

*Commonwealth of Virginia*



# **REGULATIONS**

## **GOVERNING THE CERTIFICATION OF SUBSTANCE ABUSE COUNSELORS AND SUBSTANCE ABUSE COUNSELING ASSISTANTS**

### **VIRGINIA BOARD OF COUNSELING**

**Title of Regulations: 18 VAC 115-30-10 et seq.**

**Statutory Authority: §§ 54.1-2400 and Chapter 35 of Title 54.1  
of the *Code of Virginia***

**Revised Date: October 14, 2009**

9960 Mayland Drive  
Richmond, VA 23233

Phone: (804) 367-4610

FAX: (804) 527-4435

email: [coun@dhp.virginia.gov](mailto:coun@dhp.virginia.gov)

## TABLE OF CONTENTS

TABLE OF CONTENTS.....	2
Part I. General Provisions.....	3
18VAC115-30-10. Definitions.....	3
18VAC115-30-20. (Repealed.) .....	4
18VAC115-30-30. Fees required by the board. ....	4
Part II. Requirements for Certification.....	5
18VAC115-30-40. Prerequisites for certification by examination for substance abuse counselors.....	5
18VAC115-30-45. Prerequisites for certification by endorsement for substance abuse counselors.....	5
18VAC115-30-50. Educational requirements for substance abuse counselors. ....	6
18VAC115-30-60. Experience requirements for substance abuse counselors. ....	8
18VAC115-30-61. Prerequisites for certification by examination for substance abuse counseling assistant.....	9
18VAC115-30-62. Educational requirements for substance abuse counseling assistants.....	10
18VAC115-30-70. and 18VAC115-30-80. (Repealed.) .....	11
Part III. Examinations.....	11
18VAC115-30-90. General examination requirements for substance abuse counselors and substance abuse counseling assistants.....	11
18VAC115-30-100. (Repealed.) .....	12
Part IV. Renewal and Reinstatement.....	12
18VAC115-30-110. Annual renewal of certificate. ....	12
18VAC115-30-120. Reinstatement.....	12
18VAC115-30-130. (Repealed.) .....	12
Part V. Standards of Practice; Disciplinary Actions; Reinstatement. ....	12
18VAC115-30-140. Standards of practice.....	12
18VAC115-30-150. Grounds for revocation, suspension, restriction or denial of certificate; petition for rehearing.....	13
18VAC115-30-160. Reinstatement following disciplinary action.....	14

## **Part I. General Provisions.**

### **18VAC115-30-10. Definitions.**

A. The following words and terms when used in this chapter shall have the meaning ascribed to them in §54.1-3500 of the Code of Virginia:

"Board"

"Certified substance abuse counselor"

"Certified substance abuse counseling assistant"

"Practice of substance abuse treatment"

"Substance abuse" and "substance dependence"

"Substance abuse treatment"

B. The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Applicant" means an individual who has submitted a completed application with documentation and the appropriate fees to be examined for certification as a substance abuse counselor or substance abuse counseling assistant.

"Appropriately credentialed authority" means an entity licensed by an agency of the Commonwealth to render the services of substance abuse counselors or substance abuse counseling assistants.

"Candidate" means a person who has been approved to take the examinations for certification as a substance abuse counselor or substance abuse counseling assistant.

"Clinical supervision" means the ongoing process performed by a clinical supervisor who monitors the performance of the person supervised and provides regular, documented face-to-face consultation, guidance and education with respect to the clinical skills and competencies of the person supervised.

"Clinical supervisor" means one who provides case-related supervision, consultation, education and guidance for the applicant. The supervisor must be credentialed as defined in 18VAC115-30-60 C.

"Competency area" means an area in which a person possesses knowledge and skill and the ability to apply them in the clinical setting.

"Didactic" means teaching-learning methods which impart facts and information, usually in the form of one-way communication (includes directed readings and lectures).

"Endorsement" means the waiver of the examination requirement for certification as a substance abuse counselor for persons currently certified or licensed in another jurisdiction.

"Group supervision" means the process of clinical supervision of no more than six persons in a group setting provided by a qualified supervisor.

"Substance abuse counseling" means applying a counseling process, treatment strategies and rehabilitative services to help an individual to:

1. Understand his substance use, abuse or dependency; and
2. Change his drug-taking behavior so that it does not interfere with effective physical, psychological, social or vocational functioning.

