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HOUSE BILL NO. 1294

Offered January 10, 2024

Prefiled January 10, 2024

A BILL to amend and reenact §§ 54.1-3600 and 54.1-3606 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 54.1-3606.3, relating to Board of Psychology; licensure of psychological practitioners.

 Patron—Willett

Referred to Committee on Health and Human Services

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-3600 and 54.1-3606 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 54.1-3606.3 as follows:

§ 54.1-3600. Definitions.

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

"Applied psychologist" means an individual licensed to practice applied psychology.

"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 §§ 54.1-3005, 54.1-3505, 54.1-3611, and 54.1-3705 and the regulations promulgated pursuant to these provisions.

"Clinical psychologist" means an individual licensed to practice clinical psychology.

"Practice of applied psychology" means application of the principles and methods of psychology to improvement of organizational function, personnel selection and evaluation, program planning and implementation, individual motivation, development and behavioral adjustment, as well as consultation on teaching and research.

"Practice of clinical psychology" includes, but is not limited to:

1. "Testing and measuring" ~~which~~ *that* consists of the psychological evaluation or assessment of personal characteristics such as intelligence, abilities, interests, aptitudes, achievements, motives, personality dynamics, psychoeducational processes, neuropsychological functioning, or other psychological attributes of individuals or groups.

2. "Diagnosis and treatment of mental and emotional disorders" ~~which~~ *that* consists of the appropriate diagnosis of mental disorders according to standards of the profession and the ordering or providing of treatments according to need. Treatment includes providing counseling, psychotherapy, marital/family therapy, group therapy, behavior therapy, psychoanalysis, hypnosis, biofeedback, and other psychological interventions with the objective of modification of perception, adjustment, attitudes, feelings, values, self-concept, personality, or personal goals, the treatment of alcoholism and substance abuse, *the treatment of disorders of habit or conduct, as well as of the psychological aspects of physical illness, pain, injury, or disability.*

3. "Psychological consulting" ~~which~~ *that* consists of interpreting or reporting on scientific theory or research in psychology, rendering expert psychological or clinical psychological opinion, *or* evaluation, or engaging in applied psychological research, program or organizational development, *or* administration, supervision, or evaluation of psychological services.

"Practice of psychology" means the practice of applied psychology, clinical psychology, or school psychology.

The "practice of school psychology" means:

1. "Testing and measuring" ~~which~~ *that* 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 that impact education.

2. "Counseling" ~~which~~ *that* consists of professional advisement and interpretive services with children or adults for amelioration or prevention of problems that impact education. 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.

3. "Consultation" ~~which~~ *that* consists of educational or vocational consultation or direct educational services to schools, agencies, organizations, or individuals. Psychological consulting as ~~herein defined~~ *relative to the practice of school psychology* is directly related to learning problems and related adjustments.

4. Development of programs such as designing more efficient and psychologically sound classroom

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59 situations and acting as a catalyst for teacher involvement in adaptations and innovations.

60 *"Psychological practitioner" means a person licensed pursuant to § 54.1-3606.3 to diagnose and*
61 *treat mental and emotional disorders by providing counseling, psychotherapy, marital therapy, family*
62 *therapy, group therapy, or behavioral therapy and to provide an assessment and evaluation of an*
63 *individual's intellectual or cognitive ability, emotional adjustment, or personality, as related to the*
64 *treatment of mental or emotional disorders.*

65 *"Psychologist" means a person licensed to practice school, applied, or clinical psychology.*

66 *"School psychologist" means a person licensed by the Board of Psychology to practice school*
67 *psychology.*

68 **§ 54.1-3606. License required.**

69 A. In order to engage in the practice of applied psychology, school psychology, or clinical
70 psychology, *or to engage in practice as a psychological practitioner*, it shall be necessary to hold a
71 license.

72 B. Notwithstanding the provisions of subdivision 4 of § 54.1-3601 or any Board regulation, the
73 Board of Psychology shall license, as school psychologists-limited, persons licensed by the Board of
74 Education with an endorsement in psychology and a master's degree in psychology. The Board of
75 Psychology shall issue licenses to such persons without examination, upon review of credentials and
76 payment of an application fee in accordance with regulations of the Board for school
77 psychologists-limited.

78 Persons holding such licenses as school psychologists-limited shall practice solely in public school
79 divisions; holding a license as a school psychologist-limited pursuant to this subsection shall not
80 authorize such persons to practice outside the school setting or in any setting other than the public
81 schools of the Commonwealth, unless such individuals are licensed by the Board of Psychology to offer
82 to the public the services defined in § 54.1-3600.

83 The Board shall issue persons, holding licenses from the Board of Education with an endorsement in
84 psychology and a license as a school psychologist-limited from the Board of Psychology, a license
85 which notes the limitations on practice set forth in this section.

86 Persons who hold licenses as psychologists issued by the Board of Psychology without these
87 limitations shall be exempt from the requirements of this section.

88 **§ 54.1-3606.3. Licensure of psychological practitioners; independent practice.**

89 A. *It is unlawful for any person to practice or hold himself out as a psychological practitioner in the*
90 *Commonwealth or use the title of psychological practitioner unless he holds a license issued by the*
91 *Board.*

92 B. *The Board shall establish criteria for licensure as a psychological practitioner, which shall*
93 *include the following:*

94 1. *Documentation that the applicant received a master's degree in psychology or counseling*
95 *psychology from a program accredited by the American Psychological Association, from a program*
96 *equivalent to those accredited by the American Psychological Association as determined by the Board,*
97 *or from a program accredited by another national accrediting body approved by the Board; and*

98 2. *Documentation that the applicant successfully completed the academic portion of a national exam*
99 *recognized by the Board.*

100 C. *Every psychological practitioner who meets the requirements of subsection B shall practice under*
101 *the supervision of a clinical psychologist unless the requirements of subsection D are met. The Board*
102 *shall determine the requirements and procedures for such supervision.*

103 D. *A psychological practitioner may practice without supervision upon:*

104 1. *Successful completion of the clinical portion of a national exam recognized by the Board; and*

105 2. *Completion of one year of full-time experience, as determined by the Board, of practice under the*
106 *supervision of a clinical psychologist.*

107 *Upon receipt of documentation of such examination and experience requirements and a fee as*
108 *established by the Board, the Board shall issue to the psychological practitioner a new license that*
109 *includes a designation indicating that the psychological practitioner is authorized to practice*
110 *independently.*

111 E. *The Board shall determine appropriate standards of practice for psychological practitioners.*

112 F. *The Board shall promulgate such regulations as may be necessary to implement the provisions of*
113 *this section.*

114 **2. That the Board of Psychology shall promulgate regulations to implement the provisions of this**
115 **act to be effective within 280 days of its enactment.**