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SENATE BILL NO. 512

Offered January 25, 1994

A BILL to amend and reenact §§ 54.1-3005, 54.1-3505, 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 54.1-3610, 54.1-3611, and 54.1-3612, relating to regulation of sex offender treatment providers.

Patrons—Howell and Houck; Delegates: Baker, DeBoer and Puller

Referred to the Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-3005, 54.1-3505, 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 54.1-3610, 54.1-3611, and 54.1-3612, 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. The Board shall consider the standards recommended by the Certified Practices Advisory Committee in promulgating such regulations. 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. The Board shall consider the standards recommended by the Certified Practices Advisory Committee in promulgating such regulations. 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. The Board shall consider the standards recommended by the Certified Practices Advisory Committee in promulgating such regulations. The provisions of this subdivision shall expire on July 1, 1999.

§ 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:

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

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

64 3. To designate specialties within the profession.

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

66 5. *To promulgate regulations for the voluntary certification of licensees as sex offender treatment*
67 *providers. The Board shall consider the standards recommended by the Certified Practices Advisory*
68 *Committee in promulgating such regulations. The provisions of this subdivision shall expire on July 1,*
69 *1999.*

70 6. *To administer the licensure of sex offender treatment providers who are otherwise exempt from*
71 *licensure under subdivision 4 of § 54.1-3501, § 54.1-3601 or § 54.1-3701 and to promulgate regulations*
72 *governing such licensure. The regulations shall include provisions for fees for application processing,*
73 *license qualifications, license issuance and renewal and disciplinary action. The provisions of this*
74 *subdivision shall expire on July 1, 1999.*

75 *§ 54.1-3610. Advisory Committee on Certified Practices.*

76 *The Advisory Committee on Certified Practices is hereby established and shall consist of ten*
77 *members. One member each shall be appointed by the Boards of Medicine, Nursing, Professional*
78 *Counselors, Psychology, and Social Work from their respective boards. The Board of Health Professions*
79 *shall appoint the remaining five members, two of whom shall be citizen members of the Board of Health*
80 *Professions or members of boards listed in § 54.1-2503 not required to appoint a member, and three of*
81 *whom shall be sex offender treatment providers. Members shall serve five-year terms or until the*
82 *expiration of this section, whichever first occurs. The term of any member who is a member of a board*
83 *referred to in § 54.1-2503 shall expire contemporaneously with the expiration of his term on such board.*
84 *Vacancies shall be filled in the same manner as original appointments. The provisions of this section*
85 *shall expire on July 1, 1999.*

86 *§ 54.1-3611. Powers and duties of Advisory Committee.*

87 *A. The Advisory Committee shall:*

88 1. *Recommend to the Boards of Medicine, Nursing, Professional Counselors, Psychology, and Social*
89 *Work standards for the voluntary certification of their licensees as sex offender treatment providers,*

90 2. *Recommend to the Board of Psychology standards for the licensure of sex offender treatment*
91 *providers who are otherwise exempt from licensure under subdivision 4 of § 54.1-3501, § 54.1-3601 or*
92 *§ 54.1-3701.*

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

94 *§ 54.1-3612. Restriction of practice; use of titles.*

95 *No person, including licensees of the Boards of Medicine, Nursing, Professional Counselors,*
96 *Psychology, or Social Work, shall hold himself out as a certified sex offender treatment provider unless*
97 *he has been so certified. No person who is exempt from licensure under subdivision 4 of § 54.1-3501,*
98 *§ 54.1-3601 or § 54.1-3701 shall hold himself out as a provider of sex offender treatment services unless*
99 *he is licensed as a sex offender treatment provider by the Board of Psychology. The provisions of this*
100 *section shall expire on July 1, 1999.*

101 *§ 54.1-3705. Specific powers and duties of the Board.*

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

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

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

108 3. *To designate specialties within the profession.*

109 4. *To promulgate regulations for the voluntary certification of licensees as sex offender treatment*
110 *providers. The Board shall consider the standards recommended by the Certified Practices Advisory*
111 *Committee in promulgating such regulations. The provisions of this subdivision shall expire on July 1,*
112 *1999.*