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Proposed 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	Streamlining licensure requirements for LCSW supervisees and LMSW
Date this document prepared	7/10/2026

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.

The Board is amending 18VAC140-20 to combine requirements for a LMSW and a LCSW supervisee and create a clear pathway to obtain licensure as a LCSW. This action also implements HB1897 of the 2025 General Assembly session, which requires the Board to amend regulations to allow master's social workers to engage in clinical services under supervision.

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.

LMSW – Licensed Masters Social Worker
LCSW – Licensed Clinical Social Worker
LBSW – Licensed Baccalaureate Social Worker
ASWB – Association of Social Work Boards

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, “mandate” has the same meaning as defined in the ORM procedures, “a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”

The mandate for this action is [Chapter 146 of the 2025 Acts of Assembly](#). The impetus for the changes is Board desire to create a streamlined licensure process considering regulatory changes that are required by Chapter 146 of the 2025 Acts of Assembly.

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 rationale for this action is to align board regulation with new legislative requirements and consolidate pathways to licensure. This regulatory change is essential to protect the health, safety, and welfare of citizens because the General Assembly has directed the board to regulate the profession and this change will ensure effective regulation of the profession. The goals of this regulatory change are to combine the LMSW license and the LCSW supervisee statuses and the problems the change is intended to solve are non-aligned licensure pathways resulting from legislative changes during the 2025 General Assembly session.

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.

Substantive changes include:

- Exam requirements
- Supervision requirements
- Supervisor requirements
- Combining of LMSW and LCSW supervisee statuses

General reorganization and cleanup changes are also made throughout the action.

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 enhanced clarity of regulation and clearer pathway to obtain LCSW status. 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

Identify and describe any requirement of the regulatory change which is more restrictive than applicable federal requirements. Include a specific citation for each applicable federal requirement, and a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements, or no requirements that exceed applicable federal requirements, include a specific statement to that effect.

There are no applicable federal requirements.

Agencies, Localities, and Other Entities Particularly Affected

Consistent with § 2.2-4007.04 of the Code of Virginia, identify any other state agencies, localities, or other entities particularly affected by the regulatory change. Other entities could include local partners such as tribal governments, school boards, community services boards, and similar regional organizations. "Particularly affected" are those that are likely to bear any identified disproportionate material impact which would not be experienced by other agencies, localities, or entities. "Locality" can refer to either local

governments or the locations in the Commonwealth where the activities relevant to the regulation or regulatory change are most likely to occur. If no agency, locality, or entity is particularly affected, include a specific statement to that effect.

Other State Agencies Particularly Affected – none

Localities Particularly Affected – none

Other Entities Particularly Affected – none

Economic Impact

Consistent with § 2.2-4007.04 of the Code of Virginia, identify all specific economic impacts (costs and/or benefits) anticipated to result from the regulatory change. When describing a particular economic impact, specify which new requirement or change in requirement creates the anticipated economic impact. Keep in mind that this is the proposed change versus the status quo.

Impact on State Agencies

<i>For your agency:</i> projected costs, savings, fees, or revenues resulting from the regulatory change, including: a) fund source / fund detail; b) delineation of one-time versus on-going expenditures; and c) whether any costs or revenue loss can be absorbed within existing resources.	There are no expected costs, savings, fees, or revenues to the agency from this regulatory change.
<i>For other state agencies:</i> projected costs, savings, fees, or revenues resulting from the regulatory change, including a delineation of one-time versus on-going expenditures.	There are no expected costs, savings, fees, or revenues to other state agencies from this regulatory change.
<i>For all agencies:</i> Benefits the regulatory change is designed to produce.	There is no projected impact on state agencies.

Impact on Localities

If this analysis has been reported on the ORM Economic Impact form, indicate the tables (1a or 2) on which it was reported. Information provided on that form need not be repeated here.

Projected costs, savings, fees, or revenues resulting from the regulatory change.	There are no expected costs, savings, fees or revenues to localities from this regulatory change.
Benefits the regulatory change is designed to produce.	There are no expected benefits to localities from this regulatory change.

Impact on Other Entities

If this analysis has been reported on the ORM Economic Impact form, indicate the tables (1a, 3, or 4) on which it was reported. Information provided on that form need not be repeated here.

