

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #1

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NOTICE OF PUBLIC HEARING ON A PROPOSED RULE

AGENCY: Board of Examiners in Counseling TITLE NUMBER: 27

RULE TYPE: Legislative; CITE AUTHORITY §30-31-5(a)(2)

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 1

TITLE OF RULE BEING PROPOSED: Proposed Licensing Rules

^{Comment Period Only}
DATE OF PUBLIC HEARING: December 22, 1988 TIME: 4:30 p.m.

~~LOCATION OF PUBLIC HEARING:~~ Charles F. Maine
Board of Examiners in Counseling
P. O. Box 6492
Charleston, WV 25362

COMMENTS LIMITED TO: ORAL , WRITTEN , BOTH

COMMENTS MAY ALSO BE MAILED TO THE FOLLOWING ADDRESS: _____

The Department requests that persons wishing to make comments at the hearing make an effort to submit written comments in order to facilitate the review of these comments.

The issues to be heard shall be limited to the proposed rule.

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

Charles F. Maine

LEGISLATIVE RULES

BOARD OF EXAMINERS IN COUNSELING

SERIES I

PROPOSED LICENSING RULES

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§27-1-1. General

1.1. Scope.—These legislative rules establish standards for professional counselors to follow in applying, qualifying, maintaining, and renewing required licensure. They should be read in *pari materia* (together) with the West Virginia Code. The West Virginia Code (Chapter 30, Article 31 specifically and all relevant sections generally) applies to all rules, regulations, guidelines, investigations, orders, appeals promulgated by the Board or pursuant to Board action and to all substantive and procedural matters related thereto.

1.2. Authority.—West Virginia Code §30-31-5(a)(2)

1.3. Filing Date.—

1.4. Effective Date.—

§27-1-2. Definitions

2.1. The following meanings apply to all rules promulgated by the Board of Examiners in Counseling, unless in a specific paragraph under one of these rules the word or term is explicitly defined or used in a different manner.

2.2. The terms "Applicant," "Board," "Counseling," "Counselor," and "Mental health counseling procedures" shall for the purposes of these rules have the same meanings as are set forth for each under Section 2, Article 31, Chapter 30 of the Code of West Virginia, one thousand nine hundred thirty one, as amended.

2.3. "Application" means a written application providing all required information on forms prescribed by the Board and filed with the Board secretary.

2.4. "Counseling experience" means the applicant's primary professional responsibility that was in direct provision of counseling services or supervision of a counseling program.

2.5. A "year of counseling experience" means at least 1200 clock hours providing counseling services for a fee or a salary, practicing counseling in a supervised practicum or internship, or doing volunteer work under Board approved supervision in a structured organizational counseling setting.

2.5.1. If, during a twelve-month period, the applicant is engaged in practice for fewer than 1200 clock hours, credit will be granted for a fraction of a year's experience represented by the number of hours actually practiced.

2.5.2. No applicant shall be credited with more than one year of experience in any twelve-month period.

2.5.3. The applicant is responsible for documentation of clock hours.

§27-1-3. Application Materials

3.1. Application materials to be completed before consideration for licensing include:

3.1.1. Completed application forms.

3.1.2. Notarized affidavit.

3.1.3. Non-refundable application fee of \$50.00 by check or money order.

3.1.4. Official transcripts sent directly from college(s) or university(ies).

3.1.5. Three (3) completed professional recommendation forms from persons licensed in an appropriate profession.

3.1.6. Three (3) personal reference letters to satisfy the Board applicant is of good moral character and merits the public trust. The letter authors must not be persons completing the recommendation forms.

§27-1-4. Classification of Applicants

4.1. A candidate for licensure in counseling in West Virginia shall file proper application for such licensure and meet the requirements set forth in §30-31-7 of said code.

4.2. A candidate for licensure, who is certified or licensed in another jurisdiction where it is adjudged by the Board the application was so certified or licensed by equivalent procedures, the national certification examination may be waived. It is the applicant's responsibility to provide the documentation necessary for the Board to make an appropriate decision on reciprocity.

§27-1-5. Qualifications of Applicants

5.1. Professional Integrity and Character: The applicant must submit endorsements from six (6) responsible persons, three (3) attesting to the professional integrity and three (3) attesting to the character of the applicant.

