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HOUSE BILL NO. 1666

Offered January 9, 2013

Prefiled January 7, 2013

A BILL to amend and reenact §§ 54.1-3500, 54.1-3505, and 54.1-3506 of the Code of Virginia, relating to licensure of professional counselors.

Patron—Yost

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-3500, 54.1-3505, and 54.1-3506 of the Code of Virginia are amended and reenacted as follows:

§ 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 Counseling.

"Certified substance abuse counseling assistant" means a person certified by the Board to practice in accordance with the provisions of § 54.1-3507.2.

"Certified substance abuse counselor" means a person certified by the Board to practice in accordance with the provisions of § 54.1-3507.1.

"Counseling" means the ~~therapeutic process of:~~ *application of principles, standards, and methods of the counseling profession* in (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~~ *that* 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, *standards, and methods of* ~~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 *the application of principles, standards, and methods of the counseling profession, including* counseling interventions designed to facilitate an individual's achievement of human development goals and remediating mental, emotional, or behavioral disorders and associated distresses ~~which~~ *that* interfere with mental health and development.

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

61 *"Residency" means a post-internship supervised clinical experience registered with the Board.*

62 *"Resident" means an individual who has submitted a supervisory contract to the Board and has
63 received Board approval to provide clinical services in professional counseling under supervision.*

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

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

71 *"Supervision" means the ongoing process, performed by a supervisor, of monitoring the performance
72 of the person supervised and providing regular, documented individual or group consultation, guidance,
73 and instruction with respect to the clinical skills and competencies of the person supervised.*

74 **§ 54.1-3505. Specific powers and duties of the Board.**

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

77 1. To cooperate with and maintain a close liaison with other professional boards and the community
78 to ensure that regulatory systems stay abreast of community and professional needs.

79 2. To conduct inspections to ensure that licensees conduct their practices in a competent manner and
80 in conformance with the relevant regulations.

81 3. To designate specialties within the profession.

82 4. To administer the certification of rehabilitation providers pursuant to Article 2 (§ 54.1-3510 et
83 seq.) of this chapter, including prescribing fees for application processing, examinations, certification and
84 certification renewal.

85 5. Expired.

86 6. To promulgate regulations for the qualifications, education, and experience for licensure of
87 marriage and family therapists. The requirements for clinical membership in the American Association
88 for Marriage and Family Therapy (AAMFT), and the professional examination service's national
89 marriage and family therapy examination may be considered by the Board in the promulgation of these
90 regulations. The educational credit hour, clinical experience hour, and clinical supervision hour
91 requirements for marriage and family therapists shall not be less than the educational credit hour,
92 clinical experience hour, and clinical supervision hour requirements for professional counselors.

93 7. To promulgate, subject to the requirements of Article 1.1 (§ 54.1-3507 et seq.) of this chapter,
94 regulations for the qualifications, education, and experience for licensure of licensed substance abuse
95 treatment practitioners and certification of certified substance abuse counselors and certified substance
96 abuse counseling assistants. The requirements for membership in NAADAC: the Association for
97 Addiction Professionals and its national examination may be considered by the Board in the
98 promulgation of these regulations. The Board also may provide for the consideration and use of the
99 accreditation and examination services offered by the Substance Abuse Certification Alliance of Virginia.
100 The educational credit hour, clinical experience hour, and clinical supervision hour requirements for
101 licensed substance abuse treatment practitioners shall not be less than the educational credit hour,
102 clinical experience hour, and clinical supervision hour requirements for licensed professional counselors.
103 Such regulations also shall establish standards and protocols for the clinical supervision of certified
104 substance abuse counselors and the supervision or direction of certified substance abuse counseling
105 assistants, and reasonable access to the persons providing that supervision or direction in settings other
106 than a licensed facility.

107 8. To maintain a registry of persons who meet the requirements for supervision of residents. The
108 Board shall make the registry of approved supervisors available to persons seeking residence status.

109 **§ 54.1-3506. License required.**

110 In order to engage in the practice of counseling or marriage and family therapy or in the independent
111 practice of substance abuse treatment, as defined in this chapter, it shall be necessary to hold a license;
112 however, no license shall be required for the practice of marriage and family therapy or the independent
113 practice of substance abuse treatment until six months after the effective date of regulations governing
114 marriage and family therapy and substance abuse treatment, respectively, promulgated by the Board
115 under subdivisions 6 and 7 of § 54.1-3505 issued by the Board.

116 *The Board may issue a license as a professional counselor to an applicant who has received a
117 graduate degree from a program in which the primary emphasis is on preparation for the practice of
118 counseling as defined in § 54.1-3500, as explicitly stated in the program curriculum and as evidenced by
119 the training and experience of the program faculty.*

120 The Board may issue a license, without examination, for the practice of marriage and family therapy

or the independent practice of substance abuse treatment to persons who hold a current and unrestricted license as a professional counselor within the Commonwealth and who meet the clinical and academic requirements for licensure as a marriage and family therapist or licensed substance abuse treatment practitioner, respectively. The applicant for such license shall present satisfactory evidence of qualifications equal to those required of applicants for licensure as marriage and family therapists or licensed substance abuse treatment practitioners, respectively, by examination in the Commonwealth.

Any person who renders substance abuse treatment services as defined in this chapter and who is not licensed to do so, other than a person who is exempt pursuant to § 54.1-3501, shall render such services only when he is (i) under the supervision and direction of a person licensed under this chapter who shall be responsible for the services performed by such unlicensed person, or (ii) in compliance with the regulations governing an organization or a facility licensed by the Department of Behavioral Health and Developmental Services.

2. That persons who have applied to the Board of Counseling for approval of a supervised residency prior to the effective date of this act shall not be subject to the provisions of § 54.1-3506 of the Code of Virginia relating to receipt of a graduate program, provided they have completed all coursework and the supervised residence as required by regulations of the Board by July 1, 2017.