

VIRGINIA ACTS OF ASSEMBLY -- 2000 SESSION

CHAPTER 473

An Act to amend and reenact §§ 2.1-1.6 as it is currently effective and as it may become effective, 2.1-20.4, 9-6.25:2 as it is currently effective and as it may become effective, 54.1-106, 54.1-2503, 54.1-3500, 54.1-3503, 54.1-3511, 54.1-3512, 54.1-3513, 54.1-3514, 54.1-3515, 54.1-3609, 54.1-3610, 54.1-3611 and 65.2-603 of the Code of Virginia, relating to the Board of Licensed Professional Counselors, Marriage and Family Therapists and Substance Abuse Treatment Professionals.

[H 253]

Approved April 5, 2000

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.1-1.6 as it is currently effective and as it may become effective, 2.1-20.4, 9-6.25:2 as it is currently effective and as it may become effective, 54.1-106, 54.1-2503, 54.1-3500, 54.1-3503, 54.1-3511, 54.1-3512, 54.1-3513, 54.1-3514, 54.1-3515, 54.1-3609, 54.1-3610, 54.1-3611 and 65.2-603 of the Code of Virginia are amended and reenacted as follows:

§ 2.1-1.6. State boards.

A. There shall be, in addition to such others as may be established by law, the following permanent collegial bodies affiliated with a state agency within the executive branch:

Accountancy, Board of
Agriculture and Consumer Services, Board of
Air Pollution, State Advisory Board on
Alcoholic Beverage Control Board, Virginia
Apple Board, Virginia State
Appomattox State Scenic River Advisory Board
Aquaculture Advisory Board
Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, Board for
Art and Architectural Review Board
Athletic Training, Advisory Board on
Auctioneers Board
Audiology and Speech-Language Pathology, Board of
Aviation Board, Virginia
Barbers, Board for
Branch Pilots, Board for
Bright Flue-Cured Tobacco Board, Virginia
Building Code Technical Review Board, State
Catoclin Creek State Scenic River Advisory Board
Cattle Industry Board, Virginia
Cave Board
Cemetery Board
Certified Seed Board, State
Charity Food Assistance Advisory Board
Chesapeake Bay Local Assistance Board
Chickahominy State Scenic River Advisory Board
Child Abuse and Neglect, Advisory Board on
Chippokes Plantation Farm Foundation, Board of Trustees
Clinch Scenic River Advisory Board
Coal Mining Examiners, Board of
Coal Research and Development Advisory Board, Virginia
Coal Surface Mining Reclamation Fund Advisory Board
Conservation and Development of Public Beaches, Board on
Conservation and Recreation, Board of
Contractors, Board for
Corn Board, Virginia
Correctional Education, Board of
Corrections, State Board of
Cosmetology, Board for
Counseling, Board of
Criminal Justice Services Board
Dark-Fired Tobacco Board, Virginia

