

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF HEALTH PROFESSIONS
BOARD OF PROFESSIONAL COUNSELORS

TITLE OF REGULATIONS: VR560-01-02

REGULATIONS GOVERNING THE PRACTICE OF PROFESSIONAL COUNSELING

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ADOPTED REGULATIONS

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PART I
GENERAL PROVISIONS

§1.1. Definitions.

The following words and terms, when used in these regulations, 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.

"Appraisal activities" has the same meaning as defined in the Code of Virginia (§54.1-3500), "selecting, administering, scoring and interpreting instruments designed to assess an individual's aptitudes, attitudes, abilities, achievements and interests, and shall not include the use of projective techniques in the assessment of personality."

"Board" means the Virginia Board of Professional Counselors.

"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.

"Counseling" means assisting an individual, through the counseling relationship, to develop an understanding of personal problems, to define goals, and to plan action reflecting his or her interests, abilities, aptitudes and needs as they relate to educational progress, occupations and careers, and personal or social concerns.

"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. The internship involves a longer period of time than the practicum.

"Practicum" means supervised, planned, practical experience occurring in a clinical setting, for an early introduction to subject matter. It is generally time-bound and for a shorter period of time than an internship, but it allows for demonstration and testing of information, knowledge, and skills acquired.

"Professional counselor" means a person trained in counseling and guidance services with an emphasis on individual and group guidance and counseling designed to assist individuals in achieving more effective personal, social, educational and career development and adjustment.

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

"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.

§1.2. Public participation guidelines.

- A. Mailing List. The board of Professional Counseling will maintain a list of persons and organizations who will be mailed the following documents as they become available:
 1. "Notice of intent" to promulgate regulations.
 2. "Notice of public hearing" or "informational proceeding," the subject of which is proposed or existing regulations.
 3. Final regulation adopted.
- B. Being Placed on List. Any person or organization wishing to be placed on the mailing list may be added by writing the board. In addition, the board may, at its discretion, add to the list any person, organization, or publication it believes will serve the purpose of responsible participation in the formation or promulgation of regulations. Persons and organizations on the list will be provided all information stated in subsection A of these guidelines. Individuals and organizations will be periodically requested to indicate their desire to continue to receive documents or be deleted from the list. Where mail is returned as undeliverable, individuals and organizations will be deleted from the list.
- C. Notice of Intent. At least 30 days prior to publication of the notice of intent to conduct an informational proceeding as required by § 9-6.14:1 of the Code of Virginia, the board will publish a "notice of intent." This notice will contain a brief and concise statement of the possible regulation or the problem the regulation would address and invite any person or organization to provide written comment on the subject matter. Such notice shall be transmitted to the Registrar for inclusion in the Virginia Register.
- D. Information Proceedings or Public Hearings for Existing Rules. At least once each biennium, the board will conduct an informational proceeding, which may take the form of a public hearing, to receive public comment on existing regulations. The purpose of the proceedings will be to solicit public comment on all existing regulations as to their effectiveness, efficiency, necessity,

clarity, and cost of compliance. Notice of such proceedings will be transmitted to the Registrar for inclusion in the Virginia Register. Such proceedings may be held separately or in conjunction with other informational proceedings.

- E. Petition for Rulemaking. Any person may petition the board to adopt, amend, or delete any regulation. Any petition received shall appear on the next agenda of the board. The board shall have sole authority to dispose of the petition.
- F. Notice of Formulation and Adoption. After any meeting of the board or any subcommittee or advisory committee where the formulation or adoption of regulations occurs, the subject matter shall be transmitted to the Registrar for inclusion in the Virginia Register.
- G. Advisory committees. The board may appoint committees as it may deem necessary to provide for adequate citizen participation in the formation, promulgation, adoption and review of regulations.

§1.3. Fees required by the board.

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

Registration of Supervision.....	\$ 75
Change of Supervisor.....	20
Application Processing.....	100
Examination.....	150
Reexamination	
Written.....	75
Oral.....	75
License Renewal.....	100
Duplicate License.....	15
Endorsement to Another Jurisdiction.....	10
Late Renewal.....	10
Replacement of or Additional Wall Certificate.....	15
Name change.....	10
Returned check.....	15

- B. Fees shall be paid by check or money order made payable to the Treasurer of Virginia and forwarded to the board.

§1.4. Substance Abuse Counseling.

VR 560-01-03 Regulations Governing the Certification of Substance Abuse Counselors are incorporated by reference in these regulations.

