

SENATE BILL NO. 155

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Health and Human Services

on _____)

(Patron Prior to Substitute--Senator Head)

A BILL to amend and reenact §§ 32.1-122.7, 32.1-122.7:1, 32.1-122.7:2, 54.1-3600, and 54.1-3606 of the Code of Virginia and to amend the Code of Virginia by adding in Article 1 of Chapter 20.2 of Title 2.2 a section numbered 2.2-2040.1 and by adding a section numbered 54.1-3606.3, relating to Virginia Health Workforce Development Authority; Virginia Health Care Career and Technical Training and Education Fund created; psychological practitioner defined; educational requirements for nursing faculty.

Be it enacted by the General Assembly of Virginia:

1. That §§ 32.1-122.7, 32.1-122.7:1, 32.1-122.7:2, 54.1-3600, and 54.1-3606 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 1 of Chapter 20.2 of Title 2.2 a section numbered 2.2-2040.1 and by adding a section numbered 54.1-3606.3 as follows:

§ 2.2-2040.1. Virginia Health Care Career and Technical Training and Education Fund.

There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia Health Care Career and Technical Training and Education Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller. All funds appropriated for such purpose and any gifts, donations, grants, bequests, and other funds received on its behalf shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. The Fund shall be administered by the Director of the Department of Workforce Development and Advancement. Moneys in the Fund shall be used solely for the purposes of supporting the mission of the Virginia Health Workforce Development

27 Authority, as described in § 32.1-122.7. Expenditures and disbursements from the Fund shall be made by
28 the State Treasurer on warrants issued by the Comptroller upon written request signed by the Director of
29 the Department of Workforce Development and Advancement.

30 **§ 32.1-122.7. Virginia Health Workforce Development Authority; purpose.**

31 A. There is hereby created as a public body corporate and as a political subdivision of the
32 Commonwealth the Virginia Health Workforce Development Authority (the Authority), with such public
33 and corporate powers as are set forth in § 32.1-122.7:2. The Authority is hereby constituted as a public
34 instrumentality, exercising public and essential governmental functions with the power and purpose to
35 provide for the health, welfare, convenience, knowledge, benefit, and prosperity of the residents of the
36 Commonwealth and such other persons who might be served by the Authority. The Authority is
37 established to move the Commonwealth forward in achieving its vision of ensuring a quality health
38 workforce for all Virginians.

39 B. The mission of the Authority is to facilitate the development of a statewide health professions
40 pipeline that identifies, educates, recruits, and retains a diverse, appropriately geographically distributed,
41 and culturally competent quality workforce. The mission of the Authority is accomplished by: (i)
42 providing the statewide infrastructure required for health workforce needs assessment and planning that
43 maintains engagement by health professions training programs in decision making and program
44 implementation; (ii) serving as the advisory board and setting priorities for the Virginia Area Health
45 Education Centers Program; (iii) coordinating with and serving as a resource to relevant state, regional,
46 and local entities, including the Department of Health Professions Workforce Data Center, the Joint
47 Legislative Audit and Review Commission, the Joint Commission on Health Care, the Behavioral Health
48 Commission, the Southwest Virginia Health Authority, or any similar regional health authority that may
49 be developed; (iv) informing state and local policy development as it pertains to health care delivery,
50 training, and education; (v) identifying and promoting evidence-based strategies for health workforce
51 pipeline development and interdisciplinary health care service models, particularly those affecting rural
52 and other underserved areas; (vi) supporting communities in their health workforce recruitment and
53 retention efforts and developing partnerships and promoting models of participatory engagement with

