|  |  |  |
| --- | --- | --- |
|  | ***Commonwealth of Virginia*** |  |
|  | **Regulations**  **Governing the Certification of Sex Offender Treatment Providers**  **Virginia Board of Psychology**  **Title of Regulations: 18 VAC 125-30-10 et seq.**  **Statutory Authority: §§ 54.1-2400 and Chapter 36 of Title 54.1**  **of the *Code of Virginia***  **Revised Date: July 22, 2021**  9960 Mayland Drive, Suite 300 Phone: (804) 367-4697  Henrico, VA 23233-1463 FAX: (804) 527-4435  psy@dhp.virginia.gov | |

# TABLE OF CONTENTS

[TABLE OF CONTENTS 2](#_Toc77863781)

[Part I. General Provisions. 3](#_Toc77863782)

[18VAC125-30-10. Definitions. 3](#_Toc77863783)

[18VAC125-30-20. Fees required by the board. 4](#_Toc77863784)

[18VAC125-30-25. Current name and address. 4](#_Toc77863785)

[Part II. Requirements for Certification. 5](#_Toc77863786)

[18VAC125-30-30. Prerequisites to certification. 5](#_Toc77863787)

[18VAC125-30-40. Educational requirements. 5](#_Toc77863788)

[18VAC125-30-50. Experience requirements; supervision. 6](#_Toc77863789)

[18VAC125-30-60. (Repealed.) 7](#_Toc77863790)

[18VAC125-30-70. Supervision of unlicensed persons. 7](#_Toc77863791)

[Part III. Renewal and Reinstatement. 7](#_Toc77863792)

[18VAC125-30-80. Annual renewal of certificate. 7](#_Toc77863793)

[18VAC125-30-81. Continuing education requirements. 8](#_Toc77863794)

[18VAC125-30-90. Reinstatement. 8](#_Toc77863795)

[18VAC125-30-91. Reinstatement following disciplinary action. 9](#_Toc77863796)

[Part IV. Standards of Practice; Disciplinary Action; Reinstatement. 9](#_Toc77863797)

[18VAC125-30-100. (Repealed.) 9](#_Toc77863798)

[18VAC125-30-101. Standards of practice. 9](#_Toc77863799)

[18VAC125-30-110. Grounds for disciplinary action. 14](#_Toc77863800)

[18VAC125-30-120. (Repealed.) 15](#_Toc77863801)

# Part I. General Provisions.

## 18VAC125-30-10. Definitions.

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

"Ancillary services" means training that includes anger management, stress management, assertiveness, social skills, substance misuse, victim empathy, and human sexuality as part of an identified sex offender treatment provider program.

"Applicant" means an individual who has submitted a completed application with documentation and the appropriate fees to be examined for certification as a sex offender treatment provider.

"Assessment" means using specific techniques of evaluation and measurement to collect facts related to sexually abusive thoughts and behaviors contributing to sexual offense.

"Board" means the Virginia Board of Psychology.

"Certified sex offender treatment provider" means a person who is certified to provide treatment to sex offenders and who provides such services in accordance with the provisions of §§ [54.1-2924.1](https://law.lis.virginia.gov/vacode/54.1-2924.1/), [54.1-3005](https://law.lis.virginia.gov/vacode/54.1-3005/), [54.1-3505](https://law.lis.virginia.gov/vacode/54.1-3505/), [54.1-3609](https://law.lis.virginia.gov/vacode/54.1-3609/), 54.1-3610, [54.1-3611](https://law.lis.virginia.gov/vacode/54.1-3611/), and [54.1-3705](https://law.lis.virginia.gov/vacode/54.1-3705/) of the Code of Virginia and the regulations promulgated pursuant to these provisions.

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

"Face-to-face" means in-person or real-time interactive in which there is visual and audio contact and an opportunity for interaction.