Deaf and Hard-of-Hearing, Advisory Board for the Department for the
 Dentistry, Board of
 Design-Build/Construction Management Review Board
 Education, State Board of
 Egg Board, Virginia
 Emergency Medical Services Advisory Board, State
 Farmers Market Board, Virginia
 Fire Services Board, Virginia
 Forestry, Board of
 Funeral Directors and Embalmers, Board of
 Game and Inland Fisheries, Board of
 Geology, Board for
 Goose Creek Scenic River Advisory Board
 Health Planning Board, Virginia
 Health Professions, Board of
 Health, State Board of
 Hearing Aid Specialists, Board for
 Hemophilia Advisory Board
 Historic Resources, Board of
 Housing and Community Development, Board of
 Irish Potato Board, Virginia
 Juvenile Justice, State Board of
 Licensed Professional Counselors, Marriage and Family Therapists, and Substance Abuse Treatment
 Professionals, Board of
 Litter Control and Recycling Fund Advisory Board
 Marine Products Board, Virginia
 Medical Advisory Board, Department of Motor Vehicles
 Medicare and Medicaid, Advisory Board on
 Medicine, Board of
 Mental Health, Mental Retardation and Substance Abuse Services Board, State
 Migrant and Seasonal Farmworkers Board
 Military Affairs, Board of
 Mineral Mining Examiners, Board of
 Minority Business Enterprise, Interdepartmental Board of the Department of
 Networking Users Advisory Board, State
 Neurotrauma Initiative Advisory Board, Commonwealth
 North Meherrin State Scenic River Advisory Board
 Nottoway State Scenic River Advisory Board
 Nursing, Board of
 Nursing Home Administrators, Board of
 Occupational Therapy, Advisory Board of
 Oil and Gas Conservation Board, Virginia
 Opticians, Board for
 Optometry, Board of
 Peanut Board, Virginia
 Personnel Advisory Board
 Pesticide Control Board
 Pharmacy, Board of
 Physical Therapy to the Board of Medicine, Advisory Board on
 Plant Pollination Advisory Board
 Polygraph Examiners Advisory Board
 Pork Industry Board, Virginia
 Poultry Products Board, Virginia
 Private College Advisory Board
 Private Security Services Advisory Board
 Professional and Occupational Regulation, Board for
 Professional Soil Scientists, Board for
 Psychiatric Advisory Board
 Psychology, Board of
 Public Broadcasting Board, Virginia
 Public Buildings Board, Virginia
 Public Guardian and Conservator Advisory Board
 Radiation Advisory Board
 Real Estate Appraiser Board

Real Estate Board
 Reciprocity Board, Department of Motor Vehicles
 Recreational Fishing Advisory Board, Virginia
 Reforestation Board
 Rehabilitation Providers, Advisory Board on
 Rehabilitative Services, Board of
 Respiratory Care, Advisory Board on
 Rockfish State Scenic River Advisory Board
 Safety and Health Codes Board
 Seed Potato Board, State
 Sewage Handling and Disposal Appeal Review Board, State Health Department
 Shenandoah State Scenic River Advisory Board
 Small Business Advisory Board
 Small Business Environmental Compliance Advisory Board
 Small Grains Board, Virginia
 Social Services, Board of
 Social Work, Board of
 Soil and Water Conservation Board, Virginia
 Soybean Board, Virginia
 State Air Pollution Control Board
 Substance Abuse Certification Board
 Surface Mining Review, Board of
 Sweet Potato Board, Virginia
 T & M Vehicle Dealers' Advisory Board
 Teacher Education and Licensure, Advisory Board on
 Transportation Board, Commonwealth
 Transportation Safety, Board of
 Treasury Board, The, Department of the Treasury
 Veterans' Affairs, Board on
 Veterinary Medicine, Board of
 Virginia Board for Asbestos and Lead
 Virginia Coal Mine Safety Board
 Virginia Correctional Enterprises Advisory Board
 Virginia Cotton Board
 Virginia Employment Commission, State Advisory Board for the
 Virginia Geographic Information Network Advisory Board
 Virginia Horse Industry Board
 Virginia Manufactured Housing Board
 Virginia Retirement System, Board of Trustees
 Virginia Schools for the Deaf and the Blind, Advisory Commission on the
 Virginia Sheep Industry Board
 Virginia Veterans Cemetery Board
 Virginia Waste Management Board
 Visually Handicapped, Virginia Board for the
 Voluntary Formulary Board, Virginia
 (Contingent effective date) Volunteer Firefighters' and Rescue Squad Workers' Pension Fund Board
 War Memorial Foundation, Virginia, Board of Trustees
 Waste Management Facility Operators, Board for
 Water Resources Research Center Statewide Advisory Board, Virginia
 Waterworks and Wastewater Works Operators, Board for
 Well Review Board, Virginia.

B. Notwithstanding the definition for "board" as provided in § 2.1-1.2, the following entities shall be referred to as boards:

Compensation Board
 State Board of Elections
 State Water Control Board
 Virginia Parole Board
 Virginia Veterans Care Center Board of Trustees.

