

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF HEALTH PROFESSIONS
BOARD OF COUNSELING

TITLE OF REGULATIONS: 18 VAC 115-20-10 et seq.

**REGULATIONS GOVERNING THE PRACTICE OF PROFESSIONAL
COUNSELING**

**STATUTORY AUTHORITY: §54.1-2400 AND CHAPTER 35 OF THE CODE OF
VIRGINIA**

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**PART I.
GENERAL PROVISIONS.**

18 VAC 115-20-10. 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:

“Appraisal activities”

“Board”

“Counseling”

“Counseling treatment intervention”

“Professional counselor”

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

"Applicant" means any individual who has submitted an official application and paid the application fee for licensure as a professional counselor.

“CACREP” means Council for Accreditation of Counseling and Related Educational Programs.

"Candidate for licensure" means a person who has satisfactorily completed all educational and experience requirements for licensure and has been deemed eligible by the board to sit for its examinations.

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

“CORE” means Council on Rehabilitation Education.

“Exempt setting” means an agency or institution in which licensure is not required to engage in the practice of counseling according to the conditions set forth in § 54.1-3501 of the Code of Virginia.

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

"Internship" means supervised, planned, practical, advanced experience obtained in the clinical setting, observing and applying the principles, methods and techniques learned in training or educational settings.

"Jurisdiction" means a state, territory, district, province or country which has granted a professional certificate or license to practice a profession, use a professional title, or hold oneself out as a practitioner of that profession.

"Non-exempt setting" means a setting which does not meet the conditions of exemption from the requirements of licensure to engage in the practice of counseling as set forth in §54.1-3501 of the Code of Virginia.

"Regional accrediting agency" means one of the regional accreditation agencies recognized by the United States Secretary of Education responsible for accrediting senior postsecondary institutions.

"Residency" means a post-internship, supervised, clinical experience registered with the board.

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

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

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:

Annual license renewal	\$105
Initial licensure by examination	\$65
Initial licensure by endorsement	\$65
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	\$25
Reinstatement following revocation or suspension	\$500

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.

18 VAC 115-20-30. (Repealed.)

18 VAC 115-20-35. Sex Offender Treatment Provider Certification. Anyone licensed by the board who is seeking certification as a sex offender treatment provider shall adhere to the Regulations Governing the Certification of Sex Offender Treatment Providers, 18 VAC 125-30-10 et seq.

**PART II.
REQUIREMENTS FOR LICENSURE.**

18 VAC 115-20-40. Prerequisites for licensure by examination.

Every applicant for licensure examination by the board shall:

1. Meet the degree program requirements prescribed in 18 VAC 115-20-49, the course work requirements prescribed in 18 VAC 115-20-50 or 18 VAC 115-20-51 and the experience requirements prescribed in 18 VAC 115-20-52; and
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;
 - b. Official transcripts documenting the applicant's completion of the degree program and course work requirements prescribed in 18 VAC 115-20-49 and 18 VAC 115-20-50 or 18 VAC 115-20-51;
 - c. Verification of Supervision forms documenting fulfillment of the experience requirements of 18 VAC 115-20-52 and copies of all required evaluation forms;

- d. Documentation of any other professional license or certificate ever held in another jurisdiction; and
- e. The application processing and initial licensure fee.

18 VAC 115-20-45. Pre-requisites for licensure by endorsement.

Every applicant for licensure by endorsement shall submit in one package the following:

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;
4. Documentation of having completed education and experience requirements substantially equivalent to those in effect in Virginia at the time of initial licensure as verified by an official transcript and a certified copy of the original application materials;
5. Verification of a passing score on a licensure examination in the jurisdiction in which licensure was obtained; and
6. An affidavit of having read and understood the regulations and laws governing the practice of professional counseling in Virginia.

18 VAC 115-20-49. Degree program requirements.

A. Programs that are approved by CACREP or CORE are recognized as meeting the definition of graduate degree programs that prepare individuals to practice counseling and counseling treatment intervention as defined in §54.1-3500 of the Code of Virginia.

B. The applicant shall have completed a graduate degree from a program that prepares individuals to practice counseling and counseling treatment intervention, as defined in §54.1-3500 of the Code of Virginia, which is offered by a college or university accredited by a regional accrediting agency and which meets the following criteria:

1. There must be a sequence of academic study with the expressed intent to prepare counselors as documented by the institution;
2. There must be an identifiable counselor training faculty and an identifiable body of students who complete that sequence of academic study; and
3. The academic unit must have clear authority and primary responsibility for the core and specialty areas.