"Sex offender" means (i) any person who has been adjudicated or convicted of a sex offense or has a founded child sexual abuse status by the Department of Social Services; (ii) any person for whom any court has found sufficient evidence without specific finding of guilt of committing a felony or misdemeanor which may be reasonably inferred to be sexually motivated; or (iii) any person who admits to or acknowledges behavior which would result in adjudication, conviction, or a founded child sexual abuse status.

"Sex offense" means behavior in violation of any of the following statutes in the Code of Virginia: § [18.2-48](https://law.lis.virginia.gov/vacode/18.2-48/) in part (abduction of any person with intent to defile such person), § [18.2-60.3](https://law.lis.virginia.gov/vacode/18.2-60.3/) in part (includes only those instances in which sexual motivation can be reasonably inferred), § [18.2-61](https://law.lis.virginia.gov/vacode/18.2-61/), § [18.2-63](https://law.lis.virginia.gov/vacode/18.2-63/), § [18.2-64.1](https://law.lis.virginia.gov/vacode/18.2-64.1/), § [18.2-67.1](https://law.lis.virginia.gov/vacode/18.2-67.1/), § [18.2-67.2](https://law.lis.virginia.gov/vacode/18.2-67.2/), § [18.2-67.2:1](https://law.lis.virginia.gov/vacode/18.2-67.2:1/), § [18.2-67.3](https://law.lis.virginia.gov/vacode/18.2-67.3/), § [18.2-67.4](https://law.lis.virginia.gov/vacode/18.2-67.4/), § [18.2-67.5](https://law.lis.virginia.gov/vacode/18.2-67.5/), § [18.2-130](https://law.lis.virginia.gov/vacode/18.2-130/) in part (includes only those instances in which sexual motivation can be reasonable inferred), subsection A of § [18.2-361](https://law.lis.virginia.gov/vacode/18.2-361/) in part "If any person carnally knows in any manner any brute animal" and subsection B § [18.2-361](https://law.lis.virginia.gov/vacode/18.2-361/) in its entirety, § [18.2-366](https://law.lis.virginia.gov/vacode/18.2-366/), § [18.2-370](https://law.lis.virginia.gov/vacode/18.2-370/), § [18.2-370.1](https://law.lis.virginia.gov/vacode/18.2-370.1/), § [18.2-374.1](https://law.lis.virginia.gov/vacode/18.2-374.1/) (not to include plethysmographic testing materials in the possession of qualified mental health professionals or technicians), § [18.2-387](https://law.lis.virginia.gov/vacode/18.2-387/).

"Supervision" means the ongoing process performed by a supervisor who monitors the performance of the person supervised and provides regular documented individual consultation, guidance, and instruction with respect to the skills and competencies of the person providing sex offender treatment services.

"Supervisor" means an individual who assumes full responsibility for the education and training activities of a person as it relates to sex offender treatment and provides the supervision required by such a person.

"Supervisory contract" means an agreement that outlines the expectations and responsibilities of the supervisor and the trainee in accordance with this chapter.

"Treatment" means therapeutic intervention to promote change in sexually abusive thoughts and behaviors and to reduce the risk of recidivism.

## 18VAC125-30-20. Fees required by the board.

A. The board has established the following fees applicable to the certification of sex offender treatment providers:

|  |  |
| --- | --- |
| Registration of supervision | $50 |
| Add or change supervisor | $25 |
| Application processing and initial certification fee | $90 |
| Certification renewal | $75 |
| Duplicate certificate | $5 |
| Late renewal | $25 |
| Reinstatement of an expired certificate | $125 |
| Replacement of or additional wall certificate | $15 |
| Handling fee for returned check or dishonored credit card or debit card | $50 |
| Reinstatement following revocation or suspension | $500 |
| One-time reduction in fee for renewal on June 30, 2020 | $55 |

B. Fees shall be made payable to the Treasurer of Virginia. All fees are nonrefundable.

## 18VAC125-30-25. Current name and address.

Certificate holders shall notify the board in writing within 60 days of a change in name or a change of the address of record or of the public address if different from the address of record.