§ 2.1-20.4. Bodies receiving compensation.

Notwithstanding any other provision of law, members of the commissions, boards, committees, councils and other similar bodies listed below, and members of any other board, committee, council, or similar body who are appointed at the state level, shall receive compensation from state funds pursuant to § 2.1-20.3:

Accountancy, Board of

Agriculture and Consumer Services, Board of
 Air Pollution Control Board, State
 Airports Authority, Virginia
 Apprenticeship Council
 Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape
 Architects, Board for
 Athletic Training, Advisory Board on
 Auctioneers Board
 Audiology and Speech-Language Pathology, Board of
 Aviation Board, Virginia
 Barbers, Board for
 Branch Pilots, Board for
 Building Code Technical Review Board, State
 Charitable Gaming Commission
 Chesapeake Bay Local Assistance Board
 Chief Information Officer Advisory Board
 Coal Mining Examiners, Board of
 College Building Authority
 Commonwealth Competition Council
 Commonwealth Transportation Board
 Conservation and Development of Public Beaches, Board on
 Conservation and Recreation, Board of
 Contractors, Board for
 Correctional Education, Board of
 Corrections, Board of
 Cosmetology, Board for
Counseling, Board of
 Criminal Justice Services Board
 Deaf and Hard-of-Hearing, Advisory Board for the
 Dentistry, Board of
 Education, State Board of
 Elections, State Board of
 Fire Services Board, Virginia
 Funeral Directors and Embalmers, Board of
 Game and Inland Fisheries, Board of
 Geology, Board for
 Health, State Board of
 Health Professions, Board of
 Hearing Aid Specialists, Board for
 Higher Education, State Council of
 Historic Resources, Board of
 Housing and Community Development, Board of
 Juvenile Justice, State Board of
 Licensed Professional Counselors, Marriage and Family Therapists, and Substance Abuse Treatment
 Professionals, Board of
 Marine Resources Commission
 Medical Assistance Services, Board of
 Medical Complaint Investigation Committee
 Medicine, Board of
 Mental Health, Mental Retardation and Substance Abuse Services Board, State
 Milk Commission
 Mineral Mining Examiners, Board of
 Motor Vehicle Dealer Board
 Nursing, Board of
 Nursing Home Administrators, Board of
 Occupational Therapy, Advisory Board of
 Oil and Gas Conservation Board, Virginia
 Opticians, Board for
 Optometry, Board of
 Pesticide Control Board
 Pharmacy, Board of
 Physical Therapy, Advisory Board on
 Port Authority, Board of Commissioners of the Virginia
 Professional and Occupational Regulation, Board for

Professional Soil Scientists, Board for
 Psychology, Board of
 Public Defender Commission
 Public School Authority, Virginia
 Purchases and Supply Appeals Board
 Real Estate Appraiser Board
 Real Estate Board
 Rehabilitative Services, Board of
 Respiratory Care, Advisory Board on
 Safety and Health Codes Board
 Seed Potato Board, State
 Social Services, Board of
 Social Work, Board of
 State Health Department Sewage Handling and Disposal Appeal Review Board
 Substance Abuse Certification Board
 Surface Mining Review, Board of
 Treasury Board
 Veterans' Affairs, Board on
 Veterinary Medicine, Board of
 Virginia Advanced Shipbuilding and Carrier Integration Center Board
 Virginia Board for Asbestos and Lead
 Virginia Health Planning Board
 Virginia Manufactured Housing Board
 Virginia Veterans Care Center Board of Trustees
 Virginia Waste Management Board
 Visually Handicapped, Virginia Board for the
 Waste Management Facility Operators, Board for
 Water Control Board, State
 Waterworks and Wastewater Works Operators, Board for
 Well Review Board, Virginia.

§ 9-6.25:2. Policy boards, commissions and councils.