Description of the individuals, businesses, or other entities likely to be affected by the regulatory change. If no other entities will be	All social work supervisees and current LMSWs will be affected by these regulatory changes. Additionally, anyone interested in obtaining
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affected, include a specific statement to that effect.	supervision to become an LCSW will be affected by these changes.
Agency's best estimate of the number of such entities that will be affected. Include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that: a) is independently owned and operated, and; b) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.	Numbers of regulated entities who could be affected can be found on the agency's quarterly licensing reports, located here: Virginia Dept. of Health Professions - Agency Reports
All projected costs for affected individuals, businesses, or other entities resulting from the regulatory change. Be specific and include all costs including, but not limited to: a) projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses; b) specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the regulatory change; c) fees; d) purchases of equipment or services; and e) time required to comply with the requirements.	No costs are projected.
Benefits the regulatory change is designed to produce.	Clearer regulation regarding the ability to practice clinical work as a LMSW and a streamlined pathway to obtain a LCSW in light of recent legislative changes.

Alternatives to Regulation

Describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulatory change.

There is no alternative to regulation. This does not affect small businesses.

Regulatory Flexibility Analysis

Consistent with § 2.2-4007.1 B of the Code of Virginia, describe the agency's analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) establishing less stringent compliance or reporting requirements; 2) establishing less stringent schedules or deadlines for compliance or reporting requirements; 3) consolidation or simplification of compliance or reporting requirements; 4) establishing performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the regulatory change.

(1) Any reporting requirements are consistent with previous requirements and the Board feels they should not be reduced. (2) No schedules or compliance requirements exist. (3) No schedules or compliance requirements exist. (4) No design or operational standards exist. (5) The agency does not regulate small businesses and, if it did, could not exempt small businesses from public safety requirements without severe detriment to the public.

Periodic Review and Small Business Impact Review Report of Findings

If you are using this form to report the result of a periodic review/small business impact review that is being conducted as part of this regulatory action, and was announced during the NOIRA stage, indicate whether the regulatory change meets the criteria set out in EO 19 and the ORM procedures, e.g., is necessary for the protection of public health, safety, and welfare; minimizes the economic impact on small businesses consistent with the stated objectives of applicable law; and is clearly written and easily understandable. In addition, as required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, discuss why the agency's decision, consistent with applicable law, will minimize the economic impact of regulations on small businesses.

Not applicable.

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 during the NOIRA stage.

Public Participation

Indicate how the public should contact the agency to submit comments on this regulation, and whether a public hearing will be held, by completing the text below.

The Board of Social Work is providing an opportunity for comments on this regulatory proposal, including but not limited to (i) the costs and benefits of the regulatory proposal, (ii) any alternative approaches, (iii) the potential impacts of the regulation, and (iv) the agency's regulatory flexibility analysis stated in that section of the background document.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall web site at <https://www.townhall.virginia.gov>. Written comments must include the name and address of the

commenter. Comments may also be submitted by mail, email or fax to Matt Novak, Agency Regulatory Coordinator, 9960 Mayland Drive, Henrico, VA 23233 or matthew.novak@dhp.virginia.gov or by fax to (804) 915-0382. In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

Detail of Changes

List all regulatory changes and the consequences of the changes. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. 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. Use all tables that apply, but delete inapplicable tables.

If an existing VAC Chapter(s) is being amended or repealed, use Table 1 to describe the changes between the existing VAC Chapter(s) and the proposed regulation. If the existing VAC Chapter(s) or sections are being repealed and replaced, ensure Table 1 clearly shows both the current number and the new number for each repealed section and the replacement section.

Table 1: Changes to Existing VAC Chapter(s)

Current chapter-section number	New chapter-section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
20-10		Definitions	Amending definition of “supervisee” to reflect the combination of an LCSW supervisee with an LMSW.
20-30		Fees	Eliminating fees for “registration of supervision” and “addition/change in registration of supervision” to reflect the elimination of the supervisee status. Those individuals will now hold an LMSW and pay the associated fees. Fees are renumbered to reflect the removal of two existing fees. While the fees for LMSW application and renewal are higher than supervisee fees, many supervisees hold an LMSW and pay for supervision. Therefore, this represents a decrease in costs for those licensees.
20-40		Licensure by examination requirements	Added LMSW to the title of the section and subsection A as examination requirements will now be identical for both professions. This also reflects the combining of educational requirements in section 49. Under subsection A(1), elimination of reference to section 50 as that section applies only to LCSWs and will be addressed differently now that this section is combined with LMSWs.