# Part II. Requirements for Certification.

## 18VAC125-30-30. Prerequisites to certification.

A. Every applicant for certification by the board shall:

1. Meet the educational requirements prescribed in [18VAC125-30-40](https://law.lis.virginia.gov/admincode/title18/agency125/chapter30/section40/);

2. Meet the experience requirements prescribed in [18VAC125-30-50](https://law.lis.virginia.gov/admincode/title18/agency125/chapter30/section50/);

3. Submit to the board:

a. A completed application form;

b. Documented evidence of having fulfilled the education, experience, and supervision set forth in [18VAC125-30-40](https://law.lis.virginia.gov/admincode/title18/agency125/chapter30/section40/) and [18VAC125-30-50](https://law.lis.virginia.gov/admincode/title18/agency125/chapter30/section50/);

c. A current report from the National Practitioner Data Bank; and

d. Verification of any other health or mental health license, certificate, or registration ever held in Virginia or in another jurisdiction. In order to qualify for certification, the applicant shall have no unresolved action against a license, certificate, or registration. The board will consider history of disciplinary action on a case-by-case basis.

B. The board may certify by endorsement an individual who can document current certification as a sex offender treatment provider in good standing obtained by standards substantially equivalent to those outlined in this chapter as verified by an out-of-state certifying agency on a board-approved form.

## 18VAC125-30-40. Educational requirements.

An applicant for certification as a sex offender treatment provider shall:

1. Document completion of one of the following degrees:

a. A master's or doctoral degree in social work, psychology, counseling, or nursing from a regionally accredited university; or

b. The degree of Doctor of Medicine or Doctor of Osteopathic Medicine from an institution that is approved by an accrediting agency recognized by the Virginia Board of Medicine

Graduates of institutions that are not accredited by an acceptable accrediting agency shall establish the equivalency of their education to the educational requirements of the Virginia Board of Social Work, Psychology, Counseling, Nursing or Medicine.

2. Provide certificates of completion documenting 50 clock hours of education acceptable to the board in the following areas, with 15 clock hours in each area identified in subdivisions 2 a and 2 b of this section, 10 clock hours in the area identified in subdivision 2 c of this section, and five clock hours in each area identified in subdivisions 2 d and 2 e of this section:

a. Sex offender assessment;

b. Sex offender treatment interventions;

c. Etiology/developmental issues of sex offense behavior;

d. Criminal justice and legal issues related to sexual offending; and

e. Treatment effectiveness and issues related to relapse prevention or recidivism of sex offenders.

## 18VAC125-30-50. Experience requirements; supervision.

A. Registration of supervision. Supervised experience obtained in Virginia without prior written board approval shall not be accepted toward certification. Candidates shall not begin the experience until after completion of the required degree as set forth in [18VAC125-30-40](https://law.lis.virginia.gov/admincode/title18/agency125/chapter30/section40/).

1. Prior to beginning supervised postdegree experience in Virginia, an individual shall submit:

a. A completed supervisory contract;

b. The application and the registration fee prescribed in [18VAC125-30-20](https://law.lis.virginia.gov/admincode/title18/agency125/chapter30/section20/); and

c. Official graduate transcript documenting the degree requirement of [18VAC125-30-40](https://law.lis.virginia.gov/admincode/title18/agency125/chapter30/section40/).

2. The board may waive the registration requirement for individuals who have obtained at least five years of documented work experience in sex offender treatment in another jurisdiction. For individuals with less than five years of documented work experience, the board may accept supervised experience hours completed in another jurisdiction, provided the experience meets the requirements of this section, except it is not required that a supervisor in the other jurisdiction hold certification as a sex offender treatment provider or a license issued by a health regulatory board in Virginia.

B. An applicant for certification as a sex offender treatment provider shall provide documentation of having 2,000 hours of postdegree clinical experience in the delivery of clinical assessment/treatment services. At least 200 hours of this experience must be face-to-face treatment and assessment with sex offender clients.

