

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***

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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.

"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.

“NAADAC” means the National Association of Alcoholism & Drug Abuse Counselors.

"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, 2010	\$27
One-time fee reduction for renewal of certification as a substance abuse counseling assistant due on June 30, 2010	\$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 and shall pass the examination prescribed in 18VAC115-30-90.

B. Every 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 that is deemed substantially equivalent by the board; or

b. Verification of a current certification in good standing issued by NAADAC or other board-recognized national certification in substance abuse counseling obtained by educational and experience 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; and

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

a. An accredited university or college; or

b. Seminars and workshops that meet the requirements of subsection B of this section and are offered or approved by one of the following:

(1) The American Association of Marriage and Family Counselors and its state affiliates.

(2) The American Association of Marriage and Family Therapists and its state affiliates.

(3) The American Association of State Counseling Boards.

(4) The American Counseling Association and its state and local affiliates.

(5) The American Psychological Association and its state affiliates.

(6) The Commission on Rehabilitation Counselor Certification.

(7) NAADAC, The Association for Addiction Professionals and its state and local affiliates.

(8) National Association of Social Workers.

(9) National Board for Certified Counselors.

(10) A national behavioral health organization or certification body.

(11) Individuals or organizations that have been approved as continuing competency sponsors by the American Association of State Counseling Boards or a counseling board in another state.

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;
- 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
- l. 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; and
- 3. 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 a minimum of one hour and a maximum of four hours per week of supervision 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 individual supervision.
- 3. Applicants must document successful completion of their supervised experience on the Verification of Supervision Form at the time of application.

C. Supervisor qualifications. A board-approved clinical supervisor shall be:

1. A licensed substance abuse treatment practitioner;
2. 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
3. A substance abuse counselor certified by the Virginia Board of Counseling who has:
 - a. Board-recognized national certification in substance abuse counseling obtained by standards substantially equivalent to those set forth in this chapter; or
 - b. Two years experience as a Virginia board-certified substance abuse counselor.

D. Supervisory responsibilities.

1. Supervisors shall assume responsibility for the professional activities of the prospective applicants under their supervision.
2. Supervisors shall not provide supervision for activities for which prospective applicants have not had appropriate education.
3. Supervisors shall provide supervision only for those substance abuse counseling services which they are qualified to render.
4. 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.
5. Supervision by any individual whose relationship to the supervisee compromises the objectivity of the supervisor is prohibited.

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 applicant for examination for certification by the board shall:
 1. Meet the educational requirements prescribed in 18VAC115-30-62; and
 2. Submit the following to the board within the time frame established by the board:

- 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; or

- b. Seminars and workshops approved by the board at the time of application. that meet the educational requirements specified in subsection B of this section and are offered or approved by one of the following:

- (1) The American Association of Marriage and Family Counselors and its state affiliates.
- (2) The American Association of Marriage and Family Therapists and its state affiliates.
- (3) The American Association of State Counseling Boards.
- (4) The American Counseling Association and its state and local affiliates.
- (5) The American Psychological Association and its state affiliates.
- (6) The Commission on Rehabilitation Counselor Certification.
- (7) NAADAC, The Association for Addiction Professionals and its state and local affiliates.
- (8) National Association of Social Workers.
- (9) National Board for Certified Counselors.
- (10) A national behavioral health organization or certification body.
- (11) Individuals or organizations that have been approved as continuing competency sponsors by the American Association of State Counseling Boards or a counseling board in another state.

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;
- 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.

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 change of address 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 certificate and submit evidence of a minimum of 20 hours of substance abuse education that is consistent with course content specified in subsection B of 18VAC115-30-50 for substance abuse counselors and in 18VAC115-30-62 for substance abuse counseling assistants to demonstrate the continued ability to perform the functions within the scope of practice of the certificate.

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.

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.

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.