54 business and community-based and social organizations to foster integration of health care training and
55 education; (vii) setting priorities for and evaluating graduate medical education programs overseen by the
56 Commonwealth; (viii) advocating for programs that will result in reducing the debt load of newly trained
57 health professionals; ~~(viii)~~ (ix) setting priorities for and managing the Virginia Health Care Career and
58 Technical Training and Education Fund; (x) identifying high priority target areas within each region of
59 the Commonwealth and working toward health workforce development initiatives that improve health
60 measurably in those areas; ~~(ix)~~ (xi) fostering or creating innovative health workforce development models
61 that provide both health and economic benefits to the regions they serve; ~~(x)~~ (xii) developing strategies to
62 increase diversity in the health workforce by examining demographic data on race and ethnicity in training
63 programs and health professional licensure; ~~(xi)~~ (xiii) identifying ways to leverage technology to increase
64 access to health workforce training and health care delivery; and ~~(xii)~~ (xiv) developing a centralized health
65 care careers roadmap in partnership with the Department of Health Professions that includes information
66 on both licensed and unlicensed professions and that is disseminated to the Commonwealth's health care
67 workforce stakeholders to raise awareness about available career pathways.

68 **§ 32.1-122.7:1. Board of Directors of the Virginia Health Workforce Development Authority.**

69 The Virginia Health Workforce Development Authority (the Authority) shall be governed by a
70 Board of Directors. The Board of Directors shall have a total membership of ~~15~~ 19 members that shall
71 consist of three legislative members, nine nonlegislative citizen members, and ~~three~~ seven ex officio
72 members. Members shall be appointed as follows: two members of the House of Delegates, to be
73 appointed by the Speaker of the House of Delegates in accordance with the principles of proportional
74 representation contained in the Rules of the House of Delegates; one member of the Senate, to be
75 appointed by the Senate Committee on Rules; and nine nonlegislative citizen members, three of whom
76 shall be representatives of health professional educational or training programs, five of whom shall be
77 health professionals or employers or representatives of health professionals, and one of whom shall be a
78 representative of community health, to be appointed by the Governor. The Commissioner of Health ~~or his~~
79 ~~designee~~, the Chancellor of the Virginia Community College System ~~or his designee~~, ~~and~~ the Director of
80 the Department of Health Professions ~~or his designee~~, the Director of the Department of Workforce

81 Development and Advancement, the Director of the State Council of Higher Education for Virginia, the
82 Chairman of the House Committee on Appropriations, and the Chairman of the Senate Committee on
83 Finance and Appropriations or their designees shall serve ex officio with voting privileges. Members
84 appointed by the Governor shall be citizens of the Commonwealth.

85 Legislative members and ex officio members shall serve terms coincident with their terms of
86 office. All appointments of nonlegislative citizen members shall be for two-year terms following the initial
87 staggering of terms. Appointments to fill vacancies, other than by expiration of a term, shall be for the
88 unexpired terms. Legislative and citizen members may be reappointed; however, no citizen member shall
89 serve more than four consecutive two-year terms. The remainder of any term to which a member is
90 appointed to fill a vacancy shall not constitute a term in determining the member's term limit. Vacancies
91 shall be filled in the same manner as the original appointments.

92 The Board of Directors shall elect a chairman and vice-chairman annually from among its
93 members. A majority of the members of the Board of Directors shall constitute a quorum.

94 The Board of Directors shall report biennially on the activities and recommendations of the
95 Authority to the Secretary of Health and Human Resources, the Secretary of Education, the Secretary of
96 Commerce and Trade, the ~~Chief Workforce Development Advisor~~ Secretary of Labor, the State Board of
97 Health, the State Council of Higher Education for Virginia, the Joint Commission on Health Care, the
98 Chairman of the House Committee on Appropriations, the Chairman of the Senate Committee on Finance
99 and Appropriations, the Governor, and the General Assembly. In any reporting period where state general
100 funds are appropriated to the Authority, the report shall include a detailed summary of how state general
101 funds were expended.

102 The accounts and records of the Authority showing the receipt and disbursement of funds from
103 whatever source derived shall be in a form prescribed by the Auditor of Public Accounts. The Auditor of
104 Public Accounts, or his legally authorized representative, shall examine the accounts of the Authority as
105 determined necessary by the Auditor of Public Accounts. The cost of such audit shall be borne by the
106 Authority.

