reapplication for examination. If approved by the board, the applicant shall pass the examination within two years of such approval. If the examination is not passed within the additional two-year period, a new application will not be accepted.~~

~~D.C.~~ The board shall establish a passing score on the written examination.

~~E.D.~~ A candidate for examination or an applicant shall not provide clinical counseling services unless he is under supervision approved by the board. A resident shall remain in a residency practicing under supervision until he has passed the licensure examination and been granted a license as a professional counselor.

Part IV

Licensure Renewal; Reinstatement

18VAC115-20-100. Annual renewal of licensure.

~~A. All licensees shall renew licenses on or before June 30 of each year.~~

~~B. Every license holder licensed professional counselor who intends to continue an active practice shall submit to the board on or before June 30 of each year:~~

- ~~1. A completed form for renewal of the license on which the licensee attests to compliance with the continuing competency requirements prescribed in this chapter; and~~
- ~~2. The renewal fee prescribed in 18VAC115-20-20.~~

~~G.~~ B. A licensee licensed professional counselor who wishes to place his license in an inactive status may do so upon payment of the inactive renewal fee as established in 18VAC115-20-20. No person shall practice counseling in Virginia unless he holds a current active license. A licensee who has placed himself in inactive status may become active by fulfilling the reactivation requirements set forth in 18VAC115-20-110 C.

C. For renewal of a resident license in counseling, the following shall apply:

1. A resident license shall expire annually in the month the resident license was initially issued and may be renewed up to five times by submission of the renewal form and payment of the fee prescribed in 18VAC115-20-20.

2. On the annual renewal, the resident shall attest that a supervisory contract is in effect with a board-approved supervisor for each of the locations at which he is currently providing clinical counseling services.

3. On the annual renewal, residents in counseling shall attest to completion of three hours in continuing education courses that emphasize the ethics, standards of practice, or laws governing behavioral science professions in Virginia, offered by an approved provider as set forth in subsection B of 18VAC115-20-105.

D. Licensees shall notify the board of a change in the address of record or the public address, if different from the address of record within 60 days. Failure to receive a renewal notice from the board shall not relieve the license holder from the renewal requirement.

E. Practice with an expired license is prohibited and may constitute grounds for disciplinary action.

18VAC115-50-10. Definitions.

A. The following words and terms when used in this chapter shall have the meaning ascribed to them in § 54.1-3500 of the Code of Virginia: (i) "board," (ii) "marriage and family therapy," (iii) "marriage and family therapist," and (iv) "practice of marriage and family therapy."

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

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

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

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

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

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

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

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

"Residency" means a postgraduate, supervised, clinical experience ~~registered with the board.~~

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

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

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

18VAC115-50-20. Fees.

A. The board has established fees for the following:

Registration of supervisor <u>Application and initial licensure as a resident</u>	\$65 <u>\$100</u>
Add or change supervisor <u>Pre-review of education only</u>	\$30 <u>\$75</u>
Initial licensure by examination: Processing and initial licensure <u>as a marriage and family therapist</u>	\$175 <u>\$140</u>
Initial licensure by endorsement: Processing and initial licensure <u>as a marriage and family therapist</u>	\$175
Active annual license renewal <u>for a marriage and family therapist</u>	\$130
Inactive annual license renewal <u>for a marriage and family therapist</u>	\$65
<u>Annual renewal for resident in marriage and family therapy</u>	<u>\$30</u>
Penalty for late renewal <u>for a marriage and family therapist</u>	\$45
<u>Late renewal for resident in marriage and family therapy</u>	<u>\$10</u>
Reinstatement of a lapsed license <u>for a marriage and family therapist</u>	\$200
Verification of license to another jurisdiction	\$30
Additional or replacement licenses	\$10
Additional or replacement wall certificates	\$25
Returned check	\$35
Reinstatement following revocation or suspension	\$600

B. All fees are nonrefundable.

C. Examination fees shall be determined and made payable as determined by the board.

18VAC115-50-30. Application for licensure as a marriage and family therapist by examination.