**18VAC115-30-20. (Repealed.)**

**18VAC115-30-30. Fees required by the board.**

A. The board has established the following fees applicable to the certification of substance abuse counselors and substance abuse counseling assistants:

Substance abuse counselor annual certification renewal	\$55
Substance abuse counseling assistant annual certification renewal	\$40
Substance abuse counselor initial certification by examination: Application processing and initial certification	\$90
Substance abuse counseling assistant initial certification by examination: Application processing and initial certification	\$90
Initial certification by endorsement of substance abuse counselors: Application processing and initial certification	\$90
Registration of supervision	\$50
Add or change supervisor	\$25
Duplicate certificate	\$5
Late renewal	\$20
Reinstatement of a lapsed certificate	\$100
Replacement of or additional wall certificate	\$15
Returned check	\$35
Reinstatement following revocation or suspension	\$500
One-time fee reduction for renewal of certification as a substance abuse counselor due on June 30, 2007	\$27
One-time fee reduction for renewal of certification as a substance abuse counseling assistant due on June 30, 2007	\$20

B. All fees are nonrefundable.

## **Part II. Requirements for Certification.**

### **18VAC115-30-40. Prerequisites for certification by examination for substance abuse counselors.**

A. A candidate for certification as a substance abuse counselor shall meet all the requirements of this section, including passing the examination prescribed in 18VAC115-30-90.

B. Every prospective applicant for examination for certification by the board shall:

1. Meet the educational and experience requirements prescribed in 18VAC115-30-50 and 18VAC115-30-60;

2. Submit the following to the board:

a. A completed application form;

b. Official transcript documenting attainment of a bachelor's degree;

c. Official transcripts or certificates verifying completion of the didactic training requirement set forth in subsection B of 18VAC115-30-50;

d. Verification of supervisor's education and experience as required under 18VAC115-30-60;

e. Verification of supervision forms documenting fulfillment of the experience requirements of 18VAC115-30-60;

f. Documentation of any other professional license or certificate ever held in another jurisdiction; and

g. The application processing and initial certification fee.

### **18VAC115-30-45. Prerequisites for certification by endorsement for substance abuse counselors.**

Every applicant for certification by endorsement shall submit:

1. A completed application;

2. The application processing fee;

3. Verification of all professional licenses or certificates ever held in any other jurisdiction. In order to qualify for endorsement, the applicant shall have no unresolved action against a license or certificate. The board will consider history of disciplinary action on a case-by-case basis. The board

will also determine whether any or all other professional licenses or certificates held in another jurisdiction are substantially equivalent to those sought in Virginia;

4. Affidavit of having read and understood the regulations and laws governing the practice of substance abuse counseling in Virginia; and

5. Further documentation of one of the following:

a. Licensure or certification as a substance abuse counselor in another jurisdiction in good standing obtained by standards substantially equivalent to the education and experience requirements set forth in this chapter as verified by a certified copy of the original application submitted directly from the out-of-state licensing agency, or a copy of the regulations in effect at the time of initial licensure or certification and verification of a passing score on a licensure examination in the jurisdiction in which licensure or certification was obtained, and which is deemed substantially equivalent by the board; or

b. Verification of a current board-recognized national certification in substance abuse counseling in good standing obtained by standards substantially equivalent to those set forth in this chapter.

**18VAC115-30-50. Educational requirements for substance abuse counselors.**

A. An applicant for examination for certification as a substance abuse counselor shall:

1. Have a bachelor's degree.

2. Have completed 400 clock hours of substance abuse education from one of the following programs:

a. An accredited university or college;

b. An integrated program acceptable to the board; or

c. An individualized program of seminars and workshops to be approved by the board at the time of application.

B. Substance abuse education.

1. The education will include 220 hours spent in receiving didactic training in substance abuse counseling. Each applicant shall have received a minimum of 10 clock hours in each of the following eight areas:

a. Understanding the dynamics of human behavior;

b. Signs and symptoms of substance abuse;

c. Treatment approaches, group dynamics and other adjunctive treatment and recovery support;

d. Continuum of care and case management skills;

- e. Recovery process and relapse prevention methods;
- f. Ethics;
- g. Professional identity in the provision of substance abuse services; and
- h. Crisis intervention.

