



Vermont Office of Professional Regulation Independent Evaluations and Requirements

What is an Independent Evaluation?

The mission of the Vermont Office of Professional Regulation (“OPR”) is to protect the public from unsafe or unqualified practice of a regulated profession by a licensee or applicant (“Individual”). An Independent Evaluation is an assessment of an Individual’s ability to safely practice in his/her profession. An Independent Evaluation is conducted by a pre-approved, licensed professional with education and experience in medical, mental health and/or substance use fields (“Independent Evaluator”). The evaluation process may be prompted by a discipline order of the Board or Administrative Law Officer (“ALO”) or a request from a prosecuting attorney, and typically arises from a complaint implicating the Individual’s ability to practice safely.

Safe practice requires abilities and skills that enable an Individual to independently attend to detail, mentally process complex information, remain calm in stressful situations, manage multiple demands and priorities, and use critical decision-making skills to respond appropriately and quickly when necessary. The Individual must be able to communicate effectively and work as a team member. Professional work may be physically demanding and may require extended work hours. An Independent Evaluator will assess the Individual, diagnose any health concerns that could impact the Individual’s practice, and submit a written report (“Independent Evaluation Report”) to OPR. The Independent Evaluation Report will be used as a basis to determine the Individual’s fitness to practice in his/her profession and potential conditions under which the Individual must practice to ensure public protection.

Who can conduct an Independent Evaluation?

An Independent Evaluator must be pre-approved by OPR and must be a professional who has not previously treated the Individual and has no personal or professional connection with the Individual. An Independent Evaluator must have the ability to utilize formal psychological/medical testing instruments as necessary to support his/her determination of whether the Individual is able to safely practice in the profession. The Evaluator must have the ability to write an Independent Evaluation Report, which meets the requirements listed below and details the method(s) of assessment, testing conducted, information gathered, diagnoses, and recommendations for treatment and conditions for practice, as appropriate.

Credentials Required

The Independent Evaluator must have the education, experience and licensure required by OPR in order to be pre-approved to conduct an evaluation. OPR will specify the type of evaluation required, such as mental health, substance use, sexual offender, neuropsychological, etc., as well as the specific credentials required in order for the Independent Evaluator to be approved.

Education:

Completion of graduate education (master’s degree or doctorate) in psychology, social work, psychiatric/mental health nursing, or a related field from an accredited institution.

Experience:

Current professional employment by an agency or self-employed in an independent practice with a specialty in or offering treatment to and assessments of clients with cognitive/medical issues, mental health and/or substance use disorders.

Licensure:

For Mental Health/Cognitive Functioning Evaluation:

Active, unencumbered licensure, registration, and/or certification by a state authority in a field such as: Psychologist, Psychiatrist, Social Worker, Marriage & Family Therapist, Advanced Practice Registered Nurse, or Clinical Mental Health Counselor.

Licensure:

For a Substance/Alcohol Use Evaluation:

Active, unencumbered licensure, registration, and/or certification by a state authority as a Licensed Alcohol and Drug Abuse Counselor or a comparable credential in a related field (e.g., Board Certified physician in Addictionology) and also licensure, registration and/or certification in a field such as: Psychologist, Social Worker, Marriage & Family Therapist, Advanced Practice Registered Nurse, or Clinical Mental Health Counselor.

Preparing for the Independent Evaluation

Before performing the evaluation, the Independent Evaluator must review all documentation required by the Board, ALO, or prosecuting attorney, which may include Board orders, documents charging misconduct, and/or communications with the Individual stating the reason(s) for the evaluation. The Individual should provide this information to the Evaluator.

The Independent Evaluator must meet with the Individual at least once for a clinical interview, but should meet in person with the Individual as many times as necessary in order to conduct a thorough assessment. The Evaluator should use appropriate standardized testing, assessment measures, and/or diagnostic tools, such as DSM-5, because the results provide the Board/ALO with valuable and objective criteria to determine an Individual's fitness to practice. The Independent Evaluator must also endeavor to resolve any discrepancies between the Individual's self-reporting and the information gathered from other sources.

Cost and Submission of the Independent Evaluation Report

The Individual being evaluated is responsible for payment of all costs related to the evaluation. The Independent Evaluation Report should be provided to both the Individual and the Vermont Office of Professional Regulation within thirty (30) days of the final meeting with the Individual.

What Must the Independent Evaluation Report Include?

The Independent Evaluation Report must ultimately provide a statement of the Individual's fitness to practice in his/her profession, supported by a detailed written synopsis of the gathered history, the reviewed documents and information, the assessment tools utilized, the diagnoses, treatment recommendations, and practice conditions, all of which must be set forth in sufficient detail for the Board/ALO to make a decision regarding whether and under what conditions the Individual is able to practice in his/her profession safely. The Evaluator's clear and specific recommendations are critical to a determination in the Individual's case. If the Independent Evaluation Report lacks any of the required information or lacks sufficient detail, the Independent Evaluator may be asked to provide additional information.

Report Requirements

The Independent Evaluation Report must include:

Name of Client, Date of Evaluation, Dates of in-person meetings with the Individual

Evaluator's name, credentials and contact information

List of documents reviewed and name of the individual who supplied them or how obtained. These may include, but are not limited to, reports from healthcare providers, court documents, investigative reports, Specification of Charges, and Board Orders (with docket numbers and dates of entry).

Reason for Referral

Family and Social History

Current Living Situation

Current Support Systems

Criminal History

Medical Health History

Mental Health History

Current Medications (Prescribed & OTC)

Current Mental Status

Psychoactive Substance Use History and Current Use. Identify all substances used and preferred; onset, duration, frequency and amount of use, and last use of each substance; emotional and physical characteristics of use; and associated health, work, family, personal, and interpersonal problems.

Include:

- Over the Counter Drugs
- Alcohol
- Marijuana/Cannabis
- Prescription Drugs
- Illicit Drugs

Substance Use Treatment History. Include providers (inpatient and outpatient), dates, whether or not the treatment program was successfully completed, and relapse prevention plan.

History of Support Group Participation (12-step or other programs). Include dates, frequency and level of participation; relationship with a sponsor; and, if not participating, reasons for not participating.

Screening Tools, Assessment Measures, and Standardized Test Results (such as personality, psychopathology, substance use and other assessment tests). Include names of tools, descriptions, and scores/results with explanations.

Information Obtained and Verified from Sources Other than Individual. Identify information obtained/verified from treating professionals or programs, drug and alcohol test results, medical records, prescriptions, etc. Address any discrepancy between information provided by the client and information from other sources, including criminal records and professional discipline records.

Diagnoses. Identify diagnoses, such as DSM – 5 Diagnoses, as applicable to the reason for the evaluation. For substance use evaluations, include mental health and substance use diagnoses, with severity level and, if in remission, specify early or sustained remission.

Recommendations. Independent Evaluator's written statement identifying recommendations for ongoing treatment (medical, mental health, substance abuse counseling, etc.), work accommodations, practice conditions, and relapse prevention plans that should be in place to support/monitor the Individual's treatment and/or recovery.

Statement of Safety to Practice. Independent Evaluator's written statement of the Individual's ability to practice his/her profession without posing a risk to the safety, health, and welfare of his/her potential clients or patients, identifying any conditions for monitoring or support that the evaluator recommends.

**** If the Independent Evaluator has questions about the process or requirements, he/she should contact the OPR Case Manager at (802)828-1635 or (802)828-2875.**