Every applicant for licensure by examination by the board shall:

1. Meet the education and experience requirements prescribed in 18VAC115-50-50, 18VAC115-50-55 and 18VAC115-50-60;
2. Meet the examination requirements prescribed in 18VAC115-50-70;
3. Submit to the board office the following items:
 - a. A completed application;
 - b. The application processing and initial licensure fee prescribed in 18VAC115-50-20;
 - c. Documentation, on the appropriate forms, of the successful completion of the residency requirements of 18VAC115-50-60 along with documentation of the supervisor's out-of-state license where applicable;
 - d. Official transcript or transcripts submitted from the appropriate institutions of higher education, verifying satisfactory completion of the education requirements set forth in 18VAC115-50-50 and 18VAC115-50-55. Previously submitted transcripts for ~~registration of supervision~~ board approval of a resident license do not have to be resubmitted unless additional coursework was subsequently obtained;
 - e. Verification on a board-approved form of any mental health or health out-of-state license, certification, or registration ever held in another jurisdiction; and
 - f. A current report from the U.S. Department of Health and Human Services National Practitioner Data Bank (NPDB); and

4. Have no unresolved disciplinary action against a mental health or health professional license or certificate held in Virginia or in another jurisdiction. The board will consider history of disciplinary action on a case-by-case basis.

18VAC115-50-60. ~~Residency~~ Resident license and requirements for a residency.

A. ~~Registration.~~ Resident license. Applicants ~~who render~~ for temporary licensure as a resident in marriage and family therapy services shall:

1. ~~With their supervisor, register their supervisory contract on the appropriate forms for board approval before starting to practice under supervision~~ Apply for licensure on a form provided by the board to include (a) verification of a supervisory contract; (b) the name and licensure number of the supervisor and location for the supervised practice; and (c) an attestation that the applicant will be providing marriage and family services.

2. Have submitted an official transcript documenting a graduate degree ~~as~~ that meets the requirements specified in 18VAC115-50-50 to include completion of the coursework and internship requirement specified in 18VAC115-50-55; ~~and~~

3. Pay the registration fee;

4. Submit a current report from the U. S. Department of Health and Human Services National Practitioner Data Bank (NPDB); and

5. Have no unresolved disciplinary action against a mental health or health professional license, certificate, or registration in Virginia or in another jurisdiction. The board will consider history of disciplinary action on a case-by-case basis.

B. Residency requirements.

1. The applicant for licensure as a marriage and family therapist shall have completed no fewer than 3,400 hours of supervised residency in the role of a marriage and family therapist, to include

200 hours of in-person supervision with the supervisor in the consultation and review of marriage and family services provided by the resident. For the purpose of meeting the 200 hours of supervision required for a residency, in-person may also include the use of technology that maintains client confidentiality and provides real-time, visual contact between the supervisor and the resident. At least one-half of the 200 hours of supervision shall be rendered by a licensed marriage and family therapist.

- a. Residents shall receive a minimum of one hour and a maximum of four hours of supervision for every 40 hours of supervised work experience.
 - b. No more than 100 hours of the supervision may be acquired through group supervision, with the group consisting of no more than six residents. One hour of group supervision will be deemed equivalent to one hour of individual supervision.
 - c. Up to 20 hours of the supervision received during the supervised internship may be counted towards the 200 hours of in-person supervision if the supervision was provided by a licensed marriage and family therapist or a licensed professional counselor.
2. The residency shall include documentation of at least 2,000 hours in clinical marriage and family services of which 1,000 hours shall be face-to-face client contact with couples or families or both. The remaining hours may be spent in the performance of ancillary counseling services. For applicants who hold current, unrestricted licensure as a professional counselor, clinical psychologist, or clinical social worker, the remaining hours may be waived.
 3. The residency shall consist of practice in the core areas set forth in 18VAC115-50-55.
 4. The residency shall begin after the completion of a master's degree in marriage and family therapy or a related discipline as set forth in 18VAC115-50-50.

5. A graduate-level internship in excess of 600 hours, which was completed in a program that meets the requirements set forth in 18VAC115-50-50, may count for up to an additional 300 hours towards the requirements of a residency.

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

7. Residents shall not call themselves marriage and family therapists, directly bill for services rendered, or in any way represent themselves as marriage and family therapists. During the residency, they may use their names, the initials of their degree, their resident license number, and the title "Resident in Marriage and Family Therapy." Clients shall be informed in writing ~~of the resident's status~~ that the resident does not have authority for independent practice and is under supervision, along with the name, address and telephone number of the resident's supervisor.