In addition, each applicant shall have at least 20 hours in each of the following two areas:

- (i) Substance abuse counseling treatment planning and substance abuse research; and
- (ii) Group counseling.

2. The education shall also consist of 180 hours of experience performing the following tasks with substance abuse clients:

- a. Screening clients to determine eligibility and appropriateness for admission to a particular program;
- b. Intake of clients by performing the administrative and initial assessment tasks necessary for admission to a program;
- c. Orientation of new clients to program's rules, goals, procedures, services, costs and the rights of the client;
- d. Assessment of client's strengths, weaknesses, problems, and needs for the development of a treatment plan;
- e. Treatment planning with the client to identify and rank problems to be addressed, establish goals, and agree on treatment processes;
- f. Counseling the client utilizing specialized skills in both individual and group approaches to achieve treatment goals and objectives;
- g. Case management activities which bring services, agencies, people and resources together in a planned framework of action to achieve established goals;
- h. Crisis intervention responses to clients' needs during acute mental, emotional or physical distress;
- i. Education of clients by providing information about drug abuse and available services and resources;
- j. Referral of clients in order to meet identified needs unable to be met by the counselor and assisting the client in effectively utilizing those resources;
- k. Reporting and charting information about client's assessment, treatment plan, progress, discharge summaries and other client-related data; and

1. Consultation with other professionals to assure comprehensive quality care for the client.

Each of these tasks shall be performed for at least eight hours under supervision and shall be verified as a part of the application by the supervisor.

C. Groups and classes attended as a part of a therapy or treatment program will not be accepted as any part of the educational experience.

**18VAC115-30-60. Experience requirements for substance abuse counselors.**

A. Registration. Supervision obtained without prior board approval will not be accepted if it does not meet the requirements set forth in subsections B and C of this section. Individuals who wish to register supervision for board approval prior to obtaining the supervised experience shall submit in one package:

1. A supervisory contract;
2. Verification of the supervisor's education and experience as required under subsection C of this section;
3. Official transcripts documenting completion of a high school diploma or general education development certificate; and
4. The registration fee.

B. Experience requirements.

1. An applicant for certification as a substance abuse counselor shall have had 2,000 hours of supervised experience in the delivery of clinical substance abuse counseling services.
2. The supervised experience shall include an average of two hours per week of face-to-face consultation between the supervisor and the applicant to total 100 hours within the required experience. No more than half of these hours may be satisfied with group supervision. One hour of group supervision will be deemed equivalent to one hour of face-to-face supervision.
3. Applicants must document successful completion of their supervised experience on the Verification of Supervision Form at the time of application. Supervised experience obtained prior to January 19, 2000, may be accepted toward certification if this supervised experience met the board's requirements that were in effect at the time the supervision was rendered.

C. Supervisory requirements.

1. A board-approved clinical supervisor shall:
  - a. Be a licensed professional counselor, licensed clinical psychologist, licensed clinical social worker, licensed marriage and family therapist, medical doctor, or registered nurse, and possess either a board-recognized national certification in substance abuse counseling obtained by standards substantially equivalent to those set forth in this chapter, or a minimum of one year experience in

substance abuse counseling and at least 100 hours of didactic training covering the areas outlined in 18VAC115-30-50 B 1 a through h; or

b. Be a licensed substance abuse treatment practitioner; or

c. Be a substance abuse counselor certified by the Virginia Board of Counseling who has:

(1) Board-recognized national certification in substance abuse counseling obtained by standards substantially equivalent to those set forth in this chapter; or

(2) Two years experience as a Virginia board-certified substance abuse counselor.

2. Supervisors shall assume responsibility for the professional activities of the prospective applicants under their supervision.

3. Supervisors shall not provide supervision for activities for which prospective applicants have not had appropriate education.

4. Supervisors shall provide supervision only for those substance abuse counseling services which they are qualified to render.

5. At the time of formal application for certification, the board-approved supervisor shall document the applicant's total hours of supervision, length of work experience, competence in substance abuse counseling and any needs for additional supervision or training.

6. Supervision by any individual whose relationship to the supervisee compromises the objectivity of the supervisor is prohibited.

