

VIRGINIA ACTS OF ASSEMBLY -- 1994 SESSION

CHAPTER 778

An Act to amend and reenact §§ 54.1-3005, 54.1-3505, 54.1-3600, 54.1-3605, and 54.1-3705 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 54.1-2924.1 and by adding in Chapter 36 of Title 54.1 sections numbered 54.1-3609, 54.1-3610, and 54.1-3611, relating to regulation of sex offender treatment providers.

[S 512]

Approved April 11, 1994

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-3005, 54.1-3505, 54.1-3600, 54.1-3605, and 54.1-3705 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 54.1-2924.1 and by adding in Chapter 36 of Title 54.1 sections numbered 54.1-3609, 54.1-3610, and 54.1-3611 as follows:

§ 54.1-2924.1. Sex offender treatment providers.

The Board shall promulgate regulations for the voluntary certification of licensees as sex offender treatment providers. In promulgating such regulations, the Board shall consider the standards recommended by the Advisory Committee on Certified Practices pursuant to § 54.1-3610. The provisions of this section shall expire on July 1, 1999.

§ 54.1-3005. Specific powers and duties of Board.

In addition to the general powers and duties conferred in this title, the Board shall have the following specific powers and duties:

1. To prescribe minimum standards and approve curricula for educational programs preparing persons for licensure or certification under this chapter;
2. To approve programs that meet the requirements of this chapter and of the Board;
3. To provide consultation service for educational programs as requested;
4. To provide for periodic surveys of educational programs;
5. To deny or withdraw approval from educational programs for failure to meet prescribed standards;
6. To provide consultation regarding nursing practice for institutions and agencies as requested and investigate illegal nursing practices;
7. To keep a record of all its proceedings;
8. To certify and maintain a registry of all certified nurse aides and to promulgate regulations consistent with federal law and regulation. Such regulations may include standards for the authority of licensed practical nurses to teach nurse aides;
9. To approve programs that entitle professional nurses to be registered as clinical nurse specialists and to prescribe minimum standards for such programs; ~~and~~
10. To maintain a registry of clinical nurse specialists and to promulgate regulations governing clinical nurse specialists; *and*

11. To promulgate regulations for the voluntary certification of licensees as sex offender treatment providers. In promulgating such regulations, the Board shall consider the standards recommended by the Advisory Committee on Certified Practices pursuant to § 54.1-3610. The provisions of this subdivision shall expire on July 1, 1999.

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

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

1. To cooperate with and maintain a close liaison with other professional boards and the community to ensure that regulatory systems stay abreast of community and professional needs.
2. To conduct inspections to ensure that licensees conduct their practices in a competent manner and in conformance with the relevant regulations.
3. To designate specialties within the profession.
4. *To promulgate regulations for the voluntary certification of licensees as sex offender treatment providers. In promulgating such regulations, the Board shall consider the standards recommended by the Advisory Committee on Certified Practices pursuant to § 54.1-3610. The provisions of this subdivision shall expire on July 1, 1999.*

§ 54.1-3600. Definitions.

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

"Board" means the Board of Psychology.

"Certified sex offender treatment provider" means a person who is certified to provide treatment to sex offenders and who provides such services in accordance with the provisions of §§ 54.1-2924.1, 54.1-3005, 54.1-3505, 54.1-3609, 54.1-3610, 54.1-3611, and 54.1-3705 and the regulations promulgated pursuant to these provisions.

"Clinical psychologist" means a psychologist who is competent in the diagnosis, prevention, treatment and amelioration of psychological problems, behavioral or emotional disorders or conditions or mental conditions, by the application of psychological principles, psychological methods, or psychological procedures including but not limited to psychological assessment and evaluation and psychotherapy, which does not amount to the practice of medicine. This definition shall not be construed to limit or restrict any person licensed by a health regulatory board as defined in § 54.1-2500 from rendering services which they are licensed to provide.