8. Residents shall not engage in practice under supervision in any areas for which they do not have appropriate education.

9. The residency shall be completed in not less than 21 months or more than four years. Residents who began a residency before August 24, 2016, shall complete the residency by August 24, 2020. An individual who does not complete the residency after four years shall submit evidence to the board showing why the supervised experience should be allowed to continue. A resident shall meet the renewal requirements of subsection C of 18VAC115-50-90 in order to maintain a resident license in current, active status.

10. Residency hours that are approved by the licensing board in another United States jurisdiction and that meet the requirements of this section shall be accepted.

C. Supervisory qualifications. A person who provides supervision for a resident in marriage and family therapy shall:

1. Hold an active, unrestricted license as a marriage and family therapist or professional counselor in the jurisdiction where the supervision is being provided;
2. Document two years post-licensure marriage and family therapy experience; and
3. Have received professional training in supervision, consisting of three credit hours or 4.0 quarter hours in graduate-level coursework in supervision or at least 20 hours of continuing education in supervision offered by a provider approved under 18VAC115-50-96. At least one-half of the 200 hours of supervision shall be rendered by a licensed marriage and family therapist. Supervisors who are clinical psychologists, clinical social workers, or psychiatrists and have been approved to provide supervision may continue to do so until August 24, 2017.

D. Supervisory responsibilities.

1. The supervisor shall complete evaluation forms to be given to the resident at the end of each three-month period. The supervisor shall report the total hours of residency and evaluate the applicant's competency to the board.
2. Supervision by an individual whose relationship to the resident is deemed by the board to compromise the objectivity of the supervisor is prohibited.
3. The supervisor shall provide supervision as defined in 18VAC115-50-10 and shall assume full responsibility for the clinical activities of residents as specified within the supervisory contract, for the duration of the residency.

18VAC115-50-70. General examination requirements.

A. All applicants for initial licensure shall pass an examination, as prescribed by the board, with a passing score as determined by the board. The examination is waived for an applicant who holds a current and unrestricted license as a professional counselor issued by the board.

~~B. The examination shall concentrate on the core areas of marriage and family therapy set forth in subsection A of 18VAC115-50-55. An applicant is required to pass the prescribed examination within six years from the date of initial issuance of a resident license.~~

~~C. A candidate approved to sit for the examination shall pass the examination within two years from the initial notification date of approval. If the candidate has not passed the examination within two years from the date of initial approval:~~

- ~~1. The initial approval to sit for the examination shall then become invalid; and~~
- ~~2. The applicant shall file a new application with the board, meet the requirements in effect at that time, and provide evidence of why the board should approve the reapplication for examination. If approved by the board, the candidate shall pass the examination within two years of such approval. If the examination is not passed within the additional two-year period, a new application will not be accepted.~~

~~D. Applicants or candidates for examination shall not provide marriage and family services unless they are under supervision approved by the board A resident shall remain in a residency practicing under supervision until he has passed the licensure examination and been granted a license as a marriage and family therapist.~~

18VAC115-50-90. Annual renewal of license.

~~A. All licensees shall renew licenses on or before June 30 of each year.~~

~~B. All licensees licensed marriage and family therapists who intend to continue an active practice shall submit to the board on or before June 30 of each year:~~

- ~~1. A completed form for renewal of the license on which the licensee attests to compliance with the continuing competency requirements prescribed in this chapter; and~~
- ~~2. The renewal fee prescribed in 18VAC115-50-20.~~

~~G.~~ B. A licensee licensed marriage and family therapist who wishes to place his license in an inactive status may do so upon payment of the inactive renewal fee as established in 18VAC115-50-20. No person shall practice marriage and family therapy in Virginia unless he holds a current active license. A licensee who has placed himself in inactive status may become active by fulfilling the reactivation requirements set forth in 18VAC115-50-100 C.

C. For renewal of a resident license in marriage and family therapy, the following shall apply:

1. A resident license shall expire annually in the month the license was initially issued and may be renewed up to five times by submission of the renewal form and payment of the fee prescribed in 18VAC115-50-20.

