

HOUSE BILL NO. 1499

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Education and Health

on February 29, 2024)

(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 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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