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## HOUSE BILL NO. 1499

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Finance and Appropriations  
on March 4, 2024)

(Patron Prior to Substitute—Delegate Willett)

A BILL to amend and reenact §§ 32.1-122.7, 32.1-122.7:1, 32.1-122.7:2, and 54.1-3500 of the Code of Virginia and to amend the Code of Virginia by adding in Article 1 of Chapter 20.2 of Title 2.2 a section numbered 2.2-2040.1, relating to Virginia Health Workforce Development Authority; Virginia Health Care Career and Technical Training and Education Fund created; qualified mental health professional; definition.

Be it enacted by the General Assembly of Virginia:

1. That §§ 32.1-122.7, 32.1-122.7:1, 32.1-122.7:2, and 54.1-3500 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 1 of Chapter 20.2 of Title 2.2 a section numbered 2.2-2040.1 as follows:

**§ 2.2-2040.1. Virginia Health Care Career and Technical Training and Education Fund.**

There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia Health Care Career and Technical Training and Education Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller. All funds appropriated for such purpose and any gifts, donations, grants, bequests, and other funds received on its behalf shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. The Fund shall be administered by the Director of the Department of Workforce Development and Advancement. Moneys in the Fund shall be used solely for the purposes of supporting the mission of the Virginia Health Workforce Development Authority, as described in § 32.1-122.7. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Director of the Department of Workforce Development and Advancement.

**§ 32.1-122.7. Virginia Health Workforce Development Authority; purpose.**

A. There is hereby created as a public body corporate and as a political subdivision of the Commonwealth the Virginia Health Workforce Development Authority (the Authority), with such public and corporate powers as are set forth in § 32.1-122.7:2. The Authority is hereby constituted as a public instrumentality, exercising public and essential governmental functions with the power and purpose to provide for the health, welfare, convenience, knowledge, benefit, and prosperity of the residents of the Commonwealth and such other persons who might be served by the Authority. The Authority is established to move the Commonwealth forward in achieving its vision of ensuring a quality health workforce for all Virginians.

B. The mission of the Authority is to facilitate the development of a statewide health professions pipeline that identifies, educates, recruits, and retains a diverse, appropriately geographically distributed, and culturally competent quality workforce. The mission of the Authority is accomplished by: (i) providing the statewide infrastructure required for health workforce needs assessment and planning that maintains engagement by health professions training programs in decision making and program implementation; (ii) serving as the advisory board and setting priorities for the Virginia Area Health Education Centers Program; (iii) coordinating with and serving as a resource to relevant state, regional, and local entities, including the Department of Health Professions Workforce Data Center, the Joint Legislative Audit and Review Commission, the Joint Commission on Health Care, the Behavioral Health Commission, the Southwest Virginia Health Authority, or any similar regional health authority that may be developed; (iv) informing state and local policy development as it pertains to health care delivery, training, and education; (v) identifying and promoting evidence-based strategies for health workforce pipeline development and interdisciplinary health care service models, particularly those affecting rural and other underserved areas; (vi) supporting communities in their health workforce recruitment and retention efforts and developing partnerships and promoting models of participatory engagement with business and community-based and social organizations to foster integration of health care training and education; (vii) setting priorities for and evaluating graduate medical education programs overseen by the Commonwealth; (viii) advocating for programs that will result in reducing the debt load of newly trained health professionals; ~~(viii)~~ (ix) setting priorities for and managing the Virginia Health Care Career and Technical Training and Education Fund; (x) identifying high priority target areas within each region of the Commonwealth and working toward health workforce development initiatives that improve health measurably in those areas; ~~(ix)~~ (xi) fostering or creating innovative health workforce development models that provide both health and economic benefits to the regions they serve; ~~(x)~~ (xii)

60 developing strategies to increase diversity in the health workforce by examining demographic data on  
61 race and ethnicity in training programs and health professional licensure; ~~(xi)~~ (xiii) identifying ways to  
62 leverage technology to increase access to health workforce training and health care delivery; and ~~(xii)~~  
63 (xiv) developing a centralized health care careers roadmap in partnership with the Department of Health  
64 Professions that includes information on both licensed and unlicensed professions and that is  
65 disseminated to the Commonwealth's health care workforce stakeholders to raise awareness about  
66 available career pathways.