2. On the annual renewal, the resident shall attest that a supervisory contract is in effect with a board-approved supervisor for each of the locations at which he is currently providing clinical counseling services.

3. On the annual renewal, residents in marriage and family therapy shall attest to completion of three hours in continuing education courses that emphasize the ethics, standards of practice, or laws governing behavioral science professions in Virginia, offered by an approved provider as set forth in subsection B of 18VAC115-50-96.

D. Licensees shall notify the board of a change in the address of record or the public address, if different from the address of record within 60 days. Failure to receive a renewal notice from the board shall not relieve the license holder from the renewal requirement.

E. After the renewal date, the license is expired; practice with an expired license is prohibited and may constitute grounds for disciplinary action.

Part I

General Provisions

18VAC115-60-10. Definitions.

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

"Board"

"Licensed substance abuse treatment practitioner"

"Substance abuse"

"Substance abuse treatment"

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Residency" means a postgraduate, supervised, clinical experience ~~registered with the board.~~

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

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

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

18VAC115-60-20. Fees required by the board.

A. The board has established the following fees applicable to licensure as a substance abuse treatment practitioner or resident in substance abuse treatment:

Registration of supervision (initial) <u>Application and initial licensure as a resident in substance abuse treatment</u>	\$65 <u>\$100</u>
Add/change supervisor <u>Pre-view of education only</u>	\$30 <u>\$75</u>
Initial licensure by examination: Processing and initial licensure <u>as a substance abuse treatment practitioner</u>	\$175 <u>\$140</u>
Initial licensure by endorsement: Processing and initial licensure <u>as a substance abuse treatment practitioner</u>	\$175
Active annual license renewal <u>for a substance abuse treatment practitioner</u>	\$130
Inactive annual license renewal <u>for a substance abuse treatment practitioner</u>	\$65
<u>Annual renewal for resident in substance abuse treatment</u>	<u>\$30</u>
Duplicate license	\$10
Verification of license to another jurisdiction	\$30
Late renewal <u>for a substance abuse treatment practitioner</u>	\$45
<u>Late renewal for a resident in substance abuse treatment</u>	<u>\$10</u>
Reinstatement of a lapsed license <u>of a substance abuse</u>	\$200

treatment practitioner

Replacement of or additional wall certificate	\$25
Returned check	\$35
Reinstatement following revocation or suspension	\$600

B. All fees are nonrefundable.

C. Examination fees shall be determined and made payable as determined by the board.

Part II

Requirements for Licensure as a Substance Abuse Treatment Practitioner

18VAC115-60-40. Application for licensure by examination.

Every applicant for licensure by examination by the board shall:

1. Meet the degree program, coursework, and experience requirements prescribed in 18VAC115-60-60, 18VAC115-60-70, and 18VAC115-60-80;
2. Pass the examination required for initial licensure as prescribed in 18VAC115-60-90;
3. Submit the following items to the board:
 - a. A completed application;
 - b. Official transcripts documenting the applicant's completion of the degree program and coursework requirements prescribed in 18VAC115-60-60 and 18VAC115-60-70. Transcripts previously submitted for ~~registration of supervision~~ board approval of a resident license do not have to be resubmitted unless additional coursework was subsequently obtained;
 - c. Verification of supervision forms documenting fulfillment of the residency requirements of 18VAC115-60-80 and copies of all required evaluation forms, including verification of current licensure of the supervisor of any portion of the residency occurred in another jurisdiction;
 - d. Documentation of any other mental health or health professional license or certificate ever held in another jurisdiction;

- e. The application processing and initial licensure fee as prescribed in 18VAC115-60-20; and
 - f. A current report from the U.S. Department of Health and Human Services National Practitioner Data Bank (NPDB); and
4. Have no unresolved disciplinary action against a mental health or health professional license or certificate held in Virginia or in another jurisdiction. The board will consider history of disciplinary action on a case-by-case basis.

18VAC115-60-80. ~~Residency~~ Resident license and requirements for a residency.

