

SENATE BILL NO. 155

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Education and Health
on January 18, 2024)

(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, and 54.1-3500 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 32.1-122.7:3, relating to Virginia Health Workforce Development Authority; Virginia Health Care Career and Technical Training and Education Fund created; qualified mental health professional; definition.

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, and 54.1-3500 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 32.1-122.7:3 as follows:

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

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

B. The mission of the Authority is to facilitate the development of a statewide health professions pipeline that identifies, educates, recruits, and retains a diverse, appropriately geographically distributed, and culturally competent quality workforce. The mission of the Authority is accomplished by: (i) providing the statewide infrastructure required for health workforce needs assessment and planning that

27 maintains engagement by health professions training programs in decision making and program
28 implementation; (ii) serving as the advisory board and setting priorities for the Virginia Area Health
29 Education Centers Program; (iii) coordinating with and serving as a resource to relevant state, regional,
30 and local entities, including the Department of Health Professions Workforce Data Center, the Joint
31 Legislative Audit and Review Commission, the Joint Commission on Health Care, the Behavioral Health
32 Commission, the Southwest Virginia Health Authority, or any similar regional health authority that may
33 be developed; (iv) informing state and local policy development as it pertains to health care delivery,
34 training, and education; (v) identifying and promoting evidence-based strategies for health workforce
35 pipeline development and interdisciplinary health care service models, particularly those affecting rural
36 and other underserved areas; (vi) supporting communities in their health workforce recruitment and
37 retention efforts and developing partnerships and promoting models of participatory engagement with
38 business and community-based and social organizations to foster integration of health care training and
39 education; (vii) setting priorities for and evaluating primary care graduate medical education programs
40 overseen by the Commonwealth; (viii) advocating for programs that will result in reducing the debt load
41 of newly trained health professionals; ~~(viii)~~ (ix) setting priorities for and managing the Virginia Health
42 Care Career and Technical Training and Education Fund; (x) identifying high priority target areas within
43 each region of the Commonwealth and working toward health workforce development initiatives that
44 improve health measurably in those areas; ~~(ix)~~ (xi) fostering or creating innovative health workforce
45 development models that provide both health and economic benefits to the regions they serve; ~~(x)~~ (xii)
46 developing strategies to increase diversity in the health workforce by examining demographic data on race
47 and ethnicity in training programs and health professional licensure; ~~(xi)~~ (xiii) identifying ways to leverage
48 technology to increase access to health workforce training and health care delivery; and ~~(xii)~~ (xiv)
49 developing a centralized health care careers roadmap in partnership with the Department of Health
50 Professions that includes information on both licensed and unlicensed professions and that is disseminated
51 to the Commonwealth's health care workforce stakeholders to raise awareness about available career
52 pathways.

53 C. The Commonwealth shall make an effort to match funding from the U.S. Health Resources and
54 Services Administration's Area Health Education Centers Program grants.

55 **§ 32.1-122.7:1. Board of Directors of the Virginia Health Workforce Development Authority.**

56 The Virginia Health Workforce Development Authority (the Authority) shall be governed by a
57 Board of Directors. The Board of Directors shall have a total membership of ~~15~~ 19 members that shall
58 consist of three legislative members, nine nonlegislative citizen members, and ~~three~~ seven ex officio
59 members. Members shall be appointed as follows: two members of the House of Delegates, to be
60 appointed by the Speaker of the House of Delegates in accordance with the principles of proportional
61 representation contained in the Rules of the House of Delegates; one member of the Senate, to be
62 appointed by the Senate Committee on Rules; and nine nonlegislative citizen members, three of whom
63 shall be representatives of health professional educational or training programs, five of whom shall be
64 health professionals or employers or representatives of health professionals, and one of whom shall be a
65 representative of community health, to be appointed by the Governor. The Commissioner of Health ~~or his~~
66 ~~designee~~, the Chancellor of the Virginia Community College System ~~or his designee~~, ~~and~~ the Director of
67 the Department of Health Professions ~~or his designee~~, the Director of the Department of Workforce
68 Development and Advancement, the Director of the State Council of Higher Education for Virginia, the
69 Chairman of the House Committee on Appropriations, and the Chairman of the Senate Committee on
70 Finance and Appropriations or their designees shall serve ex officio with voting privileges. Members
71 appointed by the Governor shall be citizens of the Commonwealth.