7. The applicant shall keep the board's contracting agent informed of his current supervisor's license or certificate number, business address, and phone number. The board's contracting agent shall be informed within 30 days of any changes in the applicant's supervision.

**18VAC115-30-61. Prerequisites for certification by examination for substance abuse counseling assistant.**

A. A candidate for certification as a substance abuse counseling assistant shall meet all the requirements of this section, including passing the examination prescribed in 18VAC115-30-90.

B. Every prospective applicant for examination for certification by the board shall:

1. Meet the educational requirements prescribed in 18VAC115-30-62;

2. Submit the following to the board or its contracting agent within the time frame established by the board or that agent:

a. A completed application form;

- b. Official transcript documenting attainment of a high school diploma or general education development (GED) certificate; and
- c. The application processing and initial certification fee.

**18VAC115-30-62. Educational requirements for substance abuse counseling assistants.**

A. An applicant for certification as a substance abuse counseling assistant shall:

- 1. Have an official high school diploma or general educational development (GED) certificate; and
- 2. Have completed 300 clock hours of substance abuse education from one of the following programs:
  - a. An accredited university or college;
  - b. An integrated program approved by the board at the time of application; or
  - c. An individualized program of seminars and workshops approved by the board at the time of application.

B. Substance abuse education.

1. The education will include 120 hours spent in receiving didactic training in substance abuse counseling. Each applicant shall have received a minimum of 10 clock hours in each of the following eight areas:

- a. Understanding the dynamics of human behavior;
- b. Signs and symptoms of substance abuse;
- c. Treatment approaches, group dynamics and other adjunctive treatment and recovery support;
- d. Case management skills and continuum of care;
- e. Recovery process and relapse prevention methods;
- f. Ethics;
- g. Professional identity in the provision of substance abuse services; and
- h. Crisis intervention.

2. The education shall include 180 hours of experience performing the following tasks with substance abuse clients while under supervision:

- a. Screening clients and gathering information used in making the determination for the need for additional professional assistance;

- b. Intake of clients by performing the administrative tasks necessary for admission to a program;
- c. Orientation of new clients to program's rules, goals, procedures, services, costs and the rights of the client;
- d. Assisting the client in identifying and ranking problems to be addressed, establish goals, and agree on treatment processes;
- e. Implementation of a substance abuse treatment plan as directed by the supervisor;
- f. Implementation of case management activities that bring services, agencies, people and resources together in a planned framework of action to achieve established goals;
- g. Assistance in identifying appropriate crisis intervention responses to clients' needs during acute mental, emotional or physical distress;
- h. Education of clients by providing information about drug abuse and available services and resources;
- i. Facilitating the client's utilization of available support systems and community resources to meet needs identified in clinical valuation or treatment planning;
- j. Reporting and charting information about client's treatment, progress, and other client-related data; and
- k. Consultation with other professionals to assure comprehensive quality care for the client.

Each of these tasks shall be performed for at least eight hours under supervision and shall be verified as a part of the application by the supervisor.

C. Groups and classes attended as a part of a therapy or treatment program shall not be accepted as any part of the educational experience.

**18VAC115-30-70. and 18VAC115-30-80. (Repealed.)**

### **Part III. Examinations.**

**18VAC115-30-90. General examination requirements for substance abuse counselors and substance abuse counseling assistants.**

A. Every applicant for certification as a substance abuse counselor or substance abuse counseling assistant by examination shall pass a written examination approved by the board. The board shall determine the passing score on the examination.

B. Every applicant for certification by endorsement shall have passed an examination deemed by the board to be substantially equivalent to the Virginia examination.

C. The contracting agent shall notify all applicants in writing of the time and place of the examination for which they have been approved to sit.

D. The contracting agent will notify all applicants in writing of their success or failure on any examination.

**18VAC115-30-100. (Repealed.)**

**Part IV. Renewal and Reinstatement.**

**18VAC115-30-110. Annual renewal of certificate.**

A. Every certificate issued by the board shall expire on June 30 of each year.

B. Along with the renewal form, the certified substance abuse counselor or certified substance abuse counseling assistant shall submit the renewal fee prescribed in 18VAC115-30-30.