			Under subsection A(2), elimination of the requirement to submit a completed application to the board “within two years of completion of supervised experience” as this is no longer necessary. A supervisee previously had to complete their required hours and apply for licensure in a certain timespan, which is now being eliminated as an LMSW may now perform clinical services under supervision as part of their license. There is no longer a need to require clinical hours to be earned within a certain number of years as one could now in theory practice under supervision indefinitely, thereby “earning supervision hours” indefinitely. The eliminated A(2)(a) is being moved to new subsections B and C below. This change is for clarity. Under new A(2)(b), replacing “or” with “and” to clarify that licensees should submit an official transcript and other documentation as necessary that verifies the successful completion of education requirements. This is a change for clarity as board staff would already ask for some of this additional information. Under new A(2)(c), adding registration to the list of mental health professions that an applicant shall submit to the board to verify no discipline has occurred on other licenses, etc. This is a cleanup change as the other categories are included but not registrations. New subsection B is mostly moved language from old A(2)(a), with the addition of copies of semi-annual evaluation forms. This is a new requirement being added under 18VAC140-20-50 C and is inserted here as appropriate for an item required at the time of application for licensure as an LCSW. New subsection C is mostly moved language from old A(2)(a). This affidavit will also include the total number of face-to-face client contact hours, which is a new addition. These hours are required for licensure and the board finds it
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			important to detail those hours in addition to hours spent in face-to-face supervision. New subsection D is a statement by the board that upon these regulatory changes becoming effective, all individuals currently holding a supervisee designation will automatically be granted an LMSW. This is included for clarity by the board. The date is a placeholder and estimate and will be amended before final publication as necessary. There will be no cost assessed to the supervisees to perform this transfer action.
20-45		Endorsement requirement	Addition of "or registration" to the list of mental health profession types to be shared with the board upon application for the same reasons as mentioned above.
20-49		Educational requirements	The two changes to this section (in the title and under subsection A) are made to reflect the combining of LMSW educational requirements with LCSW requirements. Later in the action the standalone education requirements for LMSWs are repealed. This change is made because LMSWs are now permitted by Code to practice clinical social work under supervision, which previously was limited to LCSWs or supervisees under supervision. Because LMSWs previously were not permitted to practice clinical social work unless they held a supervisee status, the educational requirements for LMSWs were very broad and did not require a specific clinical background or training. Now that LMSWs are permitted to practice clinical social work, the board felt it important that LMSWs obtain the same clinical background as those seeking licensure as an LCSW so they have the appropriate training to practice clinical work, whether as an LMSW under supervision or eventually as an LCSW.
20-50 A		Experience requirements for an LCSW	There are many reorganization changes being made in the section for clarity. Substantive changes will be identified. A through A(1) are being eliminated as that language set out the process for obtaining a supervisee registration, which is being eliminated.

