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VSOTA Conference
"Getting to Know Your Licensing
Boards and the Standards of
Practice"
April 14 & 15, 2021



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Board of Counseling

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Board Member



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Virginia Department of Health Professions (DHP)



Our mission is to provide safe and
competent patient care, by licensing health
professionals, enforcing standards of
practice, and providing information to health
practitioners and the public.


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Governed by Law and Regulation



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- Under Virginia law, health regulatory boards are authorized to promulgate regulations and make case decisions.
- Refer to the Regulations on each of the Board's website.
- Review the Board's website for updated meeting minutes and proposed regulations.
- Receive notification of regulatory actions and meetings.

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Standards of Practice & Grounds for Disciplinary Action

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The Disciplinary Process



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The Complaint Process

- DHP's Enforcement Division Complaint Intake Unit
- Sources are typically patients, family members, other health care providers, law enforcement entities, employers, courts or other concerned citizens.
- Most frequently reported allegations across professions
 - substandard care
 - substance abuse issues,
 - sexual misconduct.



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The Investigation Process

- Investigation is opened, recorded, and assigned to an investigator.
- Investigator will
 - attempt to interview all sources of the complaint, all potential witnesses, and all subjects of the complaint.
 - obtain copies of relevant documents and collect evidence.
 - Submits comprehensive investigative report to the Board.



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Board Level

- Board members review the case
- The case may be closed and no further action is taken.
- Administrative proceedings may commence if the Board believes probable cause exists.
- Disciplinary proceeding.

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Disciplinary Process

Boards are authorized to take the following actions:

- Close a case after a finding of no violation
- Offer a Confidential Consent Agreement (CCA)
- Offer a Consent Order

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Disciplinary Process

Boards are authorized to take the following actions:

- After an informal fact-finding conference and/or formal hearing:
 - Reprimand or censure
 - Impose a monetary penalty
 - Require remedial or corrective action
 - Require a licensee to meet probationary requirement
 - Limit a licensee's practice privileges and/or
 - Suspend or revoke a license

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Disciplinary Process

Boards are authorized to take the following actions:

- The Board will notify the source and the subject of the complaint of its final decision.
- Appeals of orders issued by health regulatory boards are made directly to state circuit courts.
- The Office of the Attorney General represents the relevant board in any such appeal.



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Sanction Reference Points

- Guidance Documents for each Board.
- They are used during Informal Conferences
- Make sanctioning decisions more predictable
- Neutralize sanctioning inconsistencies
- Validate Board member or staff recall of past cases
- Reduce the influence of undesirable factors
- Help predict future caseloads and needs

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HPMP

The Department of Health Professions has a contract with the following:

- Virginia Commonwealth University Health System
- Department of Psychiatry
- Division of Addiction Psychiatry



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Stay of Discipline

- Disciplinary action shall be stayed upon entry of the practitioner in the Program under the following conditions:
 - No report of a possible violation of law or regulation.
 - Written contract with the Committee.
 - Disciplinary action against the practitioner has not previously been stayed.
 - Remains in compliance
 - Consultation with the relevant health regulatory board.



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Public Information



- All notices and final orders are public documents
- Copies of final orders are usually mailed to the original source of the complaint information.
- All other information related to a disciplinary case may be considered confidential and remains unavailable to the public.

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Board of Counseling Information

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Significant Periodic Review Changes

If the supervised internship was less than 600 hours:



- The board may approve completion of up to 100 of the 600 hours
- Up to 40 of the 240 hours of direct client contact to be added to the hours required for residency.

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Use of Technology


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Standards of Practice related to use of technology

- "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. Regardless of the delivery method, whether in person, by phone or electronically, these standards shall apply."


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**Guidance on Technology-Assisted
*Supervision***

- The supervisor should seek training or otherwise demonstrate expertise in the use of technology-assisted devices, especially in the matter of protecting resident confidentiality and security.
- Supervisors must follow the same code of ethics for technology assisted supervision as they do in a traditional counseling/supervision setting.
- Check the regulations of the state board in which a supervisee/resident is located.


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Telehealth Consultant



- Since the Regulations and Guidance Documents do not provide much guidance, the Board hired a Consultant in Telehealth to make recommendations for changes to the regulations and improvements to the Guidance Document.
- The Consultant will present her findings at the May board meeting.

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COVID-19 Actions

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Waiver Requests (not yet approved)

RECOMMENDATION:

- Suspend the coursework requirements that requires an applicant to complete a 600-hour internship
- Supervised internship of at least 600 hours to include 240 hours of direct client contact. Only internship hours earned after completion of 30 graduate semester hours may be counted towards residency hours. *If the academic course was less than 600 hours, the board may allow the remaining hours to be added to the hours required for residency.*

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Waiver Requests (not yet approved)

RATIONALE:

- The waiver request reflects the Board's intent and to mirror the current proposed regulatory language currently under review with the Governor's Office.
- Help students whose internships and internship hours have been limited by the pandemic to move forward in their pursuit of licensure.
- Availability to provide much needed clinical services to the citizens of the Commonwealth.



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Counseling Compact Initiative

- Interstate compact
- A contract among states
- Allowing professional counselors licensed *and* residing in a compact member state to practice in other compact member states without need for multiple licenses.



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Counseling Compact Initiative

- Quickly obtain a **privilege to practice**, which is equivalent to a license to practice counseling in another state.
- A shared interstate licensure **data system**
- Allowing for near-instant verification of licensure status.
- A privilege to practice can be obtained in a matter of minutes.
- The data system also enhances public protection by ensuring that member states share investigative and disciplinary information with one another.



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Counseling Compact Initiative

- The Compact will go into effect once enacted into law by ten (10) states.
- This is could occur as early as 2022.
- Virginia will discuss this initiative in conjunction with the report from the Telehealth Consultant and determine if the Board wants to recommend joining the Compact.

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Questions and Answers