18 VAC 115-20-50. Effective until April 12, 2002. Coursework requirements.

A. The applicant shall have completed 60 semester hours or 90 quarter hours of graduate study in counseling to include the following nine core areas:

1. Professional identity, function and ethics;
2. Theories of counseling and psychotherapy;
3. Counseling and psychotherapy techniques;
4. Group dynamics, theories, and techniques;
5. Theories of human behavior, learning, and personality;
6. Career development;
7. Appraisal, evaluation and diagnostic procedures;
8. Abnormal behavior; and
9. Supervised practicum or internship.

B. One course may satisfy study in more than one of the nine study areas required in subsection A of this section.

18 VAC 115-20-51. Effective April 12, 2002. Coursework requirements.

A. The applicant shall have completed 60 semester hours or 90 quarter hours of graduate study in the following core areas, with a minimum of 3 semester hours or 4.5 quarter hours in each of the areas identified in subdivisions 1 through 12 of this subsection:

1. Professional identity, function and ethics;
2. Theories of counseling and psychotherapy;
3. Counseling and psychotherapy techniques;
4. Human growth and development;
5. Group counseling and psychotherapy, theories and techniques;
6. Career counseling and development theories and techniques;
7. Appraisal, evaluation and diagnostic procedures;
8. Abnormal behavior and psychopathology;

9. Multicultural counseling, theories and techniques;
10. Research;
11. Diagnosis and treatment of addictive disorders;
12. Marriage and family systems theory; and
13. Supervised internship of 600 hours to include 240 hours of face-to-face client contact.

B. If 60 graduate hours in counseling were completed prior to April 12, 2000, the board may accept those hours if they meet the regulations in effect at the time the 60 hours were completed.

18 VAC 115-20-52. Residency.

A. Registration.

1. Applicants who render counseling services in a nonexempt setting shall:
 - a. With their supervisor, register their supervisory contract on the appropriate forms for board approval before starting to practice under supervision;
 - b. Have submitted an official transcript documenting a graduate degree as specified in 18 VAC 115-20-49 to include completion of the internship requirement specified in 18 VAC 115-20-50 or 18 VAC 115-20-51; and
 - c. Pay the registration fee.
2. Applicants in exempt settings may register supervision with the board to assure acceptability at the time of application.

B. Residency requirements.

1. The applicant for licensure shall have completed a 4,000 hour supervised residency in counseling practice, with various populations, clinical problems and theoretical approaches in the following areas:
 - a. Counseling and psychotherapy techniques;
 - b. Appraisal, evaluation and diagnostic procedures;
 - c. Treatment planning and implementation;
 - d. Case management and recordkeeping;
 - e. Professional identity and function; and
 - f. Professional ethics and standards of practice.

2. The residency shall include a minimum of 200 hours of face-to-face sessions between supervisor and resident occurring at minimum of one hour per 20 hours of work experience during the period of the residency. 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. Face-to-face supervision that is not coincident with a residency will not be accepted, nor will residency hours be accrued in the absence of approved face-to-face supervision.

3. The residency shall include 2,000 hours of face-to-face client contact.

4. A graduate-level internship completed in a program that meets the requirements set forth in 18 VAC 115-20-49 may count for no more than 600 hours of the required 4,000 hours of experience. The internship shall include 20 hours of face-to-face on-site supervision, and 20 hours of face-to-face off-site supervision. In order to count toward the residency, internship hours shall not begin until completion of 30 semester hours toward the graduate degree.

5. A graduate-level degree internship completed in a CACREP- or CORE-approved program in mental health counseling may count for no more than 900 of the required 4,000 hours of experience.

6. In order for any graduate-level internship to be counted toward a residency, either the clinical or faculty supervisor shall be licensed as set forth in subsection C of this section.

7. The board may consider special requests in the event that the regulations create an undue burden in regard to geography or disability which limits the resident's access to qualified supervision.

8. For applicants enrolled in an integrated course of study in an accredited institution leading to a graduate degree beyond the master's level, supervised experience may begin after the completion of 30 graduate semester hours or 45 graduate quarter hours, including an internship, and shall include graduate course work in the core areas as prescribed in 18 VAC 115-20-50 or 18 VAC 115-20-51.