A. ~~Registration~~ Licensure. Applicants ~~who render for a temporary resident license in substance abuse treatment services~~ shall:

1. ~~With their supervisor, register their supervisory contract on the appropriate forms for board approval before starting to practice under supervision~~ Apply for licensure on a form provided by the board to include (a) verification of a supervisory contract; (b) the name and licensure number of the supervisor and location for the supervised practice; and (c) an attestation that the applicant will be providing substance abuse treatment services;
2. Have submitted an official transcript documenting a graduate degree as that meets the requirements specified in 18VAC115-60-60 to include completion of the coursework and internship requirement specified in 18VAC115-60-70; ~~and~~
3. Pay the registration fee;
4. Submit a current report from the U. S. Department of Health and Human Services National Practitioner Data Bank (NPDB); and
5. Have no unresolved disciplinary action against a mental health or health professional license, certificate, or registration in Virginia or in another jurisdiction. The board will consider history of disciplinary action on a case-by-case basis.

B. Applicants who are beginning their residencies in exempt settings shall register supervision with the board to assure acceptability at the time of application.

C. Residency requirements.

1. The applicant for licensure as a substance abuse treatment practitioner shall have completed no fewer than 3,400 hours in a supervised residency in substance abuse treatment with various populations, clinical problems and theoretical approaches in the following areas:

- a. Clinical evaluation;
- b. Treatment planning, documentation and implementation;
- c. Referral and service coordination;
- d. Individual and group counseling and case management;
- e. Client family and community education; and
- f. Professional and ethical responsibility.

2. The residency shall include a minimum of 200 hours of in-person supervision between supervisor and resident occurring at a minimum of one hour and a maximum of four hours per 40 hours of work experience during the period of the residency.

- a. No more than half of these hours may be satisfied with group supervision.
- b. One hour of group supervision will be deemed equivalent to one hour of individual supervision.
- c. Supervision that is not concurrent with a residency will not be accepted, nor will residency hours be accrued in the absence of approved supervision.

- d. For the purpose of meeting the 200-hour supervision requirement, in-person supervision may include the use of technology that maintains client confidentiality and provides real-time, visual contact between the supervisor and the resident.
- e. Up to 20 hours of the supervision received during the supervised internship may be counted towards the 200 hours of in-person supervision if the supervision was provided by a licensed professional counselor.
3. The residency shall include at least 2,000 hours of face-to-face client contact in providing clinical substance abuse treatment services with individuals, families, or groups of individuals suffering from the effects of substance abuse or dependence. The remaining hours may be spent in the performance of ancillary services.
4. A graduate level degree internship in excess of 600 hours, which is completed in a program that meets the requirements set forth in 18VAC115-60-70, may count for up to an additional 300 hours towards the requirements of a residency.
5. The residency shall be completed in not less than 21 months or more than four years. Residents who began a residency before August 24, 2016, shall complete the residency by August 24, 2020. An individual who does not complete the residency after four years shall submit evidence to the board showing why the supervised experience should be allowed to continue. A resident shall meet the renewal requirements of subsection C of 18VAC115-60-110 in order to maintain a license in current, active status.
6. The board may consider special requests in the event that the regulations create an undue burden in regard to geography or disability which limits the resident's access to qualified supervision.
7. Residents may not call themselves substance abuse treatment practitioners, directly bill for services rendered, or in any way represent themselves as independent, autonomous practitioners

or substance abuse treatment practitioners. During the residency, residents shall use their names and the initials of their degree, their resident license number, and the title "Resident in Substance Abuse Treatment" in all written communications. Clients shall be informed in writing ~~of the resident's status,~~ that the resident does not have authority for independent practice and is under supervision and shall provide the supervisor's name, professional address, and telephone number.

8. Residents shall not engage in practice under supervision in any areas for which they have not had appropriate education.

9. Residency hours that are approved by the licensing board in another United States jurisdiction and that meet the requirements of this section shall be accepted.

D. Supervisory qualifications.

1. A person who provides supervision for a resident in substance abuse treatment shall hold an active, unrestricted license as a professional counselor or substance abuse treatment practitioner in the jurisdiction where the supervision is being provided. Supervisors who are marriage and family therapists, school psychologists, clinical psychologists, clinical social workers, clinical nurse specialists, or psychiatrists and have been approved to provide supervision may continue to do so until August 24, 2017.