107 § 32.1-122.7:2. Powers and duties of the Virginia Health Workforce Development Authority;
108 exemptions.

109 A. The Virginia Health Workforce Development Authority (the Authority) is authorized to serve
110 as the incorporated consortium of allopathic and osteopathic medical schools in Virginia as required by
111 federal statute to qualify for the receipt of Area Health Education Centers programs, legislatively
112 mandated under the Public Health Service Act as amended, Title VII, Section 751, and 42 U.S.C. § 294a,
113 and to administer federal, state, and local programs as needed to carry out its public purpose and
114 objectives. The Authority is further authorized to exercise independently the powers conferred by this
115 section in furtherance of its corporate and public purposes to benefit citizens and such other persons who
116 might be served by the Authority.

117 B. The Authority is authorized to monitor, collect, and track data pertaining to health care delivery,
118 training, and education from Virginia educational institutions and other entities as needed to carry out its
119 public purpose and objectives in areas where such data efforts do not already exist. The Authority is further
120 authorized to request and seek data for program evaluation purposes and may partner with other agencies
121 and institutions to help manage and analyze health workforce data. The Authority shall assist in the
122 coordination of data from various sources, including the Department of Education, the Department of
123 Health Professions, the Virginia Department of Health, the Virginia Office of Economic Education, the
124 Workforce Data Trust, and the George Mason University Center for Health Workforce.

125 C. The Authority shall have the authority to assess policies, engage in policy development, and
126 make policy recommendations.

127 D. The Authority shall have the authority to apply for and accept federal, state, and local public
128 and private grants, loans, appropriations, and donations; hire and compensate staff, including an executive
129 director; rent, lease, buy, own, acquire, and dispose of property, real or personal; participate in joint
130 ventures, including to make contracts and other agreements with public and private entities in order to
131 carry out its public purpose and objectives; and make bylaws for the management and regulation of its
132 affairs.

133 E. The Authority shall be exempt from the provisions of ~~Chapters 29~~ the Virginia Personnel Act
134 (§ 2.2-2900 et seq.) and ~~43~~ the Virginia Public Procurement Act (§ 2.2-4300 et seq.) ~~of Title 2.2.~~

135 F. The exercise of powers granted by this article and the undertaking of activities in the furtherance
136 of the purpose of the Authority shall constitute the performance of essential governmental functions.
137 Therefore, the Authority shall be exempt from any tax or assessment upon any project or property acquired
138 or used by the Authority under the provisions of this article or upon the income therefrom, including sales
139 and use taxes on tangible personal property used in the operation of the Authority. This exemption shall
140 not extend to persons conducting business for which local or state taxes would otherwise be required.

141 **§ 54.1-3600. Definitions.**

142 As used in this chapter, unless the context requires a different meaning:

143 "Applied psychologist" means an individual licensed to practice applied psychology.

144 "Board" means the Board of Psychology.

145 "Certified sex offender treatment provider" means a person who is certified to provide treatment
146 to sex offenders and who provides such services in accordance with the provisions of §§ 54.1-3005, 54.1-
147 3505, 54.1-3611, and 54.1-3705 and the regulations promulgated pursuant to these provisions.

148 "Clinical psychologist" means an individual licensed to practice clinical psychology.

149 "Practice of applied psychology" means application of the principles and methods of psychology
150 to improvement of organizational function, personnel selection and evaluation, program planning and
151 implementation, individual motivation, development and behavioral adjustment, as well as consultation
152 on teaching and research.

153 "Practice of clinical psychology" includes, but is not limited to:

154 1. "Testing and measuring" ~~which that~~ consists of the psychological evaluation or assessment of
155 personal characteristics such as intelligence, abilities, interests, aptitudes, achievements, motives,
156 personality dynamics, psychoeducational processes, neuropsychological functioning, or other
157 psychological attributes of individuals or groups.