1. The experience shall include a minimum of 100 hours of face-to-face supervision within the 2,000 hours experience with a minimum of one hour of face-to-face supervision for every 20 hours of experience. A minimum of 50 hours shall be in individual face-to-face supervision. Face-to-face supervision obtained in a group setting shall include no more than six trainees in a group.

2. If the applicant has obtained the required postdegree clinical experience for a mental health license within the past 10 years, the applicant can receive credit for those hours that were in the delivery of clinical assessment/treatment services with sex offender clients provided:

a. The applicant can document that the hours were in the treatment and assessment with sex offender clients; and

b. The supervisor for those hours can attest that he was licensed and qualified to render services to sex offender clients at the time of the supervision.

C. The supervisor.

1. The supervisor shall assume responsibility for the professional activities of the applicant.

2. The supervisor shall not provide supervision for activities for which the prospective applicant has not had appropriate education.

3. The supervisor shall be a certified sex offender treatment provider and hold a current and unrestricted Virginia license as a clinical nurse specialist, doctor of medicine or osteopathic medicine, professional counselor, marriage and family therapist, clinical social worker, or clinical psychologist.

4. The supervisor shall provide supervision only for those sex offender treatment services which he is qualified to render.

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

## 18VAC125-30-60. (Repealed.)

## 18VAC125-30-70. Supervision of unlicensed persons.

A certified sex offender treatment provider shall provide supervision for unlicensed persons providing ancillary services as part of an identified sex offender treatment program.

# Part III. Renewal and Reinstatement.

## 18VAC125-30-80. Annual renewal of certificate.

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

B. Along with the renewal application, the certified sex offender treatment provider shall:

1. Submit the renewal fee prescribed in [18VAC125-30-20](https://law.lis.virginia.gov/admincode/title18/agency125/chapter30/section20/); and

2. Attest to having obtained six hours of continuing education as specified in [18VAC125-30-81](https://law.lis.virginia.gov/admincode/title18/agency125/chapter30/section81/).

## 18VAC125-30-81. Continuing education requirements.

A. Certified sex offender treatment providers shall complete a minimum of six contact hours of continuing education in topics related to the provision of sex offender treatment for each annual renewal period.

B. Continuing education shall be offered by a sponsor or provider approved by the Virginia Board of Social Work, Psychology, Counseling, Nursing, or Medicine or by the Association for the Treatment of Sexual Abusers or one of its state chapters, or the Virginia Sex Offender Treatment Association. Hours of continuing education used to satisfy the renewal requirements for another license may be used to satisfy the six-hour requirement for sex offender treatment provider certification, provided it was related to the provision of sex offender treatment.

C. Attestation of completion of continuing education is not required for the first renewal following initial certification in Virginia.

D. The board may grant an extension for good cause of up to one year for the completion of continuing education requirements upon written request from a certificate holder prior to the renewal date. Such extension shall not relieve the certificate holder of the continuing education requirement.

E. The board may grant an exemption for all or part of the continuing education requirements due to circumstances beyond the control of a certificate holder, such as temporary disability, mandatory military service, or officially declared disasters, upon written request from the certificate holder prior to the renewal date.

F. All certificate holders shall maintain original documentation of official transcripts showing credit hours earned or certificates of participation for a period of three years following renewal.

G. Continuing education hours required by a disciplinary order may not be used to satisfy the requirement for renewal.

## 18VAC125-30-90. Reinstatement.

A. A person whose certificate has expired may renew it within one year after its expiration date by paying the renewal fee and the late renewal fee prescribed in [18VAC125-30-20](https://law.lis.virginia.gov/admincode/title18/agency125/chapter30/section20/).

B. A person whose certificate has expired beyond one year and who wishes to resume practice shall:

1. Submit a reinstatement application along with the reinstatement fee.

2. Provide evidence of completion of six hours of continuing education for each year in which the certification has been expired, with a maximum of 24 hours.