There shall be, in addition to such others as may be designated in accordance with § 9-6.25, the following policy boards, commissions and councils:

Apprenticeship Council
 Auctioneers Board
 Blue Ridge Regional Education and Training Council
 Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects
 Board for Barbers
 Board for Contractors
 Board for Cosmetology
 Board for Geology
 Board for Hearing Aid Specialists
 Board for Opticians
 Board for Professional and Occupational Regulation
 Board for Professional Soil Scientists
 Board for Waterworks and Wastewater Works Operators
 Board of Accountancy
 Board of Agriculture and Consumer Services
 Board of Audiology and Speech-Language Pathology
 Board of Coal Mining Examiners
 Board of Conservation and Recreation
 Board of Correctional Education
Board of Counseling
 Board of Dentistry
 Board of Funeral Directors and Embalmers
 Board of Health Professions
 Board of Historic Resources
 Board of Housing and Community Development
 Board of Licensed Professional Counselors, Marriage and Family Therapists and Substance Abuse Treatment Professionals
 Board of Medical Assistance Services
 Board of Medicine
 Board of Mineral Mining Examiners

Board of Nursing
 Board of Nursing Home Administrators
 Board of Optometry
 Board of Pharmacy
 Board of Psychology
 Board of Social Services
 Board of Social Work
 Board of Surface Mining Review
 Board of Veterinary Medicine
 Board on Conservation and Development of Public Beaches
 Cemetery Board
 Chesapeake Bay Local Assistance Board
 Child Day-Care Council
 Commission on Local Government
 Commonwealth Transportation Board
 Council on Human Rights
 Criminal Justice Services Board
 Design-Build/Construction Management Review Board
 Disability Services Council
 Farmers Market Board, Virginia
 Interdepartmental Council on Rate-setting for Children's Facilities
 Library Board, The Library of Virginia
 Marine Resources Commission
 Milk Commission
 Pesticide Control Board
 Real Estate Appraiser Board
 Real Estate Board
 Reciprocity Board, Department of Motor Vehicles
 Safety and Health Codes Board
 Specialized Transportation Council
 State Air Pollution Control Board
 State Board of Corrections
 State Board of Elections
 State Board of Health
 State Board of Juvenile Justice
 State Health Department, Sewage Handling and Disposal Appeal Review Board
 State Mental Health, Mental Retardation and Substance Abuse Services Board
 State Seed Potato Board
 State Water Control Board
 Substance Abuse Certification Board
 Treasury Board, The, Department of the Treasury
 Virginia Aviation Board
 Virginia Board for Asbestos and Lead
 Virginia Fire Services Board
 Virginia Gas and Oil Board
 Virginia Health Planning Board
 Virginia Manufactured Housing Board
 Virginia Parole Board
 Virginia Public Broadcasting Board
 Virginia Soil and Water Conservation Board
 Virginia Voluntary Formulary Board
 Virginia Waste Management Board
 Virginia Workforce Council
 (Contingent effective date) Volunteer Firefighters' and Rescue Squad Workers' Pension Fund Board
 Waste Management Facility Operators, Board for.

§ 54.1-106. Health care professionals rendering services to patients of certain clinics exempt from liability.

A. No person who is licensed or certified by the Boards of/for Audiology and Speech-Language Pathology; *Counseling*; Dentistry; Medicine; Nursing; Optometry; Opticians; Pharmacy; Hearing Aid Specialists; Psychology; *or* Social Work; ~~or Licensed Professional Counselors, Marriage and Family Therapists and Substance Abuse Treatment Professionals~~ who renders at any site any health care services within the limits of his license or certification, voluntarily and without compensation, to any patient of any clinic which is organized in whole or in part for the delivery of health care services without charge, shall be liable for any civil damages for any act or omission resulting from the rendering of such

services unless the act or omission was the result of his gross negligence or willful misconduct.