158 2. "Diagnosis and treatment of mental and emotional disorders" ~~which that~~ consists of the
159 appropriate diagnosis of mental disorders according to standards of the profession and the ordering or

160 providing of treatments according to need. Treatment includes providing counseling, psychotherapy,
161 marital/family therapy, group therapy, behavior therapy, psychoanalysis, hypnosis, biofeedback, and other
162 psychological interventions with the objective of modification of perception, adjustment, attitudes,
163 feelings, values, self-concept, personality, or personal goals, the treatment of alcoholism and substance
164 abuse, the treatment of disorders of habit or conduct, as well as of the psychological aspects of physical
165 illness, pain, injury, or disability.

166 3. "Psychological consulting" ~~which that~~ consists of interpreting or reporting on scientific theory
167 or research in psychology, rendering expert psychological or clinical psychological opinion, or evaluation,
168 or engaging in applied psychological research, program or organizational development, or administration,
169 supervision, or evaluation of psychological services.

170 "Practice of psychology" means the practice of applied psychology, clinical psychology, or school
171 psychology.

172 The "practice of school psychology" means:

173 1. "Testing and measuring" ~~which that~~ consists of psychological assessment, evaluation, and
174 diagnosis relative to the assessment of intellectual ability, aptitudes, achievement, adjustment, motivation,
175 personality, or any other psychological attribute of persons as individuals or in groups that directly relates
176 to learning or behavioral problems that impact education.

177 2. "Counseling" ~~which that~~ consists of professional advisement and interpretive services with
178 children or adults for amelioration or prevention of problems that impact education. Counseling services
179 relative to the practice of school psychology include but are not limited to the procedures of verbal
180 interaction, interviewing, behavior modification, environmental manipulation, and group processes.

181 3. "Consultation" ~~which that~~ consists of educational or vocational consultation or direct
182 educational services to schools, agencies, organizations, or individuals. Psychological consulting ~~as herein~~
183 ~~defined~~ relative to the practice of school psychology is directly related to learning problems and related
184 adjustments.

185 4. Development of programs such as designing more efficient and psychologically sound
186 classroom situations and acting as a catalyst for teacher involvement in adaptations and innovations.

187 "Psychological practitioner" means a person licensed pursuant to § 54.1-3606.3 to diagnose and
188 treat mental and emotional disorders by providing counseling, psychotherapy, marital therapy, family
189 therapy, group therapy, or behavioral therapy and to provide an assessment and evaluation of an
190 individual's intellectual or cognitive ability, emotional adjustment, or personality, as related to the
191 treatment of mental or emotional disorders.

192 "Psychologist" means a person licensed to practice school, applied, or clinical psychology.

193 "School psychologist" means a person licensed by the Board of Psychology to practice school
194 psychology.

195 **§ 54.1-3606. License required.**

196 A. In order to engage in the practice of applied psychology, school psychology, or clinical
197 psychology, or to engage in practice as a psychological practitioner, it shall be necessary to hold a license.

198 B. Notwithstanding the provisions of subdivision 4 of § 54.1-3601 or any Board regulation, the
199 Board of Psychology shall license, as school psychologists-limited, persons licensed by the Board of
200 Education with an endorsement in psychology and a master's degree in psychology. The Board of
201 Psychology shall issue licenses to such persons without examination, upon review of credentials and
202 payment of an application fee in accordance with regulations of the Board for school psychologists-
203 limited.

204 Persons holding such licenses as school psychologists-limited shall practice solely in public school
205 divisions; holding a license as a school psychologist-limited pursuant to this subsection shall not authorize
206 such persons to practice outside the school setting or in any setting other than the public schools of the
207 Commonwealth, unless such individuals are licensed by the Board of Psychology to offer to the public
208 the services defined in § 54.1-3600.

209 The Board shall issue persons, holding licenses from the Board of Education with an endorsement
210 in psychology and a license as a school psychologist-limited from the Board of Psychology, a license
211 which notes the limitations on practice set forth in this section.

212 Persons who hold licenses as psychologists issued by the Board of Psychology without these
213 limitations shall be exempt from the requirements of this section.