67 **§ 32.1-122.7:1. Board of Directors of the Virginia Health Workforce Development Authority.**

68 The Virginia Health Workforce Development Authority (*the Authority*) shall be governed by a Board  
69 of Directors. The Board of Directors shall have a total membership of ~~15~~ 19 members that shall consist  
70 of three legislative members, nine nonlegislative citizen members, and ~~three~~ seven ex officio members.  
71 Members shall be appointed as follows: two members of the House of Delegates, to be appointed by the  
72 Speaker of the House of Delegates in accordance with the principles of proportional representation  
73 contained in the Rules of the House of Delegates; one member of the Senate, to be appointed by the  
74 Senate Committee on Rules; and nine nonlegislative citizen members, three of whom shall be  
75 representatives of health professional educational or training programs, five of whom shall be health  
76 professionals or employers or representatives of health professionals, and one of whom shall be a  
77 representative of community health, to be appointed by the Governor. The Commissioner of Health ~~or~~  
78 ~~his designee~~, the Chancellor of the Virginia Community College System ~~or his designee~~, and the  
79 Director of the Department of Health Professions ~~or his designee~~, *the Director of the Department of*  
80 *Workforce Development and Advancement, the Director of the State Council of Higher Education for*  
81 *Virginia, the Chairman of the House Committee on Appropriations, and the Chairman of the Senate*  
82 *Committee on Finance and Appropriations or their designees* shall serve ex officio with voting  
83 privileges. Members appointed by the Governor shall be citizens of the Commonwealth.

84 Legislative members and ex officio members shall serve terms coincident with their terms of office.  
85 All appointments of nonlegislative citizen members shall be for two-year terms following the initial  
86 staggering of terms. Appointments to fill vacancies, other than by expiration of a term, shall be for the  
87 unexpired terms. Legislative and citizen members may be reappointed; however, no citizen member shall  
88 serve more than four consecutive two-year terms. The remainder of any term to which a member is  
89 appointed to fill a vacancy shall not constitute a term in determining the member's term limit. Vacancies  
90 shall be filled in the same manner as the original appointments.

91 The Board of Directors shall elect a chairman and vice-chairman annually from among its members.  
92 A majority of the members of the Board of Directors shall constitute a quorum.

93 The Board of Directors shall report biennially on the activities and recommendations of the Authority  
94 to the Secretary of Health and Human Resources, the Secretary of Education, the Secretary of  
95 Commerce and Trade, the ~~Chief Workforce Development Advisor~~ *Secretary of Labor*, the State Board of  
96 Health, the State Council of Higher Education for Virginia, the Joint Commission on Health Care, *the*  
97 *Chairman of the House Committee on Appropriations, the Chairman of the Senate Committee on*  
98 *Finance and Appropriations*, the Governor, and the General Assembly. In any reporting period where  
99 state general funds are appropriated to the Authority, the report shall include a detailed summary of how  
100 state general funds were expended.

101 The accounts and records of the Authority showing the receipt and disbursement of funds from  
102 whatever source derived shall be in a form prescribed by the Auditor of Public Accounts. The Auditor  
103 of Public Accounts, or his legally authorized representative, shall examine the accounts of the Authority  
104 as determined necessary by the Auditor of Public Accounts. The cost of such audit shall be borne by the  
105 Authority.

106 **§ 32.1-122.7:2. Powers and duties of the Virginia Health Workforce Development Authority;**  
107 **exemptions.**

108 A. The Virginia Health Workforce Development Authority (*the Authority*) is authorized to serve as  
109 the incorporated consortium of allopathic and osteopathic medical schools in Virginia as required by  
110 federal statute to qualify for the receipt of Area Health Education Centers programs, legislatively  
111 mandated under the Public Health Service Act as amended, Title VII, Section 751, and 42 U.S.C.  
112 § 294a, and to administer federal, state, and local programs as needed to carry out its public purpose and  
113 objectives. The Authority is further authorized to exercise independently the powers conferred by this  
114 section in furtherance of its corporate and public purposes to benefit citizens and such other persons  
115 who might be served by the Authority.

116 B. The Authority is authorized to monitor, collect, and track data pertaining to health care delivery,  
117 training, and education from Virginia educational institutions and other entities as needed to carry out its  
118 public purpose and objectives in areas where such data efforts do not already exist. *The Authority is*  
119 *further authorized to request and seek data for program evaluation purposes and may partner with*  
120 *other agencies and institutions to help manage and analyze health workforce data. The Authority shall*  
121 *assist in the coordination of data from various sources, including the Department of Education, the*

*Department of Health Professions, the Virginia Department of Health, the Office of Economic Education, the Workforce Data Trust, and the George Mason University Center for Health Workforce.*

C. The Authority shall have the authority to assess policies, engage in policy development, and make policy recommendations.