2. All supervisors shall document two years post-licensure substance abuse treatment experience and at least 100 hours of didactic instruction in substance abuse treatment. Supervisors must document a three-credit-hour course in supervision, a 4.0-quarter-hour course in supervision, or at least 20 hours of continuing education in supervision offered by a provider approved under 18VAC115-60-116.

E. Supervisory responsibilities.

1. Supervision by any individual whose relationship to the resident compromises the objectivity of the supervisor is prohibited.
2. The supervisor of a resident shall assume full responsibility for the clinical activities of that resident specified within the supervisory contract for the duration of the residency.
3. The supervisor shall complete evaluation forms to be given to the resident at the end of each three-month period.
4. The supervisor shall report the total hours of residency and shall evaluate the applicant's competency in the six areas stated in subdivision C 1 of this section.

F. Documentation of supervision. Applicants shall document successful completion of their residency on the Verification of Supervision form at the time of application. Applicants must receive a satisfactory competency evaluation on each item on the evaluation sheet.

Part III Examinations

18VAC115-60-90. General examination requirements; ~~schedules~~; time limits.

A. Every applicant for ~~initial~~ licensure as a substance abuse treatment practitioner by examination shall pass a written examination as prescribed by the board. Such applicant is required to pass the prescribed examination within six years from the date of initial issuance of a resident license.

B. Every applicant for licensure as a substance abuse treatment practitioner by endorsement shall have passed a substance abuse examination deemed by the board to be substantially equivalent to the Virginia examination.

C. The examination is waived for an applicant who holds a current and unrestricted license as a professional counselor issued by the board.

~~D. A candidate approved by the board to sit for the examination shall pass the examination within two years from the date of such initial board approval. If the candidate has not passed the examination within two years from the date of initial approval:~~

~~1. The initial board approval to sit for the examination shall then become invalid; and~~

~~2. The applicant shall file a complete new application with the board, meet the requirements in effect at that time, and provide evidence of why the board should approve the reapplication for examination. If approved by the board, the applicant shall pass the examination within two years of such approval. If the examination is not passed within the additional two-year period, a new application will not be accepted.~~

~~E. The board shall establish a passing score on the written examination.~~

~~F. E. A candidate for examination or an applicant shall not provide clinical services unless he is under supervision approved by the board. A resident shall remain in a residency practicing under supervision until he has passed the licensure examination and been granted a license as a substance abuse treatment practitioner.~~

Part IV

Licensure Renewal; Reinstatement

18VAC115-60-110. Renewal of licensure.

~~A. All licensees shall renew licenses on or before June 30 of each year.~~

~~B. Every license holder substance abuse treatment practitioner who intends to continue an active practice shall submit to the board on or before June 30 of each year:~~

~~1. A completed form for renewal of the license on which the licensee attests to compliance with the continuing competency requirements prescribed in this chapter; and~~

~~2. The renewal fee prescribed in 18VAC115-60-20.~~

C.B. A licensee substance abuse treatment practitioner who wishes to place his license in an inactive status may do so upon payment of the inactive renewal fee as established in 18VAC115-60-20. No person shall practice substance abuse treatment in Virginia unless he holds a current active license. A licensee who has placed himself in inactive status may become active by fulfilling the reactivation requirements set forth in 18VAC115-60-120 C.

C. For renewal of a resident license in substance abuse treatment, the following shall apply:

1. A resident license shall expire annually in the month the resident license was initially issued and may be renewed up to five times by submission of the renewal form and payment of the fee prescribed in 18VAC115-60-20.

2. On the annual renewal, the resident shall attest that a supervisory contract is in effect with a board-approved supervisor for each of the locations at which he is currently providing clinical counseling services.

3. On the annual renewal, residents in substance abuse treatment shall attest to completion of three hours in continuing education courses that emphasize the ethics, standards of practice, or laws governing behavioral science professions in Virginia, offered by an approved provider as set forth in subsection B of 18VAC115-60-116.

D. Licensees shall notify the board of a change in the address of record or the public address, if different from the address of record within 60 days. Failure to receive a renewal notice from the board shall not relieve the license holder from the renewal requirement.

E. After the renewal date, the license is expired; practice with an expired license is prohibited and may constitute grounds for disciplinary action.