3. Submit verification of any health or mental health registration, certification or licensure ever held in Virginia or in any other jurisdiction.

## 18VAC125-30-91. Reinstatement following disciplinary action.

A. Any person whose certificate has been revoked or suspended by the board under the provisions of [18VAC125-30-110](https://law.lis.virginia.gov/admincode/title18/agency125/chapter30/section110/) shall, in order to be eligible for reinstatement, (i) submit an application to the board for a license, (ii) pay the appropriate reinstatement fee, and (iii) submit any other evidence of competency as prescribed by the board. After a hearing, the board may at its discretion grant the reinstatement.

B. Any person whose certificate has been revoked shall not apply for reinstatement until three years after such board action.

Statutory Authority

# Part IV. Standards of Practice; Disciplinary Action; Reinstatement.

## 18VAC125-30-100. (Repealed.)

## 18VAC125-30-101. 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 certified practitioners who provide services to sex offenders. Sex offender treatment providers respect the rights, dignity, and worth of all people, regardless of the nature of one's crimes or offenses, and are mindful of individual differences. Regardless of the delivery method, whether in-person or by use of technology, these standards shall apply to the practice of sex offender treatment.

B. Persons certified by the board and applicants under supervision shall:

1. Practice in a manner that ensures community protection and safety;

2. Provide or supervise only services and use only techniques for which they are qualified by education, training, and experience;

3. Accurately represent their areas of competence, education, training, experience, professional affiliations, credentials, and published findings to ensure that such statements are neither fraudulent nor misleading;

4. Accurately inform sex offender clients of (i) the purposes of an interview, testing, or evaluation session; (ii) the ways in which information obtained in such sessions will be used before asking the sex offender client to reveal personal information or allowing such information to be divulged; (iii) the methods of interventions, including any experimental methods of treatment; and (iv) the risks and benefits of any treatment;

5. Clearly document at the outset of service delivery what party the sex offender treatment provider considers to be the client and what, if any, responsibilities the provider has to all related parties. Explain to juvenile sex offender clients the rights of their parents, legal guardians, or both to obtain information relating to the sex offender client;

6. Maintain current competency in the areas of practice through continuing education, consultation, or other procedures consistent with current standards of scientific and professional knowledge;

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

8. Avoid harming, exploiting, misusing influence, or misleading patients or clients, research participants, students, and others for whom they provide professional services and minimize harm when it is foreseeable and unavoidable;

9. Maintain cooperative and collaborative relationships with corrections, probation, or parole officers or any responsible agency for purposes of the effective supervision and monitoring of a sex offender client's behavior in order to assure public safety;

10. Construct, maintain, administer, interpret, and report testing and diagnostic services in a manner and for purposes that are current and appropriate. Sex offender treatment providers shall consider the validity, reliability, appropriateness, and limitations of assessments and data selected for use with sex offender clients, including to the plethysmograph and polygraph. Where questions exist about the appropriateness of utilizing a particular assessment with a sex offender client, expert guidance from a knowledgeable, certified sex offender treatment provider shall be sought;

11. Safeguard the use of sexual arousal assessment testing and treatment materials, due to the sensitivity of such materials in compliance with § [18.2-374.1:1](https://law.lis.virginia.gov/vacode/18.2-374.1:1/) of the Code of Virginia and use them only for the purpose for which they are intended in a controlled penile plethysmographic laboratory assessment;

12. Not engage in conversion therapy with any person younger than 18 years of age;

13. Withdraw from, avoid, adjust, or clarify conflicting roles with due regard for the best interest of the affected party and maximal compliance with these standards;

14. Neither accept nor give commissions, rebates, or other forms of remuneration for referral of clients for professional services. Make appropriate consultations and referrals consistent with the law based on the interest of the patients or clients;

15. Make arrangements for another professional to deal with emergency needs of clients during periods of foreseeable absences from professional availability and provide for continuity of care when services must be terminated;