PART II
REQUIREMENTS FOR LICENSURE

§2.1. Requirements, General.

No person shall practice as a professional counselor in the Commonwealth of Virginia except as provided in these regulations and when licensed by this board.

- A. Licensure by the board shall be by examination.
- B. Every applicant for licensure examination by the board shall:
 1. Meet the education and experience requirements prescribed in §2.2 of these regulations;
 2. Have the institution(s) where the applicant completed the required graduate work send directly to the executive director of the board, at least 60 days prior to the date of the written examination, official transcripts documenting the applicant's completion of the education requirements prescribed in §2.2. A.; and
 3. Submit to the executive director of the board, not less than 60 days prior to the date of the written examination:
 - a. A completed application, on forms provided by the board;
 - b. Documented evidence of having fulfilled the experience requirements of §2.2.B.;
 - c. Reference letters from three health or mental health care practitioners attesting to the applicant's character and professional integrity; and
 - d. The licensure application fee prescribed in §1.3 of these regulations.
- C. The board may license by endorsement an individual who is currently licensed in another state as a professional counselor and who has been licensed in another state through a similar process with equivalent requirements as described in subsection B.

§2.2. Education and experience requirements for licensure examinations.

Every applicant for examination for licensure shall meet the requirements of subsections A. and B. of this section.

A. Education.

The applicant shall have completed 60 semester hours or 90 quarter hours of graduate study that are primarily counseling in nature, including a graduate degree in counseling or a related discipline, from a college or university accredited by a regional accrediting agency.

1. The graduate course work shall have included study in the nine core areas of:
 - a. Professional identity, function and ethics;
 - b. Theories of counseling and psychotherapy;
 - c. Counseling and psychotherapy techniques;
 - d. Group dynamics, theories, and techniques;
 - e. Theories of human behavior, learning, and personality;
 - f. Career development;
 - g. Appraisal, evaluation and diagnostic procedures;
 - h. Abnormal behavior; and
 - i. Supervised practicum or internship.
2. One course may satisfy study in more than one of the nine study areas required in subdivision 1. of this subsection.

B. Supervised Experience.

1. The applicant.

The applicant for licensure shall have completed 4,000 hours of post-graduate degree experience in counseling practice under supervision satisfactory to the board. The post graduate experience shall consist of supervised practice in the following areas:

- (1). Counseling and psychotherapy techniques.
 - (2). Appraisal, evaluation, and diagnostic procedures.
 - (3). Professional identity, function, and ethics.
 - (4). Case management and record keeping.
- a. The experience shall include 200 hours of individual supervision during the 4,000 hours, with a minimum of one hour per week of face-to-face supervision between supervisor and applicant. The experience shall be continuous and integrated, that is, no credit will be given for satisfying the 4,000 hours of required experience in the absence of approved individual face-to-face supervision and conversely, no credit will be given for

individual face-to-face supervision that does not occur as a part of the 4,000 hours of post graduate experience. The experience shall include supervised practice with various populations, clinical problems and theoretical approaches.

- b. Group supervision will be acceptable for not more than 100 hours of the required 200 hours of individual supervision on the basis of two hours of group supervision being equivalent to one hour of individual supervision, but in no instance shall group supervision substitute for the required on site individual face-to-face supervision.
 - c. A post-graduate degree practicum or internship may count for up to 2,000 hours of the required 4,000 hours of experience.
 - d. 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 a practicum.
 - e. Applicants may not call themselves professional counselors, solicit clients, bill for services rendered, or in any way represent themselves as professional counselors. During the post graduate supervisory experience, applicants shall use their names and the initials of their degree. Clients shall be informed of the applicant's supervisee status, the supervisor's name, professional address, and phone number.
 - f. Applicants shall not engage in practice under supervision in any areas for which they have not had appropriate education.
2. The supervisor.

A person who provides supervision for a prospective applicant for licensure as a professional counselor shall be licensed as a professional counselor, psychologist, school psychologist, clinical psychologist, clinical social worker, or psychiatrist with at least one half of the individual face-to-face supervision rendered by a licensed professional counselor.