For purposes of this section, any commissioned or contract medical officers or dentists serving on active duty in the United States armed services and assigned to duty as practicing commissioned or contract medical officers or dentists at any military hospital or medical facility owned and operated by the United States government shall be deemed to be licensed pursuant to this title.

B. For the purposes of Article 5.1 (§ 2.1-526.1 et seq.) of Chapter 32 of Title 2.1, any person rendering such health care services who (i) is registered with the Division of Risk Management and (ii) has no legal or financial interest in the clinic from which the patient is referred shall be deemed an agent of the Commonwealth and to be acting in an authorized governmental capacity with respect to delivery of such health care services. The premium for coverage of such person under the Risk Management Plan shall be paid by the Department of Health.

C. For the purposes of this section and Article 5.1 (§ 2.1-526.1 et seq.) of Chapter 32 of Title 2.1, "delivery of health care services without charge" shall be deemed to include the delivery of dental, medical or other health services when a reasonable minimum fee is charged to cover administrative costs.

§ 54.1-2503. Boards within Department.

In addition to the Board of Health Professions, the following boards are included within the Department: Board of Audiology and Speech-Language Pathology, *Board of Counseling*, Board of Dentistry, Board of Funeral Directors and Embalmers, Board of Medicine, Board of Nursing, Board of Nursing Home Administrators, Board of Optometry, Board of Pharmacy, ~~Board of Licensed Professional Counselors, Marriage and Family Therapists and Substance Abuse Treatment Professionals~~, Board of Psychology, ~~Board of Recreation Specialists~~, Board of Social Work and Board of Veterinary Medicine.

§ 54.1-3500. Definitions.

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

"Appraisal activities" means the exercise of professional judgment based on observations and objective assessments of a client's behavior to evaluate current functioning, diagnose, and select appropriate treatment required to remediate identified problems or to make appropriate referrals.

"Board" means the Board of ~~Licensed Professional Counselors, Marriage and Family Therapists, and Substance Abuse Professionals~~ *Counseling*.

"Certified substance abuse counselor" means a person certified to provide substance abuse counseling in a state-approved public or private substance abuse program or facility.

"Counseling" means the therapeutic process of: (i) conducting assessments and diagnoses for the purpose of establishing treatment goals and objectives and (ii) planning, implementing, and evaluating treatment plans using treatment interventions to facilitate human development and to identify and remediate mental, emotional or behavioral disorders and associated distresses which interfere with mental health.

"Counseling treatment intervention" means those cognitive, affective, behavioral and systemic counseling strategies, techniques and methods common to the behavioral sciences that are specifically implemented in the context of a therapeutic relationship. Other treatment interventions include developmental counseling, guidance, and consulting to facilitate normal growth and development, including educational and career development.

"Licensed substance abuse treatment practitioner" means a person who: (i) is trained in and engages in the practice of substance abuse treatment with individuals or groups of individuals suffering from the effects of substance abuse or dependence, and in the prevention of substance abuse or dependence; and (ii) is licensed to provide advanced substance abuse treatment and independent, direct and unsupervised treatment to such individuals or groups of individuals, and to plan, evaluate, supervise, and direct substance abuse treatment provided by others.

"Marriage and family therapist" means a person trained in the assessment 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.

"Marriage and family therapy" means the assessment 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.

"Practice of counseling" means rendering or offering to render to individuals, groups, organizations, or the general public any service involving the application of principles, methods or procedures of the counseling profession, which shall include appraisal, counseling, and referral activities.

"Practice of marriage and family therapy" means the assessment 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, which shall include assessment, treatment, and referral activities.

"Practice of substance abuse treatment" means rendering or offering to render substance abuse treatment to individuals, groups, organizations, or the general public.

"Professional counselor" means a person trained in counseling interventions designed to facilitate an

individual's achievement of human development goals and remediating mental, emotional, or behavioral disorders and associated distresses which interfere with mental health and development.

"Referral activities" means the evaluation of data to identify problems and to determine advisability of referral to other specialists.

