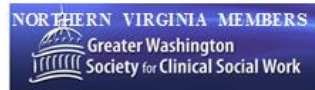




AND



Virginia Society for Clinical Social Work
5537 Solaris Drive
Chesterfield Virginia 23832

Legislative Committee Report
November 2, 2019
Joseph G. Lynch LCSW

Qualified Mental Health Professional (QMHP):

The Board of Counseling published their Final QMHP regulations in the Virginia Register of Regulations on October 14, 2019. I have made public comment at each stage of the regulatory process. The Final stage offered one last opportunity to make public comment so I took advantage of this and made my most forceful arguments (See Attached). I raise four concerns:

1. The process followed to develop these regulations may have created an anti-competitive impact on social workers.
2. The process followed to develop these regulations may have also created antitrust concerns.
3. It seems contrary to public policy to require a person meeting the highest level of regulation- "Licensure" to acquire the lowest level of regulation- "Registration" in order to be paid by DMAS for providing services that are within the scope of practice of their license.
4. The requirement on LBSW's and LMSW's licensees to acquire registration as a Qualified Mental Health Provider from the Board of Counseling in order to be paid by DMAS for providing services that are within the scope of practice of their license appears to be an abridgement of their constitutional rights that is not for the protection or preservation of the health, safety, and welfare of the public. Also, this requirement appears to be an abridgement that is greater than necessary to protect or preserve the public health safety, and welfare.

All of these concerns are related to legal issues and as all of you know I am not an attorney. But even non-attorney citizens are allowed to raise concerns that relate to legal issues in the venue of "public comment" on proposed regulations. In addition to making public comment I sent a copy of my comments (with a cover letter) to my House of Delegates representative (Tony Wilt) asking for any assistance he could provide to help with what seemed to me to be an unfair process to social workers.

In a legal venue most of my concerns might not go very far. But in a political venue the outcome might be very different. Public comment and my letter to Delegate Wilt are in the political venue.

Virginia Board of Social Work

The Regulatory Committee of the VBSW is working on proposing amendments to both the Code of Virginia Chapter 37 and the VBSW Regulations. Some of the types of amendments they are considering in the regulations are a type that reduces requirements on the licensees. This type of amendments is allowed to be put in the “Fast Track” regulatory process. Other changes in the regulations are ones that must go through the standard process. So that would not be initiated until 2021.

One item in the Code that is difficult is the definition of Masters Social Worker containing the words “non-clinical” (See below).

*"Master's social worker" means a person who engages in the practice of social work and provides **non-clinical**, generalist services, including staff supervision and management.*