D. The Authority shall have the authority to apply for and accept federal, state, and local public and private grants, loans, appropriations, and donations; hire and compensate staff, including an executive director; rent, lease, buy, own, acquire, and dispose of property, real or personal; participate in joint ventures, including to make contracts and other agreements with public and private entities in order to carry out its public purpose and objectives; and make bylaws for the management and regulation of its affairs.

E. The Authority shall be exempt from the provisions of ~~Chapters 29~~ *the Virginia Personnel Act* (§ 2.2-2900 et seq.) and ~~43~~ *the Virginia Public Procurement Act* (§ 2.2-4300 et seq.) of ~~Title 2.2~~.

F. The exercise of powers granted by this article and the undertaking of activities in the furtherance of the purpose of the Authority shall constitute the performance of essential governmental functions. Therefore, the Authority shall be exempt from any tax or assessment upon any project or property acquired or used by the Authority under the provisions of this article or upon the income therefrom, including sales and use taxes on tangible personal property used in the operation of the Authority. This exemption shall not extend to persons conducting business for which local or state taxes would otherwise be required.

#### **§ 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.

"Art therapist" means a person who has (i) completed a master's or doctoral degree program in art therapy, or an equivalent course of study, from an accredited educational institution; (ii) satisfied the requirements for licensure set forth in regulations adopted by the Board; and (iii) been issued a license for the independent practice of art therapy by the Board.

"Art therapy" means the integrated use of psychotherapeutic principles, visual art media, and the creative process in the assessment, treatment, and remediation of psychosocial, emotional, cognitive, physical, and developmental disorders in children, adolescents, adults, families, or groups.

"Art therapy associate" means a person who has (i) completed a master's or doctoral degree program in art therapy, or an equivalent course of study from an accredited educational institution; (ii) satisfied the requirements for licensure set forth in regulations adopted by the Board; and (iii) been issued a license to practice art therapy under an approved clinical supervisor in accordance with regulations of the Board.

"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 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 that interfere with mental health.

"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 appraisal 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 appraisal 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 the

183 counseling profession, which shall include appraisal, counseling, and referral activities.

184 "Practice of marriage and family therapy" means the appraisal and treatment of cognitive, affective,  
185 or behavioral mental and emotional disorders within the context of marriage and family systems through  
186 the application of therapeutic and family systems theories and techniques, which shall include  
187 assessment, treatment, and referral activities.

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

190 "Professional counselor" means a person trained in the application of principles, standards, and  
191 methods of the counseling profession, including counseling interventions designed to facilitate an  
192 individual's achievement of human development goals and remediating mental, emotional, or behavioral  
193 disorders and associated distresses that interfere with mental health and development.

194 "Qualified mental health professional" ~~includes qualified mental health professionals-adult and~~  
195 ~~qualified mental health professionals-child~~ means a person who by education and experience is  
196 professionally qualified and registered by the Board to provide collaborative mental health services. A  
197 qualified mental health professional shall provide such services as an employee or independent  
198 contractor of the Department of Behavioral Health and Developmental Services or the Department of  
199 Corrections, or as a provider licensed by the Department of Behavioral Health and Developmental  
200 Services.

201 "Qualified mental health professional-adult" means a qualified mental health professional who  
202 provides collaborative mental health services for adults. A qualified mental health professional-adult  
203 shall provide such services as an employee or independent contractor of the Department of Behavioral  
204 Health and Developmental Services or the Department of Corrections, or as a provider licensed by the  
205 Department of Behavioral Health and Developmental Services.

206 "Qualified mental health professional-child" means a person who by education and experience is  
207 professionally qualified and registered by the Board to provide collaborative mental health services for  
208 children and adolescents up to 22 years of age. A qualified mental health professional-child shall  
209 provide such services as an employee or independent contractor of the Department of Behavioral Health  
210 and Developmental Services or the Department of Corrections, or as a provider licensed by the  
211 Department of Behavioral Health and Developmental Services.

212 "Qualified mental health professional-trainee" means a person who is receiving supervised training to  
213 qualify as a qualified mental health professional and is registered with the Board.

