



COMMONWEALTH of VIRGINIA

DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

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Memorandum

To: CSB Executive Directors
DMHMRSAS Facility Directors
Independent Examiners

From: James S. Reinhard, M.D. 

Date: June 26, 2008

Re: **Reform Guidance Memo #3: Certification of Independent Examiners and CSB Evaluators**

This is the third in the series of *Reform Guidance Memos* related to implementation of the mental health law changes that go into effect on July 1, 2008.

Background: Virginia law currently requires that community services board (CSB) evaluators who provide recommendations and prepare preadmission screening reports for the courts pursuant to §§37.2-808, 37.2-809, 37.2-816 and 37.2-817 (emergency custody and temporary detention orders, preadmission screening report) must complete a certification program approved by the Department of Mental Health, Mental Retardation and Substance Abuse Services (DMHMRSAS). This requirement remains in effect under the new law.

As of July 1, however, new requirements will go into effect for licensed practitioners performing the independent clinical examination under §37.2-815. Specifically, only certain licensed professionals who are designated in the new law may perform these examinations. Secondly, except for psychiatrists and licensed psychologists, these examiners are also required to complete a certification program approved by DMHMRSAS.

Issue: After July 1, the emergency custody, temporary detention and involuntary commitment process will continue to require an evaluation of the individual and preparation of a preadmission screening report by a qualified CSB evaluator or designee and an independent clinical examination by a licensed professional. These professionals are subject to specific licensing and education requirements and, except for psychiatrists and psychologists performing examinations under §37.2-815, will need to complete a certification program approved by DMHMRSAS. A new certification program for independent examiners and CSB evaluators and preadmission screeners is under development and will be a modular, on-line learning program with a competency test for each required module. **This new certification program, however, will not be operational July 1, 2008.**

This memorandum provides guidance for CSB and other licensed practitioners who are subject to the certification requirements as of July 1, 2008. This guidance will remain in effect until the new certification program is fully operational.

I. Guidance for Community Services Board (CSB) Evaluators and Preadmission Screeners: Certification for CSB employees and designees is based on three elements - education, successful completion of training modules, and supervisory approval by the appropriate CSB clinical supervisor. Documentation of academic credentials, licensing (if any), completion of DMHMRSAS certification training, and supervisory approval to function as a CSB evaluator or preadmission screener should be maintained and available in CSB personnel files. The following requirements will be in effect on July 1, 2008:

- **Education requirements:** After July 1, 2008, individuals hired or contracted by CSBs to function as ECO evaluators and preadmission screeners must possess the following minimum educational qualifications prior to completion of the DMHMRSAS certification training:
 - Master's degree with a major course of study in Human Services (.e.g., Counseling, Social Work, Rehabilitation Counseling, Nursing) or Masters degree or equivalent course credits in Psychology. The degree should be acceptable by the Virginia Department of Health Professions as a sufficient Master's degree to allow licensure as a Licensed Clinical Social Worker, a Licensed Professional Counselor, a Licensed Substance Abuse Practitioner, or a Licensed Marriage and Family Therapist, or
 - Virginia license as a Registered Nurse and 36 months professional work experience with a psychiatric population.
- **DMHMRSAS Certification:** CSB evaluators and preadmission screeners certified prior to July 1, 2008 under the existing program will remain certified pending availability of the new certification program. CSB evaluators and preadmission screeners hired after July 1, 2008 will be considered certified upon successful completion of the existing certification program.

II. Guidance for Independent Examiners under §37.2-815: Effective July 1, 2008, qualification for appointment as an independent examiner under §37.2-815 will be limited to psychiatrists licensed by the Board of Medicine and psychologists licensed by the Board of Psychology, who are qualified in the diagnosis of mental illness. If a psychiatrist or psychologist is not available, a practitioner who is licensed in Virginia through the Department of Health Professions as a clinical social worker (LCSW), professional counselor (LPC), psychiatric nurse practitioner or clinical nurse specialist, as described in §37.2-815, who is qualified in the assessment of mental illness may also serve as an independent examiner. Independent examiners, except psychiatrists and psychologists, are also required to complete a DMHMRSAS certification program. Because the new certification program for independent examiners will not be operational on July 1, the Commissioner will consider practitioners who meet the following requirements as meeting the requirements of an approved certification program, until such time as a new certification program is implemented :

- The examiner meets the specific licensing requirements specified in § 37.2-815;
- The examiner is qualified in the assessment of mental illness, as demonstrated through their professional experience;
- The examiner is free of conflict of interest, as specified in § 37.2-815, i.e.:
 - Is not related by blood or marriage to the person,
 - Is not responsible for treating the person,
 - Has no financial interest in the admission or treatment of the person,
 - Has no investment interest in the facility detaining or admitting the person, and
 - Except as noted in the statute, is not employed by the facility.

III. Notification of Availability of New Certification Program: CSBs and independent examiners will be notified when the new certification program modules become available, and all CSB evaluators, CSB preadmission screeners and independent examiners will be required to complete the new certification modules to maintain their certification and continue to serve in this capacity.

IV. Timetable for Certification Program Implementation: The certification program is currently under development. The first training modules are expected to be ready in mid-summer 2008, and the complete certification curriculum is expected to be operational by June 2009. Specific instructions for accessing and completing the modules will be disseminated as the modules become operational, and information will also be posted on the Department's 2008 Mental Health Reform Web page: www.dmhmrzas.virginia.gov/OMH-MHReform.htm.

Conclusion: I believe strongly that a fair and effective involuntary commitment process requires highly qualified and capable practitioners who can understand and engage individuals at a most critical time in their lives. I look forward to working with you to implement these mental health law reforms and improve the quality of our citizens' encounters with our system of care, and I appreciate your dedication and commitment to this task.

cc: The Honorable Marilyn B. Tavenner
 The Honorable Chief Justice Leroy Hassell
 The Honorable Robert McDonnell
 Karl Hade
 Mary Ann Bergeron
 Victoria Cochran
 Betty Long
 Scott Johnson
 Brian Parrish
 Paula Price
 Mira Signer