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Final Regulation Agency Background Document

Agency name	Board of Social Work, Department of Health Professions
Virginia Administrative Code (VAC) Chapter citation(s)	18VAC140-20
VAC Chapter title(s)	Regulations Governing the Practice of Social Work
Action title	Amendments resulting from 2022 periodic review
Date this document prepared	July 10, 2026

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

Following a periodic review initiated November 17, 2021, the Board identified several areas of Chapter 20 for amendment. Those amendments include: clarifying terminology and requirements for LCSWs, LMSWs, and LBSWs within the regulations; revising the definition of “ancillary services” for comprehensiveness and clarity; amending 18VAC140-20-150 to include diagnosing third parties as an action that constitutes unprofessional conduct and removing unprofessional conduct provisions that are redundant of statute; removing provisions, terms, and definitions that are redundant of statute; clarifying responsibilities of supervisors of LCSW candidates; and including additional organizations for approval of continuing education.

Acronyms and Definitions

Define all acronyms used in this form, and any technical terms that are not also defined in the "Definitions" section of the regulation.

LCSW = licensed clinical social worker
LMSW = licensed masters social worker
LBSW = licensed baccalaureate social worker

Statement of Final Agency Action

Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) that the agency has "adopted final amendments" to the regulation; 3) the name of the agency taking the action; and 4) the title of the regulation. A suggested statement is, "On [insert date] the Board/Department of [insert name] adopted final amendments to the [title of regulation(s)]."

On July 10, 2026, the Board of Social Work adopted final amendments to Regulations Governing the Practice of Social Work.

Mandate and Impetus

List all changes to the information reported on the Agency Background Document submitted for the previous stage regarding the mandate for this regulatory change, and any other impetus that specifically prompted its initiation. If there are no changes to previously reported information, include a specific statement to that effect.

The impetus for this regulatory action is implementation of recommendations from the Board's periodic review of regulations.

Legal Basis

Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia and Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.

Regulations of the Board of Social Work are promulgated under the general authority of Chapter 24 of Title 54.1 of the Code of Virginia. Virginia Code § 54.1-2400(6) specifically states that the general powers and duties of health regulatory boards shall be "[t]o promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) that are reasonable and necessary to administer effectively the regulatory system."

Purpose

Explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety, or welfare of citizens, and (3) the goals of the regulatory change and the problems it is intended to solve.

The justification for these changes stems from the Board's periodic review of its regulations and a recognition that many provisions need to be reorganized, language needs to be updated, and situations the Board has seen in disciplinary cases need to be addressed in professional conduct regulations. The changes are necessary to protect the health, safety, and welfare of citizens because the General Assembly recognized that the practice of social work has the potential to harm members of the Commonwealth, and therefore ordered the Board to regulate the profession. The goals the changes are intended to solve are listed in the first sentence: reorganization; updated language; and addressing situations seen by the Board in disciplinary cases and the problem the change is intended to solve is outdated regulation.

Substance

Briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the "Detail of Changes" section below.

The amendments consist of: clarifying terminology and requirements for LCSWs, LMSWs, and LBSWs within the regulations; revising the definition of "ancillary services" for comprehensiveness and clarity; amending 18VAC140-20-150 to prohibit diagnosing third parties; removing redundant provisions, terms, and definitions; clarifying responsibilities of supervisors of LCSW candidates; include additional organizations for approval of continuing education; and cleaning up language and sentence structure to enhance clarity and readability.

Issues

Identify the issues associated with the regulatory change, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, include a specific statement to that effect.

- 1) The primary advantages to the public are clearer and updated regulations governing the profession. There are no disadvantages to the public.
- 2) There are no primary advantages or disadvantages to the agency or the Commonwealth.
- 3) The Director of the Department of Health Professions has reviewed the proposal and performed a competitive impact analysis. Any restraint on competition as a result of promulgating these regulations is a foreseeable, inherent, and ordinary result of the statutory obligation of the Board to protect the safety and health of citizens of the Commonwealth. The Board is authorized under § 54.1-2400 "[t]o promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) which are reasonable and necessary to administer effectively the regulatory system . . . Such regulations shall not conflict with the purposes and intent of this chapter or of Chapter 1 (§ 54.1-100 et seq.) and Chapter 25 (§ 54.1-2500 et seq.) of this title." The promulgated regulations do not conflict with the purpose or intent of Chapters 1 or 25 of Title 54.1.