C. Certified individuals shall notify the board of a change in the address of record or the public address, if different from the address of record within 60 days. Failure to receive a renewal notice and application forms shall not excuse the certified substance abuse counselor from the renewal requirement.

**18VAC115-30-120. Reinstatement.**

A. A person whose certificate has expired may renew it within one year after its expiration date by paying the late renewal fee prescribed in 18VAC115-30-30 and the certification fee prescribed for the year the certificate was not renewed.

B. A person who fails to renew a certificate after one year or more shall apply for reinstatement, pay the reinstatement fee for a lapsed license and submit evidence regarding the continued ability to perform the functions within the scope of practice of the license.

**18VAC115-30-130. (Repealed.)**

**Part V. Standards of Practice; Disciplinary Actions; Reinstatement.**

**18VAC115-30-140. Standards of practice.**

A. The protection of the public health, safety, and welfare and the best interest of the public shall be the primary guide in determining the appropriate professional conduct of all persons whose activities are regulated by the board.

B. Persons certified by the board shall:

1. Practice in a manner that is in the best interest of the public and does not endanger the public health, safety, or welfare.

2. Be able to justify all services rendered to clients as necessary for diagnostic or therapeutic purposes.

3. Practice only within the competency area for which they are qualified by training or experience.

4. Report to the board known or suspected violations of the laws and regulations governing the practice of certified substance abuse counselors or certified substance abuse counseling assistants.

5. Neither accept nor give commissions, rebates, or other forms of remuneration for referral of clients for professional services.

6. Disclose counseling records to others only in accordance with the requirements of state and federal statutes and regulations, including, but not limited to §§32.1-127.1:03 (Patient Health Records Privacy Act), 2.2-3704 (Virginia Freedom of Information Act), and 54.1-2400.1 (Mental Health Service Providers; Duty to Protect Third Parties; Immunity) of the Code of Virginia; 42 USC §290dd-2 (Confidentiality of Drug and Alcohol Treatment Records); and 42 CFR Part 2 (Alcohol and Drug Abuse Patient Records and Regulations).

7. Not engage in dual relationships with clients, former clients, supervisees and supervisors that are harmful to the client's or supervisee's well being, or which would impair the substance abuse counselor's, substance abuse counseling assistant's or supervisor's objectivity and professional judgment, or increase the risk of client or supervisee exploitation. This prohibition includes, but is not limited to, such activities as counseling close friends, former sexual partners, employees or relatives; or engaging in business relationships with clients.

Engaging in sexual intimacies with current clients or supervisees is strictly prohibited. For at least five years after cessation or termination of professional services, certified substance abuse counselors and certified substance abuse counseling assistants shall not engage in sexual intimacies with a client or those included in collateral therapeutic services. Since sexual or romantic relationships are potentially exploitative, certified substance abuse counselors and certified substance abuse counseling assistants shall bear the burden of demonstrating that there has been no exploitation. A client's consent to, initiation of or participation in sexual behavior or involvement with a certified substance abuse counselor or certified substance abuse counseling assistants does not change the nature of the conduct nor lift the regulatory prohibition.

8. Recognize conflicts of interest and inform all parties of obligations, responsibilities and loyalties to third parties.

**18VAC115-30-150. Grounds for revocation, suspension, restriction or denial of certificate; petition for rehearing.**

A. In accordance with §54.1-2400(7) of the Code of Virginia, the board may revoke, suspend, restrict or decline to issue or renew a certificate based upon the following conduct:

1. Conviction of a felony or of a misdemeanor involving moral turpitude, or violation of or aid to another in violating any provision of Chapter 35 (§54.1-3500 et seq.) of Title 54.1 of the Code of Virginia, any other statute applicable to the practice of substance abuse counseling, or any provision of this chapter;

2. Procuring a certificate by fraud or misrepresentation;

3. Conducting one's practice in such a manner so as to make it a danger to the health and welfare of one's clients or to the public; or if one is unable to practice substance abuse counseling with reasonable skill and safety to clients by reason of illness, abusive use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition;

4. Negligence in professional conduct or nonconformance with the standards of practice outlined in 18VAC115-30-140; or

5. Performance of functions outside the board-certified area of competency.

B. Petition for rehearing. A petition may be made to the board for a rehearing upon good cause shown or as a result of substantial new evidence having been obtained which would alter the determination reached in subsection A of this section.