"Substance abuse" and "substance dependence" mean a maladaptive pattern of substance use leading to clinically significant impairment or distress.

"Substance abuse treatment" means (i) the application of specific knowledge, skills, substance abuse treatment theory and substance abuse treatment techniques to define goals and develop a treatment plan of action regarding substance abuse or dependence prevention, education or treatment in the substance abuse or dependence recovery process and (ii) referrals to medical, social services, psychological, psychiatric or legal resources when such referrals are indicated.

§ 54.1-3503. Board of Counseling.

The Board of ~~Licensed Professional Counselors, Marriage and Family Therapists, and Substance Abuse Treatment Professionals~~ *Counseling* shall regulate the practice of counseling, substance abuse treatment, and marriage and family therapy.

The Board shall consist of fourteen members. Twelve shall be professionals licensed in Virginia, who shall represent the various specialties recognized in the profession, and two shall be citizen members. Of the twelve professional members, eight shall be professional counselors, two shall be marriage and family therapists, and two shall be licensed substance abuse treatment practitioners. The professional members of the Board shall include two full-time faculty members engaged in teaching counseling, substance abuse treatment or marriage and family therapy in an accredited college or university in this Commonwealth, and two professional counselors engaged in full-time private practice. However, the marriage and family therapists initially appointed to the Board shall not be required to be licensed, shall not be licensed by another board in the Department of Health Professions, and shall be clinical members of the American Association for Marriage and Family Therapy. The licensed substance abuse treatment practitioners initially appointed to the Board shall not be required to be licensed, shall not be licensed by another board in the Department of Health Professions, shall be active members of the Virginia Association of Alcoholism and Drug Abuse Counselors and shall have a master's degree in substance abuse or a substantially equivalent master's degree.

The terms of the members of the Board shall be four years.

§ 54.1-3511. Advisory Board on Rehabilitation Providers.

The Advisory Board shall consist of ten members. One member each shall be appointed by the Boards of *Counseling*; Medicine; Nursing; ~~Licensed Professional Counselors, Marriage and Family Therapists and Substance Abuse Treatment Professionals~~; Psychology; and Social Work from their respective membership. The Board of Health Professions shall appoint the remaining five members, two of whom shall be members of other boards referred to in § 54.1-2503 and three of whom shall be certified under this act as rehabilitation providers, except that the rehabilitation providers initially appointed to the board shall not be required to be certified. Members shall serve four-year terms, except that the term of any member who is a member of a board referred to in § 54.1-2503 shall expire contemporaneous with the expiration of his term on such board. Vacancies shall be filled in the same manner as original appointments.

§ 54.1-3512. Powers and duties of Advisory Board.

A. The Advisory Board shall:

1. Recommend to the Boards of *Counseling*; Medicine; Nursing; ~~Licensed Professional Counselors, Marriage and Family Therapists and Substance Abuse Treatment Professionals~~; Psychology; and Social Work regulatory criteria for the voluntary certification of their licensees who provide rehabilitation services and for standards of conduct of licensees so certified.

2. Recommend to the Board of ~~Licensed Professional Counselors, Marriage and Family Therapists and Substance Abuse Treatment Professionals~~ *Counseling* regulatory criteria for certification and for standards of professional conduct of persons who provide rehabilitative services but who are exempt from licensure as professional counselors under subdivision 1 of § 54.1-3501.

3. Assist the Boards of *Counseling*; Medicine; Nursing; ~~Licensed Professional Counselors, Marriage and Family Therapists and Substance Abuse Treatment Professionals~~; Psychology; and Social Work in all matters pertaining to rehabilitation services as they may request.

B. The criteria for certification and standards of professional conduct recommended by the Advisory Board shall be only those it finds to be necessary and appropriate to protect the public interest. The Boards of *Counseling*; Medicine; Nursing; ~~Licensed Professional Counselors, Marriage and Family Therapists and Substance Abuse Treatment Professionals~~; Psychology; and Social Work may modify recommended criteria and standards as necessary to make them consistent with regulations applicable to its licensees.