"Practice of clinical psychology" means the offering by an individual of his services to the public as a clinical psychologist.

"Practice of psychology" means the 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 science and profession of psychology, and which includes, but is not limited to:

1. "Measuring and testing," which consists of the psychological assessment and evaluation of abilities, attitudes, aptitudes, achievements, adjustments, motives, personality dynamics or other psychological attributes of individuals, or groups of individuals by means of standardized measurements or other methods, techniques or procedures recognized by the science and profession of psychology.

2. "Counseling and psychotherapy," which consists of the application of principles of learning and motivation in an interpersonal situation with the objectives of modification of perception and adjustment, consisting of highly developed skills, techniques, and methods of altering through learning processes, attitudes, feelings, values, self-concept, personal goals and adaptive patterns.

3. "Psychological consulting," which consists of interpreting or reporting upon scientific fact or theory in psychology, rendering expert psychological opinion, psychological evaluation, or engaging in applied psychological research.

The "practice of school psychology" means the rendering or offering to render to individuals, groups, organizations, government agents or the public any of the following services:

1. "Testing and measuring" which consists of psychological assessment, evaluation and diagnosis relative to the assessment of intellectual ability, aptitudes, achievement, adjustment, motivation, personality or any other psychological attribute of persons as individuals or in groups that directly relates to learning or behavioral problems in an educational setting.

2. "Counseling" which consists of professional advisement and interpretive services with children or adults for amelioration or prevention of educationally related problems.

Counseling services relative to the practice of school psychology include but are not limited to the procedures of verbal interaction, interviewing, behavior modification, environmental manipulation and group processes.

Counseling services relative to the practice of school psychology are short-term and are situation oriented.

3. "Consultation" which consists of educational or vocational consultation or direct educational services to schools, agencies, organizations or individuals. Consultation as herein defined is directly related to learning problems and related adjustments.

4. Development of programs such as designing more efficient and psychologically sound classroom situations and acting as a catalyst for teacher involvement in adaptations and innovations.

"Psychologist" means a person trained in the application of established principles of learning, motivation, perception, thinking and emotional relationships to problems of personality evaluation, group relations, and behavior adjustment.

"School psychologist" means a person who specializes in problems manifested in and associated with educational systems and who utilizes psychological concepts and methods in programs or actions which attempt to improve learning conditions for students or who is employed in this capacity by a public or nonprofit educational institution or who offers to render such services to the public whether or not employed by such an institution.

§ 54.1-3605. Specific powers and duties of the Board.

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

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

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

3. To designate specialties within the profession.

4. To issue a temporary license to practice psychology to persons who are engaged in a residency.

5. *To promulgate regulations for the voluntary certification of licensees as sex offender treatment providers. In promulgating such regulations, the Board shall consider the standards recommended by the Advisory Committee on Certified Practices pursuant to § 54.1-3610. The provisions of this subdivision shall expire on July 1, 1999.*

6. *To administer 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 and to promulgate regulations governing such mandatory certification. The regulations shall include provisions for fees for application processing, certification qualifications, certification issuance and renewal and disciplinary action. The provisions of this subdivision shall expire on July 1, 1999.

§ 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 Medicine, Nursing, Professional Counselors, 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. The provisions of this section shall expire on July 1, 1999.

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

A. The Advisory Committee shall:

1. Recommend to the Boards of Medicine, Nursing, Professional Counselors, 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.

B. The provisions of this section shall expire on July 1, 1999.

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

No person, including licensees of the Boards of Medicine, Nursing, Professional Counselors, 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. The provisions of this section shall expire on July 1, 1999.

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

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

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

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

3. To designate specialties within the profession.

4. To promulgate regulations for the voluntary certification of licensees as sex offender treatment providers. In promulgating such regulations, the Board shall consider the standards recommended by the Advisory Committee on Certified Practices pursuant to § 54.1-3610. The provisions of this subdivision shall expire on July 1, 1999.