16. Conduct financial responsibilities to clients in an ethical and honest manner by:

a. Informing clients of fees for professional services and billing arrangements as soon as is feasible;

b. Informing clients prior to the use of collection agencies or legal measures to collect fees and provide opportunity for prompt payment;

c. Obtaining written consent for fees that deviate from the practitioner's usual and customary fees for services; and

d. Not obtaining, attempting to obtain, or cooperating with others in obtaining payment for services by misrepresenting services provided, dates of services, or status of treatment;

17. Design, conduct, and report research in accordance with recognized standards of scientific competence and research ethics. Practitioners shall adhere to requirements of § [32.1-162.18](https://law.lis.virginia.gov/vacode/32.1-162.18/) of the Code of Virginia for obtaining informed consent from patients prior to involving them as participants in human research, with the exception of retrospective chart reviews;

18. Report to the board known or suspected violations of the laws and regulations governing the practice of sex offender treatment providers, as well as any information that a sex offender treatment provider is unable to practice with reasonable skill and safety because of physical or mental impairment or substance misuse or otherwise poses a danger to the provider, the public, or clients;

19. Document the reasons for and steps taken if it becomes necessary to terminate a therapeutic relationship (e.g., when it becomes clear that the client is not benefiting from the relationship or when the sex offender treatment provider feels endangered). Document assistance provided in making arrangements for the continuation of treatment for clients, if necessary, following termination of a therapeutic relationship; and

20. Comply with laws of the Code of Virginia and regulations of the board applicable to the practice of sex offender treatment providers.

C. In regard to confidentiality, persons regulated by the board shall:

1. Inform sex offender clients of the limits of confidentiality and any circumstances which may allow an exception to the agreed upon confidentiality, including (i) as obligated under dual-client situations, especially in criminal justice or related settings; (ii) when the client is a danger to self or others; (iii) when under court order to disclose information; (iv) in cases of suspected child or elder abuse; and (v) as otherwise required by law or regulation;

2. Not require or seek waivers of privacy or confidentiality beyond the requirements of treatment, training, or community safety;

3. Keep confidential their professional relationships with patients or clients and disclose client information to others only with written consent except as required or permitted by law;

4. Protect the confidentiality in the usage of client information and clinical materials by obtaining informed consent from the client or the client's legally authorized representative before (i) videotaping, (ii) audio recording, (iii) permitting third party observation, or (iv) using identifiable client information in teaching, writing, or public presentations; and

5. Not willfully or negligently breach the confidentiality between a practitioner and a client. A disclosure that is required or permitted by applicable law or beyond the control of the practitioner shall not be considered negligent or willful.

D. In regard to client records, persons regulated by the board shall:

1. Maintain timely, accurate, legible, and complete written or electronic records for each client. For a sex offender treatment provider practicing in an institutional setting, the recordkeeping shall follow the policies of the institution or public facility. For a sex offender treatment provider practicing in a noninstitutional setting, the record shall include:

a. The name of the client and other identifying information;

b. The presenting problem, purpose, or diagnosis;

c. Documentation of the fee arrangement;

d. The date and clinical summary of each service provided;

e. Any test results, including raw data, or other evaluative results obtained;

f. Notation and results of formal consults with other providers; and

g. Any releases by the client;

2. Maintain client records securely, inform all employees of the requirements of confidentiality, and dispose of written, electronic, and other records in such a manner as to ensure their confidentiality; and

3. Maintain client records for a minimum of five years or as otherwise required by law from the last date of service, with the following exceptions:

a. At minimum, records of a minor child shall be maintained for five years after attaining 18 years of age;

b. Records that are required by contractual obligation or federal law to be maintained for a longer period of time; or

c. Records that have been transferred pursuant to § [54.1-2405](https://law.lis.virginia.gov/vacode/54.1-2405/) of the Code of Virginia pertaining to closure, sale, or change of location of one's practice.