9. Residents may not call themselves professional counselors, directly bill for services rendered, or in any way represent themselves as independent, autonomous practitioners or professional counselors. During the residency, residents shall use their names and the initials of their degree, and the title "Resident in Counseling" in all written communications. Clients shall be informed in writing of the resident's status and the supervisor's name, professional address, and phone number.

10. Residents shall not engage in practice under supervision in any areas for which they have not had appropriate education.

C. Supervisory requirements. A person who provides supervision for a resident in professional counseling shall document two years of post-licensure clinical experience, have received professional training in supervision; and shall be licensed as a professional counselor, marriage and family therapist, substance abuse treatment practitioner, school psychologist, clinical psychologist, clinical social worker, or psychiatrist in the jurisdiction where the supervision is being provided. At least one-half of the individual face-to-face supervision shall be rendered by a licensed professional counselor.

1. Supervision by any individual whose relationship to the resident compromises the objectivity of the supervisor is prohibited.

2. The supervisor of a resident shall assume full responsibility for the clinical activities of that resident specified within the supervisory contract for the duration of the residency.

3. The supervisor shall complete evaluation forms to be given to the resident at the end of each three-month period.

4. The supervisor shall report the total hours of residency and shall evaluate the applicant's competency in the six areas stated in subdivision B 1 of this section.

D. Applicants shall document successful completion of their residency on the Verification of Supervision form at the time of application. Applicants must receive a satisfactory competency evaluation on each item on the evaluation sheet. Supervised experience obtained prior to April 12, 2000 may be accepted towards licensure if this supervised experience met the board's requirements which were in effect at the time the supervision was rendered.

18 VAC 115-20-60. (Repealed.)

PART III. EXAMINATIONS.

18 VAC 115-20-70. General examination requirements; schedules; time limits.

- A. Every applicant for initial licensure by examination by the board as a professional counselor shall pass a written examination as prescribed by the board.
- B. Every applicant for licensure by endorsement shall have passed a licensure examination in the jurisdiction in which licensure was obtained.
- C. The contracting agent shall notify all approved candidates in writing of the time and place of the examination.
- D. A candidate approved by the board to sit for the examination shall take the examination within two years from the date of such initial board approval. If the candidate has not taken the examination by the end of the two-year period here prescribed:
 - 1. The initial board approval to sit for the examination shall then become invalid; and
 - 2. In order to be considered for the examination later, the applicant shall file a new application with the board's contracting agent.
- E. The board shall establish a passing score on the written examination.

18 VAC 115-20-80. (Repealed.)

18 VAC 115-20-90. Reexamination.

- A. After paying the examination fee, a candidate may be reexamined within an 18-month period without filing a new application.
- B. A candidate who fails the examination two times shall reapply and pay the required application fee as prescribed by the board's contracting agent.

**PART IV.
LICENSURE RENEWAL; REINSTATEMENT.**

18 VAC 115-20-100. Annual renewal of licensure.

- A. All licensees shall renew licenses on or before June 30 of each year.
- B. Every license holder who intends to continue to practice shall submit to the board on or before June 30 of each year:

1. A completed application for renewal of the license; and
2. The renewal fee prescribed in 18 VAC 115-20-20.

C. Licensees shall notify the board of change of address within 60 days. Failure to receive a renewal notice from the board shall not relieve the license holder from the renewal requirement.

18 VAC 115-20-110. Late renewal; reinstatement.

A. A person whose license has expired may renew it within one year after its expiration date by paying the late fee prescribed in 18 VAC 115-20-20 as well as the license renewal fee prescribed for the year the license was not renewed.

B. A person who fails to renew a license after one year or more and wishes to resume practice 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.

**PART V.
ADVISORY COMMITTEES.**

18 VAC 115-20-120. Advisory committees.

A. The board may establish examining and advisory committees to assist it in evaluating candidates for licensure.

B. The board may establish an advisory committee to evaluate the mental and emotional competence of any licensee or candidate for licensure when such competence is an issue before the board.

