

HOUSE BILL NO. 1499

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Health and Human Services

on _____)

(Patron Prior to Substitute--Delegate Willett)

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 a section numbered 54.1-3606.3, relating to Virginia Health Workforce Development Authority.

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 a section numbered 54.1-3606.3, 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 maintains engagement by health professions training programs in decision making and program

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

50 **§ 32.1-122.7:1. Board of Directors of the Virginia Health Workforce Development Authority.**

51 The Virginia Health Workforce Development Authority (the Authority) shall be governed by a
52 Board of Directors. The Board of Directors shall have a total membership of ~~15~~ 19 members that shall
53 consist of three legislative members, nine nonlegislative citizen members, and ~~three~~ seven ex officio

54 members. Members shall be appointed as follows: two members of the House of Delegates, to be
55 appointed by the Speaker of the House of Delegates in accordance with the principles of proportional
56 representation contained in the Rules of the House of Delegates; one member of the Senate, to be
57 appointed by the Senate Committee on Rules; and nine nonlegislative citizen members, three of whom
58 shall be representatives of health professional educational or training programs, five of whom shall be
59 health professionals or employers or representatives of health professionals, and one of whom shall be a
60 representative of community health, to be appointed by the Governor. The Commissioner of Health ~~or his~~
61 ~~designee~~, the Chancellor of the Virginia Community College System ~~or his designee~~, ~~and~~ the Director of
62 the Department of Health Professions ~~or his designee~~, the Chief Workforce Development Officer for the
63 Commonwealth, the Director of the State Council of Higher Education for Virginia, the Chairman of the
64 House Committee on Appropriations, and the Chairman of the Senate Committee on Finance and
65 Appropriations or their designees shall serve ex officio with voting privileges. Members appointed by the
66 Governor shall be citizens of the Commonwealth.

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

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

76 The Board of Directors shall report biennially on the activities and recommendations of the
77 Authority to the Secretary of Health and Human Resources, the Secretary of Education, the Secretary of
78 Commerce and Trade, the ~~Chief Workforce Development Advisor~~ Secretary of Labor, the State Board of
79 Health, the State Council of Higher Education for Virginia, the Joint Commission on Health Care, the
80 Chairman of the House Committee on Appropriations, the Chairman of the Senate Committee on Finance

81 and Appropriations, the Governor, and the General Assembly. In any reporting period where state general
82 funds are appropriated to the Authority, the report shall include a detailed summary of how state general
83 funds were expended.

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

89 **§ 32.1-122.7:2. Powers and duties of the Virginia Health Workforce Development Authority;**
90 **exemptions.**

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

99 B. The Authority is authorized to monitor, collect, and track data pertaining to health care delivery,
100 training, and education from Virginia educational institutions and other entities as needed to carry out its
101 public purpose and objectives in areas where such data efforts do not already exist. The Authority is further
102 authorized to request and seek data for program evaluation purposes and may partner with other agencies
103 and institutions to help manage and analyze health workforce data. The Authority shall assist in the
104 coordination of data from various sources, including the Department of Education, the Department of
105 Health Professions, the Department of Health, the Virginia Office of Education Economics, and the
106 George Mason University Center for Health Workforce.

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

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

115 E. The Authority shall be exempt from the provisions of ~~Chapter 29~~ the Virginia Personnel Act
116 (§ 2.2-2900 et seq.) and ~~43~~ the Virginia Public Procurement Act (§ 2.2-4300 et seq.) ~~of Title 2.2.~~

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

123 **§ 54.1-3600. Definitions.**

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

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

126 "Board" means the Board of Psychology.

127 "Certified sex offender treatment provider" means a person who is certified to provide treatment
128 to sex offenders and who provides such services in accordance with the provisions of §§ 54.1-3005, 54.1-
129 3505, 54.1-3611, and 54.1-3705 and the regulations promulgated pursuant to these provisions.

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

131 "Practice of applied psychology" means application of the principles and methods of psychology
132 to improvement of organizational function, personnel selection and evaluation, program planning and

133 implementation, individual motivation, development and behavioral adjustment, as well as consultation
134 on teaching and research.

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

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

140 2. "Diagnosis and treatment of mental and emotional disorders"~~which~~ that consists of the
141 appropriate diagnosis of mental disorders according to standards of the profession and the ordering or
142 providing of treatments according to need. Treatment includes providing counseling, psychotherapy,
143 marital/family therapy, group therapy, behavior therapy, psychoanalysis, hypnosis, biofeedback, and other
144 psychological interventions with the objective of modification of perception, adjustment, attitudes,
145 feelings, values, self-concept, personality, or personal goals, the treatment of alcoholism and substance
146 abuse, the treatment of disorders of habit or conduct, as well as of the psychological aspects of physical
147 illness, pain, injury, or disability.