214 **§ 54.1-3606.3. Licensure of psychological practitioners; independent practice.**

215 A. It is unlawful for any person to practice or hold himself out as a psychological practitioner in
216 the Commonwealth or use the title of psychological practitioner unless he holds a license issued by the
217 Board.

218 B. The Board shall establish criteria for licensure as a psychological practitioner, which shall
219 include the following:

220 1. Documentation that the applicant received a master's degree in psychology or counseling
221 psychology from a program accredited by the American Psychological Association, from a program
222 equivalent to those accredited by the American Psychological Association as determined by the Board, or
223 from a program accredited by another national accrediting body approved by the Board; and

224 2. Documentation that the applicant successfully completed the academic portion of a national
225 exam recognized by the Board.

226 C. Every psychological practitioner who meets the requirements of subsection B shall practice
227 under the supervision of a clinical psychologist unless the requirements of subsection D are met. The
228 Board shall determine the requirements and procedures for such supervision.

229 D. A psychological practitioner may practice without supervision upon:

230 1. Successful completion of the clinical portion of a national exam recognized by the Board; and
231 2. Completion of one year of full-time experience, as determined by the Board, of practice under
232 the supervision of a clinical psychologist.

233 Upon receipt of documentation of such examination and experience requirements and a fee as
234 established by the Board, the Board shall issue to the psychological practitioner a new license that includes
235 a designation indicating that the psychological practitioner is authorized to practice independently.

236 E. The Board shall determine appropriate standards of practice for psychological practitioners.

237 F. The Board shall promulgate such regulations as may be necessary to implement the provisions
238 of this section.

239 **2. That the Board of Psychology shall promulgate regulations to implement the provisions of the**
240 **first enactment of this act in Title 54.1 to be effective no later than January 1, 2025. The Board of**

241 Psychology's initial adoption of regulations necessary to implement the provisions of the first
242 enactment of this act shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq. of the
243 Code of Virginia), except that the Board of Psychology shall provide an opportunity for public
244 comment on the regulations prior to adoption of such regulations.

245 3. That the Board of Nursing shall amend its regulations to add or remove the following
246 requirements related to educational requirements for nursing faculty: (i) for baccalaureate degree
247 and prelicensure graduate degree programs, add requirements that every clinical nursing faculty
248 member hold a graduate degree in nursing, or hold a baccalaureate degree in nursing and be
249 enrolled in a graduate degree program, or hold a baccalaureate degree in nursing and hold
250 alternative credentials, and that clinical faculty members with a graduate degree other than in
251 nursing be required to hold a baccalaureate degree in nursing; (ii) for associate degree and diploma
252 programs, remove requirements that the majority of the members of the nursing faculty hold a
253 graduate degree, preferably with a major in nursing, and that all members of the nursing faculty
254 hold a baccalaureate degree with a major in nursing; (iii) for associate degree and diploma
255 programs, add requirements that the didactic members of the nursing faculty hold a graduate
256 degree, preferably with a major in nursing, or hold a baccalaureate degree and be actively enrolled
257 in a graduate degree program and that the clinical members of the nursing faculty hold a
258 baccalaureate degree in nursing or an associate degree in nursing and be actively enrolled in a
259 baccalaureate degree program in nursing; (iv) for practical nursing programs, remove the
260 requirement that the majority of the members of the nursing faculty hold a baccalaureate degree,
261 preferably with a major in nursing; and (v) for practical nursing programs, add a requirement that
262 the nursing faculty hold a baccalaureate degree, preferably with a major in nursing, or hold an
263 associate degree and be actively enrolled in a baccalaureate degree program.

264 4. That the Board of Nursing shall promulgate regulations to implement the provisions of the third
265 enactment of this act to be effective no later than January 1, 2025. The Board of Nursing's initial
266 adoption of regulations necessary to implement the provisions of the third enactment of this act
267 shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia),

268 except that the Board of Nursing shall provide an opportunity for public comment on the
269 regulations prior to adoption of such regulations.

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