**18VAC115-30-160. Reinstatement following disciplinary action.**

A. Any person whose certificate has been suspended or denied renewal by the board under the provisions of 18VAC115-30-150 may, two years subsequent to such board action, submit a new application for reinstatement of certification. Any person whose certificate has been revoked by the board under the provisions of 18VAC115-30-150 may, three years subsequent to such board action, submit a new application to the board for certification to the board.

B. The board in its discretion may, after a hearing, grant the reinstatement sought in subsection A of this section.

C. The applicant for reinstatement, if approved, shall be certified upon payment of the appropriate fee applicable at the time of reinstatement.

7. The fee for a duplicate wall certificate shall be \$15.
8. The fee for a duplicate renewal license shall be \$5.
9. The fee for a returned check shall be \$35.

VA.R. Doc. No. R08-1141; Filed February 27, 2008, 9:39 a.m.

**BOARD OF COUNSELING**

**Final Regulation**

**REGISTRAR'S NOTICE:** The Board of Counseling has claimed an exemption from the Administrative Process Act in accordance with §2.2-4006 A 4 a of the Code of Virginia, which excludes regulations that are necessary to conform to changes in Virginia statutory law or the appropriation act where no agency discretion is involved. The Board of Counseling will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

**Title of Regulation:** 18VAC115-30. Regulations Governing the Certification of Substance Abuse Counselors and Substance Abuse Counseling (amending 18VAC115-30-150, 18VAC115-30-160).

**Statutory Authority:** §54.1-2400 of the Code of Virginia.

**Effective Date:** April 16, 2008.

**Agency Contact:** Evelyn B. Brown, Executive Director, Department of Health Professions, 9960 Mayland Drive, Suite 300, Richmond, VA 23233, telephone 804-367-4488, FAX 804-527-4435, or email evelyn.brown@dhp.virginia.gov.

**Summary:**

*The amendments conform the regulations to the Code of Virginia by providing authority in 18VAC115-30-150 to restrict or decline to issue a certificate as provided in §54.1-2400 and amending 18VAC115-30-160 to require a three-year period after revocation of a license before a person can apply to a health regulatory board for reinstatement as provided in §54.1-2408.2.*

**18VAC115-30-150. Grounds for revocation, suspension, probation, reprimand, censure restriction or denial of renewal of certificate; petition for rehearing.**

A. In accordance with §54.1-2400(7) of the Code of Virginia, the board may revoke, suspend, restrict or decline to issue or renew a certificate based upon the following conduct:

1. Conviction of a felony or of a misdemeanor involving moral turpitude, or violation of or aid to another in violating any provision of Chapter 35 (§54.1-3500 et seq.) of Title 54.1 of the Code of Virginia, any other statute applicable to the practice of substance abuse counseling, or any provision of this chapter;

2. Procuring a certificate by fraud or misrepresentation;
3. Conducting one's practice in such a manner so as to make it a danger to the health and welfare of one's clients or to the public; or if one is unable to practice substance abuse counseling with reasonable skill and safety to clients by reason of illness, abusive use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition;
4. Negligence in professional conduct or nonconformance with the standards of practice outlined in 18VAC115-30-140; or
5. Performance of functions outside the board-certified area of competency.

B. Petition for rehearing. A petition may be made to the board for a rehearing upon good cause shown or as a result of substantial new evidence having been obtained which would alter the determination reached in subsection A of this section.

**18VAC115-30-160. Reinstatement following disciplinary action.**

A. Any person whose certificate has been revoked, suspended or denied renewal by the board under the provisions of 18VAC115-30-150 may, two years subsequent to such board action, submit a new application for reinstatement of certification. Any person whose certificate has been revoked by the board under the provisions of 18VAC115-30-150 may, three years subsequent to such board action, submit a new application to the board for certification to the board.

B. The board in its discretion may, after a hearing, grant the reinstatement sought in subsection A of this section.

C. The applicant for reinstatement, if approved, shall be certified upon payment of the appropriate fee applicable at the time of reinstatement.

VA.R. Doc. No. R08-1154; Filed February 21, 2008, 10:57 a.m.