**PART VI.
STANDARDS OF PRACTICE.
UNPROFESSIONAL CONDUCT, DISCIPLINARY ACTIONS;
REINSTATEMENT.**

18 VAC 115-20-130. 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 licensed 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. Practice only within the competency areas for which they are qualified by training or experience.
3. Be aware of the areas of competence of related professions and make full use of other professional, technical and administrative resources to secure for clients the most appropriate services.
4. Strive to stay abreast of new developments, concepts and practices which are important to providing appropriate professional services.
5. Be able to justify all services rendered to clients as necessary for diagnostic or therapeutic purposes and attempt to terminate a private service or consulting relationship when it becomes clear that the consumer is not benefiting from the relationship.
6. Not engage in offering services to a client who is receiving services from another mental health professional without attempting to inform such other professionals in order to avoid confusion and conflict for the consumer.
7. Disclose to clients all experimental methods of treatment and inform clients of the risks and benefits of any such treatment. Ensure that the welfare of the clients is in no way compromised in any experimentation or research involving those clients.
8. Neither accept nor give commissions, rebates, or other forms of remuneration for referral of clients for professional services.
9. Inform clients of (i) the purposes of an interview, testing or evaluation session and (ii) the ways in which information obtained in such sessions will be used before asking the client to reveal personal information or allowing such information to be divulged.
10. Consider the validity, reliability and appropriateness of tests selected for use with clients and carefully interpret the performance of individuals from groups not represented in standardized norms.

11. Represent accurately their competence, education, training and experience.
12. Use only those educational and professional credentials that have been earned at a college or university accredited by a regional accrediting agency, or by a national certifying agency, and that are counseling in nature. Those credentials include the title "doctor" as well as academic and professional certification designations following one's name, such as M.Ed., Ph.D., N.C.C.
13. Not engage in improper direct solicitation of clients and announce professional services fairly and accurately in a manner which will aid the public in forming their own informed judgments, opinions and choices and which avoids fraud and misrepresentation through sensationalism, exaggeration or superficiality.
14. Provide clients with accurate information of what to expect in the way of tests, reports, billing, therapeutic regime and schedules before rendering services.
15. Maintain client records securely, inform all employees of the requirements of confidentiality and provide for the destruction of records which are no longer useful. Client records shall be disclosed to others only with expressed written consent or as mandated by law. Client confidentiality in the usage of client records and clinical materials shall be ensured by obtaining informed consent from clients before (i) videotaping, (ii) audio recording, (iii) permitting third party observation, or (iv) using client records and clinical materials in teaching, writing or public presentations. Client records shall be kept for a minimum of five years from the date of termination of the counseling relationship.
16. Not engage in dual relationships with clients, former clients, residents supervisees, and supervisors that compromise the client's or resident's well being, impair the counselor's or supervisor's objectivity and professional judgment or increase the risk of client or resident exploitation. This includes, but is not limited to, such activities as counseling close friends, former sexual partners, employees or relatives, and engaging in business relationships with clients. Engaging in sexual intimacies with current clients or residents is strictly prohibited.. For at least five years after cessation or termination of professional services, licensees shall not engage in sexual intimacies with a therapy client or those included in collateral therapeutic services. Since sexual or romantic relationships are potentially exploitative, licensees shall bear the burden of demonstrating that there has been no exploitation. A patient's consent to, initiation of or participation in sexual behavior or involvement with a practitioner does not change the nature of the conduct nor lift the regulatory prohibition.

17. Recognize conflicts of interest and inform all parties of the nature and directions of loyalties and responsibilities involved.

18. Report to the board known or suspected violations of the laws and regulations governing the practice of licensed or certified mental health service providers as defined in § 54.1-2400.1 of the Code of Virginia.

18 VAC 115-20-140. Grounds for revocation, suspension, probation, reprimand, censure, or denial of renewal of license.

A. Action by the board to revoke, suspend or decline to renew a license may be taken in accord with the following:

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 professional counseling, or any provision of this chapter.

2. Procuring of license by fraud or misrepresentation.

3. Conducting one's practice in such a manner 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 counseling with reasonable skill and safety to clients by reason of illness, abusive use of alcohol, drugs, narcotics, chemicals, or other type of material or result of any mental or physical condition.

4. Negligence in professional conduct or nonconformance with the Standards of Practice (18 VAC 115-20-130 B).

5. Performance of functions outside the demonstrable areas of competency.

B. Following the revocation or suspension of a license, the licensee may petition the board for reinstatement upon good cause shown or as a result of substantial new evidence having been obtained that would alter the determination reached.

18 VAC 115-20-150. Reinstatement following disciplinary action.

A. Any person whose license has been revoked, suspended or denied renewal by the board under the provisions of 18 VAC 115-20-140 may, two years subsequent to such board action, submit a new application for reinstatement of licensure.

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 licensed upon payment of the appropriate fee applicable at the time of reinstatement.