5.2. Education: The education requirements for licensure of applicants are set forth in §30-31-7(a)(4) of said code. The Board further clarifies and prescribes:

5.2.1. A master's or doctoral degree in counseling from an institution accredited by Counsel on Accreditation of Counseling and Related Educational Programs (CACREP), National Council on Accreditation for Teacher Education (NCATE), North Central Association of Colleges and Schools (NCACS), or comparable accrediting body, is a graduate degree with a major in school counseling, mental health counseling, community agency counseling, pastoral counseling, rehabilitation counseling, or a similar title which includes the word "counseling" and which includes the core of coursework representative of professional counseling programs at the time of its completion.

a. Counseling theories: includes a study of basic theories and principles of counseling and philosophic bases of the helping relationship; and,

b. Counseling techniques: includes individual counseling practices, methods, facilitative skills, and application of these skills; and

c. Either a supervised practicum or a supervised internship.

A. A supervised practicum is the provision of counseling to bonafide clients and groups seeking services from counselors. A practicum in all cases must be under the direction of a graduate faculty member who is a licensed professional counselor or related mental health professional, and must include critiquing of counseling either observed or recorded on audio or video tape.

B. A supervised internship is an actual on-the-job experience in professional counseling under the tutelage of an on-site supervisor who is a licensed professional counselor or related mental health professional.

d. In addition, an applicant with a master's or doctoral degree in a field closely related to counseling must present at least one graduate course or equivalent, as determined by the Board in five of the following nine areas:

A. Human growth and development: includes nature and needs of individuals at all developmental levels, following psychological, sociological, and physiological approaches. Also includes human behavior (normal and abnormal), personality theory, learning theory, dynamics of stress, and medical/functional implications of disability;

B. Social and cultural foundations: includes studies of social change, ethnic groups, subcultures, mores, urban and rural societies, population patterns, use of leisure time, work, and differing life patterns;

C. Group dynamics: includes theories, practices, methods, dynamics, facilitative skills, and supervised practice;

D. Life-style and career development: includes vocational-choice theory, relationship between career choice and life-style, occupational and educational information, career decision-making processes, career development exploration, and placement techniques;

E. Individual appraisal: includes individual differences, methods of data-gathering and interpretation, individual and group testing, and case study;

F. Research and evaluation: includes statistics, research design, research proposals, and evaluation;

G. Professional responsibilities: includes goals and objectives of professional counseling organizations, codes of ethics, legal considerations, standards of preparation, certification and licensing, advocacy, confidentiality, and the role identity of counselors;

H. Community resources: includes development and implementation of community resource references and materials for client referral;

I. Supervision: includes the theory and practice of supervision with experiential components.

5.2.3. The applicant must demonstrate that his/her coursework meets the educational requirements contained in this rule. If a course title does not clearly indicate the content area of courses named in this rule, the applicant must also provide the college catalog description of the course and the name of the instructor of the course.

5.2.4. The educational requirements contained in this rule must be completed prior to the date of application for licensure.

5.2.5. The applicant will verify his graduate record by authorizing the college(s) or university(ies) to forward an official transcript directly to the Board office.

5.3. Supervised professional experience: The applicant is required to have two years of supervised professional experience in counseling, including at least one year's experience after earning the aforementioned master's degree in counseling, or equivalent, as determined by the Board, and have at least one year of supervised professional experience in counseling after earning the aforementioned degree.

5.3.1. The applicant is required to remain under supervision satisfactory to the Board, and may not be called a licensed professional counselor, solicit clients, bill for services, or in any way be represented as licensed professional counselors, until such time applicant is duly licensed by said Board.

5.3.2. The supervisor determines applicant's activities and the amount of supervision required.

5.2.3. Verification of compliance with this regulation via the form in the application packet is required.

5.4. Requirements for professional supervisors: Any individual may provide post-graduate degree supervision for prospective applicants in the field of professional counseling provided he or she is licensed for a period of two years as a professional counselor, psychologist, clinical psychologist, clinical social worker, or psychiatrist.

§27-1-6. Issuance of License

6.1. The Board shall issue a license which contains the licensee's name, license number, and date of issuance.

6.2. Official licenses shall be signed by the Chairperson and Secretary of the board, and be affixed with the official seal of the Board.