**TITLE 20. PUBLIC UTILITIES AND TELECOMMUNICATIONS**

**STATE CORPORATION COMMISSION**

**Proposed Regulation**

**REGISTRAR'S NOTICE:** The State Corporation Commission is exempt from the Administrative Process Act in accordance with §2.2-4002 A 2 of the Code of Virginia, which exempts courts, any agency of the Supreme Court, and

# Regulations

## 18 VAC 90-30-120. Practice of licensed nurse practitioners.

A. A licensed nurse practitioner shall be authorized to engage in practices constituting the practice of medicine in collaboration with and under the medical direction and supervision of a licensed physician.

B. The practice of licensed nurse practitioners shall be based on specialty education preparation as a nurse practitioner in accordance with standards of the applicable certifying organization and written protocols as defined in 18 VAC 90-30-10.

C. The written protocol shall include the nurse practitioner's authority for signatures, certifications, stamps, verifications, affidavits and endorsements provided it is:

1. In accordance with the specialty license of the nurse practitioner and with the scope of practice of the supervising physician;
2. Permitted by § 54.1-2957.02 or applicable sections of the Code of Virginia; and
3. Not in conflict with federal law or regulation.

D. A certified registered nurse anesthetist shall practice in accordance with the functions and standards defined by the American Association of Nurse Anesthetists (Guidelines Scope and Standards for Nurse Anesthesia Practice, Revised 1998 2005) and under the medical direction and supervision of a doctor of medicine or a doctor of osteopathy or the medical direction and supervision of a dentist in accordance with rules and regulations promulgated by the Board of Dentistry.

E. A certified nurse midwife shall practice in accordance with the Standards for the Practice of Nurse-Midwifery (Revised 1993) defined by the American College of Nurse-Midwives.

V.A.R. Doc. No. R07-157; Filed February 27, 2007, 12:43 p.m.

## BOARD OF COUNSELING

### Final Regulation

**REGISTRAR'S NOTICE:** The following regulatory action is exempt from the Administrative Process Act in accordance with § 2.2-4006 A 7 of the Code of Virginia, which excludes regulations of the regulatory boards served by the Department of Health Professions pursuant to Title 54.1 that are limited to reducing fees charged to regulants and applicants. The Board of Counseling will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

**Titles of Regulations:** 18 VAC 115-20. Regulations Governing the Practice of Professional Counseling (amending 18 VAC 115-20-20).

## 18 VAC 115-30. Regulations Governing the Certification of Substance Abuse Counselors and Substance Abuse Counseling Assistants (amending 18 VAC 115-30-30).

## 18 VAC 115-40. Regulations Governing the Certification of Rehabilitation Providers (amending 18 VAC 115-40-20).

## 18 VAC 115-50. Regulations Governing the Practice of Marriage and Family Therapy (amending 115-50-20).

## 18 VAC 115-60. Regulations Governing the Licensure of Substance Abuse Treatment Practitioners (amending 18 VAC 115-60-20).

Statutory Authority: § 54.1-2400 of the Code of Virginia.

Effective Date: April 18, 2007.

Agency Contact: Evelyn B. Brown, Executive Director, Board of Counseling, 6603 West Broad Street, 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9133, FAX (804) 662-9943 or email [evelyn.brown@dhp.virginia.gov](mailto:evelyn.brown@dhp.virginia.gov).

### Summary:

*The amendments provide for a one-time reduction in renewal fees for licensed professional counselors, marriage and family therapists, and substance abuse treatment providers; and certified substance abuse counselors, rehabilitation providers, and substance abuse counseling assistants for the renewal due June 30, 2007.*

## 18 VAC 115-20-20. Fees required by the board.

A. The board has established the following fees applicable to licensure as a professional counselor:

Active annual license renewal	\$105
Inactive annual license renewal	\$55
Initial licensure by examination: Application processing and initial licensure	\$140
Initial licensure by endorsement: Application processing and initial licensure	\$140
Registration of supervision	\$50
Add or change supervisor	\$25
Duplicate license	\$5
Verification of licensure to another jurisdiction	\$25
Late renewal	\$35
Reinstatement of a lapsed license	\$165
Replacement of or additional wall certificate	\$15
Returned check	\$35
Reinstatement following revocation or	\$500

suspension

One-time fee reduction for renewal of an active license due on June 30, ~~2006~~ 2007 \$52