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

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

81 The Board of Directors shall report biennially on the activities and recommendations of the
82 Authority to the Secretary of Health and Human Resources, the Secretary of Education, the Secretary of
83 Commerce and Trade, the ~~Chief Workforce Development Advisor~~ Secretary of Labor, the State Board of
84 Health, the State Council of Higher Education for Virginia, the Joint Commission on Health Care, the
85 Chairman of the House Committee on Appropriations, the Chairman of the Senate Committee on Finance
86 and Appropriations, the Governor, and the General Assembly. In any reporting period where state general
87 funds are appropriated to the Authority, the report shall include a detailed summary of how state general
88 funds were expended.

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

94 **§ 32.1-122.7:2. Powers and duties of the Virginia Health Workforce Development Authority;**
95 **exemptions.**

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

104 B. The Authority is authorized to monitor, collect, and track data pertaining to health care delivery,
105 training, and education from Virginia educational institutions and other entities as needed to carry out its

106 public purpose and objectives in areas where such data efforts do not already exist. The Authority is further
107 authorized to request and seek data for program evaluation purposes and may partner with other agencies
108 and institutions to help manage and analyze health workforce data. The Authority shall assist in the
109 coordination of data from various sources, including the Department of Education, the Department of
110 Health Professions, the Virginia Department of Health, the Office of Economic Education, the Workforce
111 Data Trust, and the George Mason University Center for Health Workforce.

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

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

120 E. The Authority shall be exempt from the provisions of ~~Chapters 29~~ the Virginia Personnel Act
121 (§ 2.2-2900 et seq.) and 43 the Virginia Public Procurement Act (§ 2.2-4300 et seq.) of Title 2.2.

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

128 **§ 32.1-122.7:3. Virginia Health Care Career and Technical Training and Education Fund.**

129 There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia
130 Health Care Career and Technical Training and Education Fund, referred to in this section as "the Fund."
131 The Fund shall be established on the books of the Comptroller. All funds appropriated for such purpose
132 and any gifts, donations, grants, bequests, and other funds received on its behalf shall be paid into the state

133 treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be
134 credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year
135 shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely
136 for the purposes of supporting the mission of the Virginia Health Workforce Development Authority, as
137 described in § 32.1-122.7. Expenditures and disbursements from the Fund shall be made by the State
138 Treasurer on warrants issued by the Comptroller upon written request signed by the chairmen of the Board
139 of Directors of the Virginia Health Workforce Development Authority.

140 **§ 54.1-3500. Definitions.**

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

142 "Appraisal activities" means the exercise of professional judgment based on observations and
143 objective assessments of a client's behavior to evaluate current functioning, diagnose, and select
144 appropriate treatment required to remediate identified problems or to make appropriate referrals.

145 "Art therapist" means a person who has (i) completed a master's or doctoral degree program in art
146 therapy, or an equivalent course of study, from an accredited educational institution; (ii) satisfied the
147 requirements for licensure set forth in regulations adopted by the Board; and (iii) been issued a license for
148 the independent practice of art therapy by the Board.

149 "Art therapy" means the integrated use of psychotherapeutic principles, visual art media, and the
150 creative process in the assessment, treatment, and remediation of psychosocial, emotional, cognitive,
151 physical, and developmental disorders in children, adolescents, adults, families, or groups.

152 "Art therapy associate" means a person who has (i) completed a master's or doctoral degree
153 program in art therapy, or an equivalent course of study from an accredited educational institution; (ii)
154 satisfied the requirements for licensure set forth in regulations adopted by the Board; and (iii) been issued
155 a license to practice art therapy under an approved clinical supervisor in accordance with regulations of
156 the Board.

157 "Board" means the Board of Counseling.

158 "Certified substance abuse counseling assistant" means a person certified by the Board to practice
159 in accordance with the provisions of § 54.1-3507.2.

160 "Certified substance abuse counselor" means a person certified by the Board to practice in
161 accordance with the provisions of § 54.1-3507.1.

162 "Counseling" means the application of principles, standards, and methods of the counseling
163 profession in (i) conducting assessments and diagnoses for the purpose of establishing treatment goals and
164 objectives and (ii) planning, implementing, and evaluating treatment plans using treatment interventions
165 to facilitate human development and to identify and remediate mental, emotional, or behavioral disorders
166 and associated distresses that interfere with mental health.

167 "Licensed substance abuse treatment practitioner" means a person who: (i) is trained in and
168 engages in the practice of substance abuse treatment with individuals or groups of individuals suffering
169 from the effects of substance abuse or dependence, and in the prevention of substance abuse or
170 dependence; and (ii) is licensed to provide advanced substance abuse treatment and independent, direct,
171 and unsupervised treatment to such individuals or groups of individuals, and to plan, evaluate, supervise,
172 and direct substance abuse treatment provided by others.