			Old A2() is being separated for clarity. The requirement “of the 3,000 hours, a minimum of 1,380 hours shall be in face-to-face client contact hours” has been moved from old A(2)(b) and is not a new requirement. The rest of old A2 that is stricken is being moved to new A3. New A(1)(a) is a change for clarity and combines old requirements scattered across the chapter. This is not a new requirement and simply states that an applicant must maintain their licensure during the supervised experience. Old A(3) has been eliminated as that language governed supervisee status timelines and requests for extension, actions which are no longer relevant with the combination. New A(2) is language that has been cleaned up and moved from A. New A(3) is moved from old number two, just cleaned up and broken out for clarity and ease of reading. New A(4) states that supervised experience may not be obtained in less than two years. This was a requirement previously and has been clarified here. Under the supervisee status model, supervised experience could not be obtained in less than two years but also could not be obtained in more than four years. The cap on that timeline has been removed considering someone could practice as an LMSW indefinitely, always “obtaining” supervision. New A(5) seeks to ensure that, since LMSWs may practice indefinitely under supervision and accrue hours indefinitely, at least 500 face-to-face client contact hours and 35 hours of supervision shall be completed within the four years immediately preceding application as an LCSW. The board felt it was important for all applicants to have had recent clinical practice and supervision while ensuring hours obtained in prior years may still count towards licensure.
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			New A(6) restates the requirement that supervisees must meet renewal requirements to maintain their LMSW license. This is inserted here for continuity and is not an additional requirement.
20-50 B		Experience requirements for an LCSW	Under B(1), the Board eliminated the language that required an applicant to demonstrate “an undue burden due to geography or disability” to consider supervisors who don’t qualify under Virginia standards as supervisors. The board feels that with the prevalence of telehealth and technology, this is no longer an issue. The board will still accept supervision obtained in another jurisdiction on a case-by-case basis. B(4) is eliminated as those requirements are covered under new A(2).
20-50 C		Experience requirements for an LCSW	Under C(1), the Board added a statement that supervisors are responsible “for ensuring that the supervisee only practices within the scope of their education and training.” In the Board’s opinion, this should be a general requirement of all supervisors across professions, however with the ability for LMSWs with differing levels of experience to perform clinical services, the board felt this should be an explicit requirement for supervisors. Also in C(1), the Board changed the term supervisory arrangement to supervisory contract for consistency. This change is made throughout the regulations. Under C(7), the Board made adjustments to the language to require supervisors to maintain a copy of all supervisory contracts and supervision documentation for a period of five years post-supervision. This aligns with other recordkeeping requirements and ensures copies are maintained for the currently required five year period. Old C(8) is moved to new C(9) and reworded. New C8 requires supervisors to complete semi-annual evaluation forms to be given to the supervisee. This mirrors expectations under supervision in other professions and ensures LMSWs have documentation to help them improve their practice of clinical social

			work. These documents will also be required in the licensure application. C(9) requires supervisors to provide documentation to the board within 60 days of termination of the supervised experience OR upon completion of the required number of hours. The board wanted to ensure they receive information if a supervised relationship was terminated in the event there are concerns about ability to practice safely that they may want to investigate. The Board also wanted to know when the required number of hours were achieved to help the board keep track of those who were preparing for licensure as an LCSW.
20-50 D		Experience requirements for an LCSW	Under D(2), the Board updated the requirement for the supervisee's name tag to read "supervisee in social work" and instead list an abbreviation of the license. This change is made for consistency with combining the status of supervisee and LMSW. D(6) restates the requirement of the licensee to maintain documentation of their supervisory contracts and other supervision documentation for five years. This mirrors the requirements of supervisors and helps with disputes between supervisors and supervisees if complaints arise.
20-51		Licensure by examination for LBSW and LMSW	The only changes in this section are removing any reference to LMSW in the title, subsection A, and subsection B. This is for continuity as LMSW licensure by examination has been moved to section 40. This section will now only govern LBSWs.
20-60		Education requirements for LBSW and LMSW	Similar to above, these changes remove references to LMSW in the title and the education requirements in the section. LMSW education requirements are now located in section 49.
20-70		Examination requirement	Under A(3), the Board added the ability for an LMSW to take the clinical (LCSW) exam in addition to the masters level exam. The Board felt that since the LMSW license is now where supervision will occur and since some LMSWs may want to become LCSWs, LMSWs should be permitted to take the clinical exam at the time of licensure. If they pass the clinical exam, they will not have to take it

			again when applying for licensure as an LCSW. If they do not pass, they can take the masters level exam (which is not clinical in nature) and will be able to acquire more clinical experience under supervision and apply to take it again at the clinical level. According to ASWB (the national governing body for social work), the Board may authorize a candidate to take any exam, so this is a change the board is able to make. Under B, the Board reworded and clarified the requirement that if an individual has not passed the examination by the end of the prescribed two-year period following approval to test from the Board, the applicant will reapply. These changes do not alter any requirements but simply clarify them. C is eliminated as this referred to additional supervision that an individual had to register for. As LMSWs practice clinical social work under supervision already, there is no need for this statement.
20-100		Licensure renewal	Eliminated a reference to the 2017 renewal that is not necessary.
20-105		CE requirements	In two places (subsections B1 and B2) replaced the phrase "licensed social workers" with "LBSWs and LMSWs." The eliminated language was apparently missed years ago when LBSWs and LMSWs were broken out of the "licensed social worker" umbrella and is being fixed now.