One-time fee reduction for renewal of an inactive license due on June 30, ~~2006~~ 2007 \$27

B. All fees are nonrefundable.

C. Examination fees shall be determined and made payable as determined by the board.

**18 VAC 115-30-30. Fees required by the board.**

A. The board has established the following fees applicable to the certification of substance abuse counselors and substance abuse counseling assistants:

Substance abuse counselor annual certification renewal \$55

Substance abuse counseling assistant annual certification renewal \$40

Substance abuse counselor initial certification by examination: Application processing and initial certification \$90

Substance abuse counseling assistant initial certification by examination: Application processing and initial certification \$90

Initial certification by endorsement of substance abuse counselors: Application processing and initial certification \$90

Registration of supervision \$50

Add or change supervisor \$25

Duplicate certificate \$5

Late renewal \$20

Reinstatement of a lapsed certificate \$100

Replacement of or additional wall certificate \$15

Returned check \$35

Reinstatement following revocation or suspension \$500

One-time fee reduction for renewal of certification as a substance abuse counselor due on June 30, ~~2006~~ 2007 \$27

One-time fee reduction for renewal of certification as a substance abuse counseling assistant due on June 30, ~~2006~~ 2007 \$20

B. All fees are nonrefundable.

**18 VAC 115-40-20. Fees required by the board.**

A. The board has established the following fees applicable to the certification of rehabilitation providers:

Initial certification by examination: Processing and initial certification \$90

Initial certification by endorsement: Processing and initial certification \$90

Certification renewal \$55

Duplicate certificate \$5

Late renewal \$20

Reinstatement of a lapsed certificate \$100

Replacement of or additional wall certificate \$15

Returned check \$35

Reinstatement following revocation or suspension \$500

One-time fee reduction for renewal of certification as a rehabilitation provider due on June 30, ~~2006~~ 2007 \$27

B. Fees shall be paid to the board or its contractor or both in appropriate amounts as specified in the application instructions. All fees are nonrefundable.

C. Examination fees shall be determined and made payable as determined by the board.

**18 VAC 115-50-20. Fees.**

A. The board has established fees for the following:

Registration of supervision \$50

Add or change supervisor \$25

Initial licensure by examination: Processing and initial licensure \$140

Initial licensure by endorsement: Processing and initial licensure \$140

Active annual license renewal \$105

Inactive annual license renewal \$55

Penalty for late renewal \$35

Reinstatement of a lapsed license \$165

Verification of license to another jurisdiction \$25

Additional or replacement licenses \$5

Additional or replacement wall certificates \$15

Returned check \$35

Reinstatement following revocation or \$500

---

# Regulations

---

## suspension

One-time reduction for renewal of an active license due on June 30, ~~2006~~ 2007 \$52

One-time reduction for renewal of an inactive license due on June 30, ~~2006~~ 2007 \$27

B. Fees shall be paid to the board or its contractor or both in appropriate amounts as specified in the application instructions. All fees are nonrefundable.

C. Examination fees shall be determined and made payable as determined by the board.

### 18 VAC 115-60-20. Fees required by the board.

A. The board has established the following fees applicable to licensure as a substance abuse treatment practitioner:

Registration of supervision (initial) \$50

Add/change supervisor \$25

Initial licensure by examination: Processing and initial licensure \$140

Initial licensure by endorsement: Processing and initial licensure \$140

Active annual license renewal \$105

Inactive annual license renewal \$55

Duplicate license \$5

Verification of license to another jurisdiction \$25

Late renewal \$35

Reinstatement of a lapsed license \$165

Replacement of or additional wall certificate \$15

Returned check \$35

Reinstatement following revocation or suspension \$500

One-time reduction for renewal of an active license due on June 30, ~~2006~~ 2007 \$52

One-time reduction for renewal of an inactive license due on June 30, ~~2006~~ 2007 \$27

B. Fees shall be paid directly to the board or its contractor, or both, in appropriate amounts as specified in the application instructions. All fees are nonrefundable.

C. Examination fees shall be determined and made payable as determined by the board.

VA.R. Doc. No. R07-156; Filed February 27, 2007, 12:44 p.m.