- a. Supervision by any individual whose relationship to the supervisee compromises the objectivity of the supervisor is prohibited.
 - b. The supervisor of a prospective applicant shall assume full responsibility for the clinical activities of that prospective applicant specified within the supervisory contract for the duration of the supervised experience. In every instance there shall be an identifiable individual who is appropriately credentialed to provide supervision in the jurisdiction where the applicant provides counseling services.
 - c. Supervisors shall only be approved to provide supervision in areas for which they possess documented skills, training, and experience.
 - d. Supervisors shall provide the board with documentaion regarding their areas of expertise on a form specified by the board.
 - e. At least one-half of the required individual face-to-face supervision shall occur on site where the counseling services are provided and be provided by the board approved supervisor of record.
3. Registration of supervision.
- a. Applicants who render counseling services in a nonexempt agency shall:
 - (1) With their supervisor, register with the board their supervisory contract on the appropriate forms for board approval before starting to practice under supervision;
 - (2) Have submitted directly to the board an official transcript of their relevant coursework in counseling; and
 - (3) Pay the registration fee prescribed by the board in §1.3 of these regulations.
 - b. Applicants who render counseling services in an exempt agency, as defined in§ 54.1-3500 of the Code of Virginia, may register their supervision with the board, as outlined above. Board approval and successful completion of a planned supervision arrangement in an exempt setting will assure its acceptability at the time of application.

c. The board may accept as equivalent post-graduate supervised experience that occurs in another jurisdiction provided that the board's requirements are met.

4. Documentation of supervision.

Applicants shall document successful completion of their supervised experience on appropriate forms at the time of application. Supervised experience obtained prior to May 8, 1991 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.

The supervisor shall conduct an annual evaluation of the applicant and report to the board the total number of hours of the experience and the number of hours of individual face-to-face on site hours of supervision.

§2.3. Character and Professional Integrity.

If the applicant has been under treatment for substance abuse within the last four years, the applicant shall provide a written statement from the certified or licensed individual responsible for the treatment. The written statement shall address the capability of the applicant to assume the responsibility of a licensed professional counselor.

PART III
EXAMINATIONS

§3.1. General examination requirements.

- A. Every applicant for initial licensure by the board as a professional counselor shall take a written examination and an oral examination as prescribed by the board.
- B. The board may waive examination requirements if the applicant for licensure has been certified or licensed in another jurisdiction by standards and procedures equivalent to the board's.
- C. Examination schedules. A written and an oral examination will be given at least twice each year. The board may schedule such additional examinations as it deems necessary.
 1. The executive director of the board shall notify all candidates in writing of the time and place of the examinations for which they have been approved to sit.
 2. The candidate shall submit the applicable fees and a case study as prescribed in §3.3.C.

3. If the candidate fails to appear for the examination without providing written notice at least one week before the examinations, the examination fee shall be forfeited.
4. The executive director will notify all candidates in writing of their success or failure on any examinations.

D. Deferrals by candidate; time limit.

A candidate approved by the board to sit for an examination shall take that 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 such examination shall then become invalid; and
2. In order to be considered for such examination later, the applicant shall file a complete new application with the board.

§3.2. Written examination.

- A. The written examination will be a competency-based validated examination and will cover the core areas of counseling.
- B. The board will establish passing scores on the written examination.

§3.3. Oral examination.

- A. Successful completion of the written examination requirement shall be a prerequisite to taking the oral examination.
- B. A candidate who passes the written examination will be notified by the board of the time and place of the oral examination and will be instructed to submit a case study.
- C. The case study shall be a report of a case performed by the candidate as the primary provider of counseling services in the candidate's counseling practice during the last six months and shall be prepared as follows:
 1. The case study shall be not less than six or more than eight double-spaced typewritten pages in length. The names of persons in the study shall be disguised to protect clients' identities. The name and address of the candidate shall appear on a cover page.

2. The case study shall be a summary of the presenting problem, diagnosis, formulation and implementation of the treatment plan. This should include supporting biographical data, personal and social history and relevant medical history of the client. The case study should clearly state candidate's theoretical position. It should delineate tools and techniques used and the counselor's role in facilitating the change process consistent with the theoretical orientation.
- D. The oral examination shall consist of an interview between the board and its designees who are selected, approved and trained by the board as oral examiners, and the candidate for the purpose of:
1. Evaluating the candidate's professional, emotional, and social maturity; the extent and nature of professional identity; and application of Standards of Practice as defined in §6.1 of these regulations; and
 2. Assessing the candidate's case study as described in §3.3.C.2. and evaluating the candidate's knowledge and competency to engage in the independent practice of counseling.
- E. Following the oral examination, the examination committee will make a recommendation to the board. A majority decision of the board will determine whether the candidate has passed the oral examination.

§3.4. Reexamination.