§ 54.1-3513. Restriction of practice; use of titles.

A. No person, other than a person licensed by the Boards of *Counseling*; Medicine; Nursing; Optometry; ~~Licensed Professional Counselors, Marriage and Family Therapists and Substance Abuse Treatment Professionals~~; Psychology; or Social Work, shall hold himself out as a provider of

rehabilitation services or use the title "rehabilitation provider" or a similar title or any abbreviation thereof unless he holds a valid certificate under this article.

B. This section shall not apply to employees or independent contractors of the Commonwealth's agencies and sheltered workshops providing vocational rehabilitation services, provided such employees or independent contractors are not providing vocational rehabilitation services under § 65.2-603.

§ 54.1-3514. Certification of existing providers.

The Board of ~~Licensed Professional Counselors, Marriage and Family Therapists and Substance Abuse Treatment Professionals~~ *Counseling* upon receipt of a completed application and payment of the prescribed fee on or before June 30, 1995, shall issue a certificate to any person who was actively engaged in providing rehabilitation services on January 1, 1994.

§ 54.1-3515. Certification renewal of individuals who became certified under the provisions of § 54.1-3514.

After July 1, 2001, the Board of ~~Licensed Professional Counselors, Marriage and Family Therapists and Substance Abuse Treatment Professionals~~ *Counseling* shall not renew a certificate to any person who became certified under the provisions of § 54.1-3514 without documentation that such person meets the current requirements for certification established by the Board, unless such person provided rehabilitation services for at least two years immediately preceding July 1, 1997, and has done so continuously since that date without interruption and received a passing score on a Board approved examination. The Board of ~~Licensed Professional Counselors, Marriage and Family Therapists and Substance Abuse Treatment Professionals~~ *Counseling*, pursuant to its authority in this section and in § 54.1-3505, shall adopt regulations to implement the 1997 revisions of the law relating to certified rehabilitation providers in 280 days or less of the date of the enactment of such revisions.

§ 54.1-3609. Advisory Committee on Certified Practices.

The Advisory Committee on Certified Practices is hereby established and shall consist of ten members. One member each shall be appointed by the Boards of *Counseling*; Medicine; Nursing; ~~Licensed Professional Counselors, Marriage and Family Therapists and Substance Abuse Treatment Professionals~~; Psychology; and Social Work from their respective boards. The Board of Health Professions shall appoint the remaining five members, two of whom shall be citizen members of the Board of Health Professions or members of boards listed in § 54.1-2503 not required to appoint a member, and three of whom shall be sex offender treatment providers. Members shall serve five-year terms or until the expiration of this section, whichever first occurs. The term of any member who is a member of a board referred to in § 54.1-2503 shall expire contemporaneously with the expiration of his term on such board. Vacancies shall be filled in the same manner as original appointments.

§ 54.1-3610. Powers and duties of Advisory Committee on Certified Practices.

The Advisory Committee shall:

1. Recommend to the Boards of *Counseling*; Medicine; Nursing; ~~Licensed Professional Counselors, Marriage and Family Therapists and Substance Abuse Treatment Professionals~~; Psychology; and Social Work standards for the voluntary certification of their licensees as sex offender treatment providers.

2. Recommend to the Board of Psychology standards for the mandatory certification of sex offender treatment providers for those professionals who are otherwise exempt from licensure under subdivision 4 of §§ 54.1-3501, 54.1-3601 or § 54.1-3701.

§ 54.1-3611. Restriction of practice; use of titles.

No person, including licensees of the Boards of *Counseling*; Medicine; Nursing; ~~Licensed Professional Counselors, Marriage and Family Therapists and Substance Abuse Treatment Professionals~~; Psychology; or Social Work, shall claim to be a certified sex offender treatment provider unless he has been so certified. No person who is exempt from licensure under subdivision 4 of §§ 54.1-3501, 54.1-3601 or § 54.1-3701 shall hold himself out as a provider of sex offender treatment services unless he is certified as a sex offender treatment provider by the Board of Psychology.