173 "Marriage and family therapist" means a person trained in the appraisal and treatment of cognitive,
174 affective, or behavioral mental and emotional disorders within the context of marriage and family systems
175 through the application of therapeutic and family systems theories and techniques.

176 "Marriage and family therapy" means the appraisal and treatment of cognitive, affective, or
177 behavioral mental and emotional disorders within the context of marriage and family systems through the
178 application of therapeutic and family systems theories and techniques and delivery of services to
179 individuals, couples, and families, singularly or in groups, for the purpose of treating such disorders.

180 "Practice of counseling" means rendering or offering to render to individuals, groups,
181 organizations, or the general public any service involving the application of principles, standards, and
182 methods of the counseling profession, which shall include appraisal, counseling, and referral activities.

183 "Practice of marriage and family therapy" means the appraisal and treatment of cognitive,
184 affective, or behavioral mental and emotional disorders within the context of marriage and family systems
185 through the application of therapeutic and family systems theories and techniques, which shall include
186 assessment, treatment, and referral activities.

187 "Practice of substance abuse treatment" means rendering or offering to render substance abuse
188 treatment to individuals, groups, organizations, or the general public.

189 "Professional counselor" means a person trained in the application of principles, standards, and
190 methods of the counseling profession, including counseling interventions designed to facilitate an
191 individual's achievement of human development goals and remediating mental, emotional, or behavioral
192 disorders and associated distresses that interfere with mental health and development.

193 "Qualified mental health professional" ~~includes qualified mental health professionals adult and~~
194 ~~qualified mental health professionals child~~ means a person who by education and experience is
195 professionally qualified and registered by the Board to provide collaborative mental health services. A
196 qualified mental health professional shall provide such services as an employee or independent contractor
197 of the Department of Behavioral Health and Developmental Services or the Department of Corrections,
198 or as a provider licensed by the Department of Behavioral Health and Developmental Services.

199 ~~"Qualified mental health professional adult" means a qualified mental health professional who~~
200 ~~provides collaborative mental health services for adults. A qualified mental health professional adult shall~~
201 ~~provide such services as an employee or independent contractor of the Department of Behavioral Health~~
202 ~~and Developmental Services or the Department of Corrections, or as a provider licensed by the Department~~
203 ~~of Behavioral Health and Developmental Services.~~

204 ~~"Qualified mental health professional child" means a person who by education and experience is~~
205 ~~professionally qualified and registered by the Board to provide collaborative mental health services for~~
206 ~~children and adolescents up to 22 years of age. A qualified mental health professional child shall provide~~
207 ~~such services as an employee or independent contractor of the Department of Behavioral Health and~~
208 ~~Developmental Services or the Department of Corrections, or as a provider licensed by the Department of~~
209 ~~Behavioral Health and Developmental Services.~~

210 "Qualified mental health professional-trainee" means a person who is receiving supervised training
211 to qualify as a qualified mental health professional and is registered with the Board.

212 "Referral activities" means the evaluation of data to identify problems and to determine
213 advisability of referral to other specialists.

214 "Registered peer recovery specialist" means a person who by education and experience is
215 professionally qualified and registered by the Board to provide collaborative services to assist individuals
216 in achieving sustained recovery from the effects of addiction or mental illness, or both. A registered peer
217 recovery specialist shall provide such services as an employee or independent contractor of the
218 Department of Behavioral Health and Developmental Services, a provider licensed by the Department of
219 Behavioral Health and Developmental Services, a practitioner licensed by or holding a permit issued from
220 the Department of Health Professions, or a facility licensed by the Department of Health.

221 "Residency" means a post-internship supervised clinical experience registered with the Board.

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

224 "Substance abuse" and "substance dependence" mean a maladaptive pattern of substance use
225 leading to clinically significant impairment or distress.

226 "Substance abuse treatment" means (i) the application of specific knowledge, skills, substance
227 abuse treatment theory, and substance abuse treatment techniques to define goals and develop a treatment
228 plan of action regarding substance abuse or dependence prevention, education, or treatment in the
229 substance abuse or dependence recovery process and (ii) referrals to medical, social services,
230 psychological, psychiatric, or legal resources when such referrals are indicated.

231 "Supervision" means the ongoing process, performed by a supervisor, of monitoring the
232 performance of the person supervised and providing regular, documented individual or group consultation,
233 guidance, and instruction with respect to the clinical skills and competencies of the person supervised.