- A. Reexamination will be required only on the examination failed.
- B. After paying the reexamination fee, a candidate may be reexamined for the examination failed within an 18-month period without filing a new application. In the case of a reexamination for the oral examination, a new case study must be provided.
- C. A candidate who fails any examination two times shall reapply and submit documentation of additional education and experience as required by the board.

PART IV
LICENSURE RENEWAL; REINSTATEMENT; NAME CHANGE

§4.1. Annual renewal of licensure.

All licensees shall renew licenses on or before June 30 of each year.

- A. Every license holder who intends to continue to practice shall submit to the executive director on or before June 30 of each year:
 - 1. A completed application for renewal of the license; and
 - 2. The renewal fee prescribed in §1.2.
- B. Failure to receive a renewal notice from the board shall not relieve the license holder from the renewal requirement.

§4.2. Late renewal; reinstatement.

- A. A person whose license has expired may renew it within four years after its expiration date by paying the penalty fee prescribed in §1.2 as well as the license fee prescribed for each year the license was not renewed.
- B. A person who fails to renew a license for four years or more and wishes to resume practice shall:
 - 1. Pay the oral examination fee prescribed in §1.3;
 - 2. Take an oral examination; and
 - 3. Upon approval for reinstatement, pay the penalty fee prescribed in §1.3 and the license fee prescribed for each year the license was not renewed.

§4.3. Legal name change.

A licensee whose name is changed by marriage or court order may:

- A. Notify the board of such change and provide a copy of the legal paper documenting the change.
- B. Pay the "name change" fee prescribed in §1.3.
- C. Request and obtain from the board a new license bearing the individual's new legal name.

PART V
ADVISORY COMMITTEES

§5.1. 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

§6.1. 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. Provide counseling services for the purpose of diagnosis, treatment or personalized advice only in the context of a professional relationship, not by means of public lectures or demonstrations, newspapers or magazine articles, radio or television programs, mail or similar media.

8. Ensure that the welfare of the clients is in no way compromised in any experimentation or research involving those clients.
9. Disclose to clients all experimental methods of treatment and inform clients of the risks and benefits of any such treatment.
10. Neither accept nor give commissions, rebates, or other forms of remuneration for referral of clients for professional services.
11. 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.
12. 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.
13. Represent accurately their competence, education, training and experience.
14. 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.B.C.C.
15. 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.
16. Provide clients with accurate information of what to expect in the way of tests, reports, billing, therapeutic regime and schedules before rendering services.
17. Maintain client records securely, inform all employees of the requirements of confidentiality and provide for the destruction of records which are no longer useful.

18. Obtain expressed client permission before taping or otherwise recording sessions with clients.
 19. Disclose counseling records to others only with the expressed written consent of the client and ensure the accuracy and indicate the validity of any client information which is disclosed.
 20. Keep confidential their counseling relationships with clients, with the following exceptions: (i) when the client is in danger to self or others; and (ii) when the professional counselor is under court order to disclose information.
 21. Not engage in public behavior which is in violation of accepted professional, moral and legal standards.
 22. Not engage in dual relationships with clients, former clients, supervisees, and supervisors that might compromise the client's or supervisee's well being, impair the counselor'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, employees or relatives, engaging in sexual intimacies with clients, former clients, supervisees or supervisors.
 23. Recognize conflicts of interest and inform all parties of the nature and directions of loyalties and responsibilities involved.
 24. Report to the board known or suspected violations of the laws and regulations governing the practice of professional counselors.
- §6.2. Grounds for revocation, suspension, probation, reprimand, censure, or denial of renewal of license.
- A. In accordance with §54.1-2400 and §54.1-2401 of the Code of Virginia, the board may, after a hearing, revoke, suspend or decline to renew a board license or impose a fine for just cause.
 - B. 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 misdemeanor involving moral turpitude.
 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 (§6.1 B of these regulations).
5. Performance of functions outside the demonstrable areas of competency.
6. Violation of or aid to another in violating any provision of Chapter 35 of Title 54.1 of the Code of Virginia, any other statute applicable to the practice of professional counseling, or any provision of these regulations.

C. Petition for rehearing.

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 in subsection B of this section.

- D. Reinstatement procedure. Reference powers of board to provide monetary penalties §54.1-2401 of the Code of Virginia.

§6.3. Reinstatement following disciplinary action.

- A. Any person whose license has been revoked or denied renewal by the board under the provisions of §6.2 may, two years subsequent to such board action, submit a new application to the board for 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 such reinstatement, if approved, shall be licensed upon payment of the appropriate fees applicable at the time of reinstatement.