§ 65.2-603. Duty to furnish medical attention, etc., and vocational rehabilitation; effect of refusal of employee to accept.

A. 1. As long as necessary after an accident, the employer shall furnish or cause to be furnished, free of charge to the injured employee, a physician chosen by the injured employee from a panel of at least three physicians selected by the employer and such other necessary medical attention. Where such accident results in the amputation or loss of use of an arm, hand, leg, or foot or the enucleation of an eye or the loss of any natural teeth or loss of hearing, the employer shall furnish prosthetic or orthotic appliances, as well as wheelchairs, walkers, canes, or crutches, proper fitting and maintenance thereof, and training in the use thereof, as the nature of the injury may require. In awards entered for incapacity for work, under this title, upon determination by the treating physician and the Commission that the same is medically necessary, the Commission may require that the employer furnish and maintain bedside lifts, adjustable beds, and modification of the employee's principal home consisting of ramps, handrails, or any appliances prescribed by the treating physician and doorway alterations, provided that the aggregate cost of all such items and modifications required to be furnished on account of any one accident shall not exceed \$25,000. The employee shall accept the attending physician, unless otherwise ordered by the Commission, and in addition, such surgical and hospital service and supplies as may be

deemed necessary by the attending physician or the Commission.

2. The employer shall repair, if repairable, or replace dentures, artificial limbs, or other prosthetic or orthotic devices damaged in an accident otherwise compensable under workers' compensation, and furnish proper fitting thereof.

3. The employer shall also furnish or cause to be furnished, at the direction of the Commission, reasonable and necessary vocational rehabilitation services. Vocational rehabilitation services may include vocational evaluation, counseling, job coaching, job development, job placement, on-the-job training, education, and retraining. Those vocational rehabilitation services that involve the exercise of professional judgment as defined in § 54.1-3510 shall be provided by a certified rehabilitation provider as provided in Article 2 (§ 54.1-3510 et seq.) of Chapter 35 of Title 54.1 or by a person licensed by the Boards of *Counseling*; *Medicine*; *Nursing*; *Optometry*; ~~Licensed Professional Counselors~~; ~~Marriage and Family Therapists and Substance Abuse Treatment Professionals~~; *Psychology*; or *Social Work*. In the event a dispute arises, any party may request a hearing and seek the approval of the Commission for the proposed services. Such services shall take into account the employee's preinjury job and wage classifications; his age, aptitude, and level of education; the likelihood of success in the new vocation; and the relative costs and benefits to be derived from such services.

B. The unjustified refusal of the employee to accept such medical service or vocational rehabilitation services when provided by the employer shall bar the employee from further compensation until such refusal ceases and no compensation shall at any time be paid for the period of suspension unless, in the opinion of the Commission, the circumstances justified the refusal. In any such case the Commission may order a change in the medical or hospital service or vocational rehabilitation services.

C. If in an emergency or on account of the employer's failure to provide the medical care during the period herein specified, or for other good reasons, a physician other than provided by the employer is called to treat the injured employee, during such period, the reasonable cost of such service shall be paid by the employer if ordered so to do by the Commission.

D. As used in this section and in § 65.2-604, the terms "medical attention," "medical service," "medical care," and "medical report" shall be deemed to include chiropractic service or treatment and, where appropriate, a chiropractic treatment report.

E. Whenever an employer furnishes an employee the names of three physicians pursuant to this section, and the employer also assumes all or part of the cost of providing health care coverage for the employee as a self-insured or under a group health insurance policy, health services plan or health care plan, upon the request of an employee, the employer shall also inform the employee whether each physician named is eligible to receive payment under the employee's health care coverage provided by the employer.

F. If the injured employee has an injury which may be treated within the scope of practice for a chiropractor, then the employer or insurer may include chiropractors on the panel provided the injured employee.