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

216 "Registered peer recovery specialist" means a person who by education and experience is  
217 professionally qualified and registered by the Board to provide collaborative services to assist individuals  
218 in achieving sustained recovery from the effects of addiction or mental illness, or both. A registered peer  
219 recovery specialist shall provide such services as an employee or independent contractor of the  
220 Department of Behavioral Health and Developmental Services, a provider licensed by the Department of  
221 Behavioral Health and Developmental Services, a practitioner licensed by or holding a permit issued  
222 from the Department of Health Professions, or a facility licensed by the Department of Health.

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

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

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

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

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

236 **2. That the Board of Nursing shall amend its regulations to remove the following requirements: (i)**  
237 **that all of the members of the nursing faculty in baccalaureate degree and prelicensure graduate**  
238 **degree programs hold a graduate degree; (ii) that the majority of the members of the nursing**  
239 **faculty in baccalaureate degree and prelicensure graduate degree programs hold a graduate degree**  
240 **in nursing; and (iii) that the majority of the members of the nursing faculty in associate degree**  
241 **and diploma programs hold a graduate degree, preferably in nursing.**

242 **3. That the Board of Nursing shall promulgate regulations to implement the provisions of the**  
243 **second enactment of this act to be effective within 280 days of its enactment.**

244 **4. That the Board of Counseling shall revise the qualifications for qualified mental health**

professionals (QMHPs) by (i) establishing a pathway for individuals with associate degrees to become QMHPs, (ii) removing the distinction between certification as a QMHP-Adult and QMHP-Child and unifying requirements for qualification as a QMHP, and (iii) enabling experienced QMHPs to supervise new professionals in the field who do not yet meet the requirements for qualification as a QMHP.

5. That the Board of Counseling shall promulgate regulations to implement the provisions of the fourth enactment of this act to be effective within 280 days of its enactment.

6. That the Virginia Health Workforce Development Authority (the Authority) shall convene a work group consisting of the Director of the Authority or his designee; the Director of the Department of Health Professions; the Deputy Secretary of Education; the Deputy Secretary of Labor; the Director of the Department of Workforce Development and Advancement; one representative each from the Board of Nursing, Board of Counseling, and Board of Psychology; and the Chairmen of the House Committee on Health and Human Services and the Senate Committee on Education and Health for the purpose of identifying and proposing revisions to current regulations and policies that hinder the development, retention, and productivity of the health care workforce in behavioral health and nursing. The work group shall elect one of its members to serve as its chairman. All agencies of the Commonwealth shall provide assistance to the Authority, upon request. In identifying and proposing its revisions, the work group shall focus on (i) revising barrier crimes legislation affecting the employment of peer recovery specialists and substance abuse workers, (ii) recommending statutory changes to empower the Board of Nursing to amplify nursing education and training capabilities, and (iii) reevaluating and adjusting the qualifications for qualified mental health professionals. The work group shall submit a report on its recommendations to the Chairmen of the House Committee on Health and Human Services and the Senate Committee on Education and Health and to the Governor by October 1, 2025.

7. That the Virginia Health Workforce Development Authority, in collaboration with the Department of Workforce Development and Advancement, the Department of Health Professions, the Department of Education, the Virginia Community College System, the State Council of Higher Education for Virginia, the Department of Health, the Mason Center for Health Workforce at George Mason University, and representatives from for-profit and private not-for-profit health care providers and the regional Area Health Education Centers, shall develop an employer-led collective impact program (the program) to align, coordinate, and integrate resources and efforts across the Commonwealth to strengthen the health and health sciences workforce. Implementation of the program shall meet the following processes and goals:

1. The Health Workforce Highway and the Virginia Tech Talent Pipeline concepts shall serve as strategic frameworks for promoting early engagement with life sciences, rigorous and intentional course selection, experiential learning, transferable credits, and stackable credentials. The program shall allow for paid educational opportunities in order to promote career mobility.

2. The implementation of the program shall be modeled after the Blue Ridge Partnership for Health Sciences Careers program that is designed to bridge the gap between educational institutions, health care providers, and industry stakeholders, fostering a synergy that drives innovation and addresses the evolving needs of the health care sector.

3. The purpose of the program is to create a streamlined and effective pathway for individuals pursuing careers in health sciences, ensuring that education and training are directly aligned with the current and future demands of the health care industry. The program shall emphasize practical, hands-on experience and continuous professional development, ensuring a skilled workforce that is adaptable to the rapid advancements in health care technology and practices.

4. The program shall ensure that students receive relevant training that directly translates to skills needed in the health and health sciences workforce. Additionally, the program shall emphasize ongoing professional development and retraining opportunities, adapting to the evolving landscape of health care technology and practices.