Requirements More Restrictive than Federal

List all changes to the information reported on the Agency Background Document submitted for the previous stage regarding any requirement of the regulatory change which is more restrictive than

applicable federal requirements. If there are no changes to previously reported information, include a specific statement to that effect.

There are no applicable federal requirements.

Agencies, Localities, and Other Entities Particularly Affected

List all changes to the information reported on the Agency Background Document submitted for the previous stage regarding any other state agencies, localities, or other entities that are particularly affected by the regulatory change. If there are no changes to previously reported information, include a specific statement to that effect.

Other State Agencies Particularly Affected – none

Localities Particularly Affected – none

Other Entities Particularly Affected – none

Public Comment

Summarize all comments received during the public comment period following the publication of the previous stage, and provide the agency's response. Include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. If no comment was received, enter a specific statement to that effect.

No comments were received.

Detail of Changes Made Since the Previous Stage

*List all changes made to the text since the previous stage was published in the Virginia Register of Regulations and the rationale for the changes. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. * Put an asterisk next to any substantive changes.*

No changes have been made since the previous stage.

Detail of All Changes Proposed in this Regulatory Action

*List all changes proposed in this action and the rationale for the changes. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. * Put an asterisk next to any substantive changes.*

Current chapter-section number	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
20-10	Contains definitions for the chapter.	The definition of “ancillary services” is updated to delete case management and to add intervention in situations on a client’s behalf and participation in staff meetings. These amendments are consistent with the current practice of social work. The definition of “conversion therapy” is removed. The definition (and related unprofessional conduct provision, below) are not needed when the conduct is defined and prohibited by Virginia Code § 54.1-2409.5. “LCSW” is defined, similar to defined terms LBSW and LMSW. The definition of “nonexempt practice” is deleted. This term is not used in 18VAC140-20. “NPDB” is defined to allow the use of the acronym for the National Practitioner Data Bank throughout 18VAC140-20.
20-30	Contains required fees.	The term “licensed clinical social worker” is replaced with the new defined term LCSW.
20-40	Contains requirements for licensure by examination as a licensed clinical social worker.	The term “licensed clinical social worker” is replaced with LCSW. The defined term NPDB replaces the full name for the National Practitioner Data Bank.
20-45	Contains requirements for licensure by endorsement.	The defined term NPDB replaces the full name for the National Practitioner Data Bank.
20-49	Contains educational requirements for licensed clinical social workers.	The term licensed clinical social worker is replaced by LCSW.
20-50	Contains experience requirements for licensure as a licensed clinical social worker.	The term licensed clinical social worker is replaced by LCSW. (B) and (C) are amended to state that the provisions contain requirements for supervisors “for candidates for LCSW,” to clarify these requirements apply only to candidates for LCSW. (C) is also amended to add (9), which requires that the supervisor clarify the billing fee for supervision.
20-51	Contains requirements for licensure by examination for LBSW and LMSW.	(B)(2)(c) is amended to replace the full name of the National Practitioner Data Bank with NPDB.
20-70	Contains examination requirements for all applicants.	The term “clinical social worker” is replaced by LCSW.