234 **2. That the Board of Nursing shall amend its regulations to remove the following requirements: (i)**
235 **that all members of nursing faculty for baccalaureate degree and prelicensure graduate degree**
236 **programs hold a graduate degree; (ii) that the majority of the members of the nursing faculty in**
237 **baccalaureate degree and prelicensure graduate degree programs hold a graduate degree in**
238 **nursing; and (iii) that the majority of the members of the nursing faculty in associate degree and**
239 **diploma programs hold a graduate degree, preferably in nursing.**

240 3. That the Board of Nursing shall promulgate regulations to implement the provisions of the second
241 enactment of this act to be effective within 280 days of its enactment.

242 4. That the Board of Counseling shall revise the qualifications for qualified mental health
243 professionals (QMHPs) by (i) establishing a pathway for individuals with associate degrees to
244 become QMHPs, (ii) removing the distinction between certification as a QMHP-Adult and QMHP-
245 Child and unifying requirements for qualification as a QMHP, and (iii) enabling experienced
246 QMHPs to supervise new professionals in the field who do not yet meet the requirements for
247 qualification as a QMHP.

248 5. That the Board of Counseling shall promulgate regulations to implement the provisions of the
249 fourth enactment of this act to be effective within 280 days of its enactment.

250 6. That the Virginia Health Workforce Development Authority (the Authority) shall convene a work
251 group consisting of the Director of the Authority or his designee; the Director of the Department of
252 Health Professions; the Deputy Secretary of Higher Education; the Deputy Secretary of Labor; the
253 Director of the Department of Workforce Development and Advancement; one representative each
254 from the Board of Nursing, Board of Counseling, and Board of Psychology; and the Chairmen of
255 the House Committee on Health and Human Services and the Senate Committee on Education and
256 Health for the purpose of identifying and proposing revisions to current regulations and policies
257 that hinder the development, retention, and productivity of the health care workforce in behavioral
258 health and nursing. The work group shall elect one of its members to serve as its chairman. All
259 agencies of the Commonwealth shall provide assistance to the Authority, upon request. In
260 identifying and proposing its revisions, the work group shall focus on (i) revising barrier crimes
261 legislation affecting the employment of peer recovery specialists and substance abuse workers, (ii)
262 recommending statutory changes to empower the Board of Nursing to amplify nursing education
263 and training capabilities, and (iii) reevaluating and adjusting the qualifications for qualified mental
264 health professionals. The work group shall submit a report on its recommendations to the Chairmen
265 of the House Committee on Health and Human Services and the Senate Committee on Education
266 and Health and to the Governor by October 1, 2025.

267 7. That the Virginia Health Workforce Development Authority, in collaboration with the
268 Department of Workforce Development and Advancement, the Department of Health Professions,
269 the Department of Education, the Virginia Community College System, the State Council of Higher
270 Education for Virginia, the Department of Health, the Center for Health Workforce at George
271 Mason University, and representatives from for-profit and private not-for-profit health care
272 providers and the regional Area Health Education Centers, shall develop an employer-led collective
273 impact program (the program) to align, coordinate, and integrate resources and efforts across the
274 Commonwealth to strengthen the health and health sciences workforce. Implementation of the
275 program shall meet the following processes and goals:

276 1. The Health Workforce Highway and the Virginia Tech Talent Pipeline concepts shall serve
277 as strategic frameworks for promoting early engagement with life sciences, rigorous and intentional
278 course selection, experiential learning, transferable credits, and stackable credentials. The program
279 shall allow for paid educational opportunities in order to promote career mobility.

280 2. The implementation of the program shall be modeled after the Blue Ridge Partnership for
281 Health Sciences Careers program that is designed to bridge the gap between educational
282 institutions, health care providers, and industry stakeholders, fostering a synergy that drives
283 innovation and addresses the evolving needs of the health care sector.

284 3. The purpose of the program is to create a streamlined and effective pathway for
285 individuals pursuing careers in health sciences, ensuring that education and training are directly
286 aligned with the current and future demands of the health care industry. The program shall
287 emphasize practical, hands-on experience and continuous professional development, ensuring a
288 skilled workforce that is adaptable to the rapid advancements in health care technology and
289 practices.

290 4. The program shall ensure that students receive relevant training that directly translates
291 to skills needed in the health and health sciences workforce. Additionally, the program shall
292 emphasize ongoing professional development and retraining opportunities, adapting to the evolving
293 landscape of health care technology and practices.

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