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

152 "Practice of psychology" means the practice of applied psychology, clinical psychology, or school
153 psychology.

154 The "practice of school psychology" means:

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

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

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

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

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

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

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

177 **§ 54.1-3606. License required.**

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

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

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

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

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

196 **§ 54.1-3606.3. Licensure of psychological practitioners; independent practice.**

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

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

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

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

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

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

212 1. Successful completion of the clinical portion of a national exam recognized by the Board; and

213 2. Completion of one year of full-time experience, as determined by the Board, of practice under
214 the supervision of a clinical psychologist.

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

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

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

221 **2. That the Board of Psychology shall promulgate regulations to implement the provisions of the**
222 **first enactment of this act in Title 54.1 to be effective no later than January 1, 2025. The Board of**
223 **Psychology's initial adoption of regulations necessary to implement the provisions of the first**
224 **enactment of this act shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq. of the**
225 **Code of Virginia), except that the Board of Psychology shall provide an opportunity for public**
226 **comment on the regulations prior to adoption of such regulations.**

227 **3. That the Board of Nursing shall amend its regulations to add or remove the following**
228 **requirements related to educational requirements for nursing faculty: (i) for baccalaureate degree**
229 **and prelicensure graduate degree programs, add requirements that every clinical nursing faculty**
230 **member hold a graduate degree in nursing, or hold a baccalaureate degree in nursing and be**
231 **enrolled in a graduate degree program, or hold a baccalaureate degree in nursing and hold**
232 **alternative credentials, and that clinical faculty members with a graduate degree other than in**
233 **nursing be required to hold a baccalaureate degree in nursing; (ii) for associate degree and diploma**
234 **programs, remove requirements that the majority of the members of the nursing faculty hold a**
235 **graduate degree, preferably with a major in nursing, and that all members of the nursing faculty**
236 **hold a baccalaureate degree with a major in nursing; (iii) for associate degree and diploma**
237 **programs, add requirements that the didactic members of the nursing faculty hold a graduate**
238 **degree, preferably with a major in nursing, or hold a baccalaureate degree and be actively enrolled**
239 **in a graduate degree program and that the clinical members of the nursing faculty hold a**

240 baccalaureate degree in nursing or an associate degree in nursing and be actively enrolled in a
241 baccalaureate degree program in nursing; (iv) for practical nursing programs, remove the
242 requirement that the majority of the members of the nursing faculty hold a baccalaureate degree,
243 preferably with a major in nursing; and (v) for practical nursing programs, add a requirement that
244 the nursing faculty hold a baccalaureate degree, preferably with a major in nursing, or hold an
245 associate degree and be actively enrolled in a baccalaureate degree program.

246 4. That the Board of Nursing shall promulgate regulations to implement the provisions of the third
247 enactment of this act to be effective no later than January 1, 2025. The Board of Nursing's initial
248 adoption of regulations necessary to implement the provisions of the third enactment of this act
249 shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia),
250 except that the Board of Nursing shall provide an opportunity for public comment on the
251 regulations prior to adoption of such regulations.

252 5. That the Virginia Health Workforce Development Authority, in collaboration with the
253 Department of Labor, the Department of Health Professions, the Department of Education, the
254 Virginia Community College System, the State Council of Higher Education for Virginia, the
255 Department of Health, and representatives from for-profit and private not-for-profit health care
256 providers, educational institutions, research centers, and the regional Area Health Education
257 Centers shall develop an employer-led collective impact program (the program) to align, coordinate,
258 and integrate resources and efforts across the Commonwealth to strengthen the health and health
259 sciences workforce. Implementation of the program shall meet the following processes and goals:

260 A. The program shall promote early engagement with life sciences, rigorous and intentional
261 course selection, experiential learning, transferable credits, and stackable credentials. The program
262 shall allow for paid educational opportunities in order to promote career mobility.

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

267 C. The purpose of the program is to create a streamlined and effective pathway for
268 individuals pursuing careers in health sciences, ensuring that education and training are directly
269 aligned with the current and future demands of the health care industry. The program shall
270 emphasize practical, hands-on experience and continuous professional development, ensuring a
271 skilled workforce that is adaptable to the rapid advancements in health care technology and
272 practices.

273 D. The program shall ensure that students receive relevant training that directly translates
274 to skills needed in the health and health sciences workforce. Additionally, the program shall
275 emphasize ongoing professional development and retraining opportunities, adapting to the evolving
276 landscape of health care technology and practices.

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