		The requirement for LCSW examination is moved from (A)(1) to (A)(3). The requirement has not been amended, but the regulation now lists requirements for licensure levels from least advanced to most advanced.
20-100	Contains requirements for licensure renewal.	Language limiting the requirements of (A) to begin in 2017 is deleted as no longer relevant.
20-105	Contains continued competency requirements.	The continued competency section is amended to group all requirements for LBSWs in (A), all requirements for LMSWs in (B), and LCSWs in (C). Additionally, the requirement for continuing education hours for LBSWs in (A) is decreased from 15 contact hours every two years to 10, which the Board felt was more appropriate for the least advanced license type. Additionally, the requirement for continuing education in ethics, standards of practice, or laws governing the practice of social work is decreased for LBSWs from three hours every two years to two hours. The requirement for continuing education hours for LMSWs in (B) remains the same, with 15 contact hours required every two years. The requirement for continuing education in ethics, standards of practice, or laws governing the practice of social work is increased from three hours to four every two years. LCSW requirements for continuing education remain the same. 30 contact hours are required each two years, with six of those hours in ethics, standards of practice, or laws governing the practice of social work. The requirement regarding ethics, standards of practice, or laws governing the practice of social work has been moved from (D) to (C). (D) is amended to clarify that the subsection applies to all license types, and to move the requirement for ethics, standards of practice, or laws governing the practice of social work to the appropriate paragraph above. (G)(1) is amended to require fewer continuing education hours in category 1 for LBSWs. Currently, LBSWs must obtain 10 hours of category 1 continuing education every two years. The amendments lower that amount to 7 hours. The amendments clarify that LMSWs are required to obtain 10 hours of category 1 every two years, and LCSWs are required to obtain 20 hours every two years. (G)(1)(d) is amended to add the American Association for Psychoanalysis in Clinical Social Work and its state and local affiliates and the Virginia Association of Sex Offender Treatment Providers to the list of certification entities.

		(G)(2) is amended to state the maximum category II hours allowed for each license type. The maximum category II hours for LBSWs is separated from the LMSW count due to the decrease in overall continuing education hours required biennially from LBSWs. LBSWs will be permitted to obtain up to three continuing education hours in category II. (G)(2)(a) – (h) are amended to remove parentheses and change the fragmented sentence contained in the parentheses to a full sentence.
20-110	Contains provisions for late renewal, reinstatement, and reactivation.	The term “clinical social worker” is replaced with LCSW. The defined term NPDB replaces the full name for the National Practitioner Data Bank.
20-130	Contains requirements for renewal of registration for associate social workers and registered social workers.	This provision is amended to delete the reference to an old statute that is difficult to find.
20-150	Contains regulations governing professional conduct of licensees.	(B) is amended to replace “clinical social workers” with LCSW. (B)(4) is amended to clarify that any known or suspected violations of laws and regulations shall be reported to the Board. (B)(6) is amended to include that billing arrangements clearly state the credentials of the person rendering service, and to state that supervisees working toward licensure may not bill clients directly. These changes are to ensure that patients are aware whether an LCSW, LMSW, or LBSW is rendering service, and to ensure that improper direct billing by supervisees is clearly prohibited. (B)(8) is amended for clarity by moving the requirement for confidentiality to the appropriate location in the sentence. (B)(13) is deleted. This provision is unnecessary due to the existence of Virginia Code § 54.1-2409.5, which specifically includes provisions for disciplinary actions. (B)(17) is added to make it clear in regulation that licensees shall not diagnose third parties. The first provision of (C) and (C)(1) are amended for clarity and readability. No substantive provisions have changed. (C)(3) is amended to replace the plural possessive of “clients” with the singular possessive, “a client’s.”

		Additionally, the provision is amended to use the proper term for express consent and increase clarity and readability. (D) is amended to clarify that the subsection refers to professional boundaries, not simply dual relationships. This is consistent with the remainder of (D) other than (D)(1), which specifically addresses dual relationships. (D)(1) is amended to clarify problematic dual relationships which may result in boundary violations and add inappropriate physical contact or assuming the role of a parent in problematic relationships. (D)(2) is amended to remove the word “exploitive” and replace it with “exploitative.” There is no change in meaning, but exploitative is the proper word to use grammatically.
20-160	Contains grounds for disciplinary action or denial of issuance of a license or registration.	(5) is amended to require licensees to conduct their practice consistent with the standard of care, rather than the standard of ethics. Standard of care is the common terminology for healthcare regulation. The term “standards of ethics” was in place before the 2001 change to this regulation, and it is unclear what the reason for the use of the term was.
20-170	Contains requirements for reinstatement following disciplinary action.	This section is amended to move the qualifying phrase to the front of the provision, making it clear that to be eligible for reinstatement, an individual shall follow the requirements of the section.