E. In regard to dual relationships, persons regulated by the board shall:

1. Not engage in a dual relationship with a person under supervision that could impair professional judgment or increase the risk of exploitation or harm. Sex offender treatment providers shall take appropriate professional precautions when a dual relationship cannot be avoided, such as informed consent, consultation, supervision, and documentation to ensure that judgment is not impaired and no exploitation occurs;

2. Not engage in sexual intimacies or a romantic relationship with a student, supervisee, resident, intern, therapy patient, client, or those included in collateral therapeutic services, such as a parent, spouse, or significant other of the client, while providing professional services. For at least five years after cessation or termination of professional services, not engage in sexual intimacies or a romantic relationship with a therapy patient, client, or those included in collateral therapeutic services. Consent to, initiation of, or participation in sexual behavior or romantic involvement with a sex offender treatment provider does not change the exploitative nature of the conduct nor lift the prohibition. Because sexual or romantic relationships are potentially exploitative, sex offender treatment providers shall bear the burden of demonstrating that there has been no exploitation, based on factors such as duration of therapy, amount of time since therapy, termination circumstances, client's personal history and mental status, and adverse impact on the client;

3. Not engage in a personal relationship with a former client in which there is a risk of exploitation or potential harm or if the former client continues to relate to the sex offender treatment provider in the provider's professional capacity; and

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

F. Upon learning of evidence that indicates a reasonable probability that another mental health provider is or may be guilty of a violation of standards of conduct as defined in statute or regulation, persons licensed by the board shall advise their clients of their right to report such misconduct to the Department of Health Professions in accordance with § [54.1-2400.4](https://law.lis.virginia.gov/vacode/54.1-2400.4/) of the Code of Virginia.

## 18VAC125-30-110. Grounds for disciplinary action.

The board may revoke, suspend, restrict or refuse to issue a certificate, or reprimand or fine a practitioner in accord with the following:

1. Violation of provisions of this chapter, including the standards of practice set forth in [18VAC125-30-101](https://law.lis.virginia.gov/admincode/title18/agency125/chapter30/section101/).

2. Conviction of a felony or a misdemeanor involving moral turpitude (i.e., relating to lying, stealing, or cheating).

3. Demonstrating an inability to practice as a sex offender treatment provider with reasonable skill and safety as a result of any mental, emotional, or physical condition or substance misuse.

4. Conducting one's practice in such a manner so as to make it a danger to the health and welfare of a client or to the public.

5. The denial, revocation, suspension, or restriction of a health or mental health registration, license, or certificate to practice in Virginia or in another state, possession, or territory of the United States or the surrender of any such registration, license, or certificate while an active investigation is pending or in lieu of disciplinary action.

6. Engaging in intentional or negligent conduct that causes or is likely to cause injury to a client.

7. Knowingly allowing persons under supervision to jeopardize client safety or provide care to clients outside of such person's scope of practice or area of responsibility.

8. Performing functions outside areas of competency.

9. Failing to comply with the continuing education requirements set forth in this chapter.

10. Performing an act or making statements that are likely to deceive, defraud, or harm the public.

11. Failing to cooperate with an employee of the Department of Health Professions in the conduct of an investigation.

12. Procuring, attempting to procure, or maintaining a certificate or registration by fraud or misrepresentation.

13. Violating or aiding and abetting another to violate any statute applicable to the practice of the profession, including § [32.1-127.1:03](https://law.lis.virginia.gov/vacode/32.1-127.1:03/) of the Code of Virginia relating to health records.

14. Failing to report evidence of child abuse or neglect as required in § [63.2-1509](https://law.lis.virginia.gov/vacode/63.2-1509/) of the Code of Virginia or abuse of aged and incapacitated adults as required in § [63.2-1606](https://law.lis.virginia.gov/vacode/63.2-1606/) of the Code of Virginia.

## 18VAC125-30-120. (Repealed.)