6.3. All licenses issued by the Board shall remain the property of the Board and must be surrendered on demand.

6.4. Once all requirements for licensure have been determined, the Board

shall mail notification of the license, at the last known address.

6.5. The Board will replace a license that is lost, damaged, or is in need of revision upon written request from the licensee and payment of the license replacement fee.

§27-1-7. Fees

7.1. The following fee structure hereby is established by the Board:

Application processing	\$50.00
Examination	60.00
Reexamination	60.00
Renewal	25.00
Reciprocity application processing	50.00
Examination score endorsement	20.00
Name change	20.00
Endorsement to another jurisdiction	20.00
Duplicate wall hanging	20.00
Copies per page	0.50

§27-1-8. Licensure

8.1. A license authorizing the holder to engage in the practice of counseling shall be issued by the Board to each successful candidate for licensure as a licensed professional counselor.

§27-1-9. Professional Disclosure

9.1. Licenses are required to display a professional disclosure statement at the place where services are performed and to make a copy of the statement available to clients upon request.

9.2. The information to be included on the professional disclosure statement is as follows:

9.2.1. The name, title, business address, and business phone number of the licensee performing the service.

9.2.2. The formal professional education of the licensee, including his or her academic degree, the institutions awarding those degrees and the dates they were received.

a. "Formal professional education" means the licensee's academic training related to counseling which meets the educational requirements for licensure as a counselor.

b. Academic degrees that do not meet the requirements for licensure are not formal professional education as defined in this rule and shall not be listed.

9.2.3. The licensee's areas of competence in counseling and the services that he or she provides, based on training and experience, from the following list, as is appropriate: career counseling, child and adolescent counseling, personal and social counseling, educational counseling, marriage counseling, family counseling, rehabilitation counseling, human resources counseling, employee assistance counseling, mental health counseling, consultation, supervision, and diagnosis and treatment of mental and emotional disorders.

9.3. The following legal and ethical principles apply in providing the professional disclosure statement:

9.3.1. The provision of the professional disclosure statement is the sole responsibility of the licensee. A copy of the professional disclosure statement must be submitted to the Board upon request.

9.3.2. The purpose of professional disclosure is to provide sufficient information to aid the consumer public in making informed judgements and choices on matters that concern it.

9.3.3. When choosing areas of competence and services provided to be listed on their professional disclosure statement, licensees should be guided by: "The member neither claims nor implies professional qualifications exceeding those possessed."

9.4. In listing areas of competence and services provided on the professional disclosure statement, licensees should adhere to the scope of practice of professional

counseling and delivery of services as defined in §30-31-2 of the said code and as stated in §27-1-11 of these rules.

§27-1-10. Confidentiality/Disclosure

See §30-31-13 of West Virginia Code.

§27-1-11. Code of Ethics

11.1. Preamble: Licensed professional counselors believe in the inherent worth, integrity, and dignity of each individual and his/her right of opportunity that is limited only by the individual's innate capacity. Their roles commit them to increasing their knowledge of human behavior and they must have freedom of inquiry and of communication to pursue this end, while accepting the responsibility this freedom confers. They recognize the need to eliminate bias, discrimination, and any traditions and practices that impede or deny human rights. Counselors are aware of client vulnerability and under no circumstances will they engage in sexual or intimate relations with the client. It is especially essential that no child be abused in any manner. To protect public confidence, the public behavior of counselors must reflect a high level of moral and ethical integrity. Counselors concede that denial or revocation of licensure in another state, or from another board in this state, or from another credential or jurisdiction, will also make them liable for denial or revocation of licensure by this Board. Proficiency in areas of treatment, objectivity in the application of skills, and concern for the best interests of clients, colleagues, and society as a whole are ideals for the counselor. Therefore they subscribe to these principles and the code of ethics adopted by the Board (see Appendix A), and agree to abide by the rules of the Board.

11.2. The Board also adopts the following additional standards of professional and ethical behavior for licensed professional counselors to be included with the code of ethics:

11.2.1. The licensed professional counselor shall maintain high standards of personal conduct in the capacity or identity as a counselor. The private conduct of the counselor is a personal matter to the same degree as any other person's, except when such conduct compromises the fulfillment of professional responsibility.

11.2.2. The licensed professional counselor shall not practise, condone, facilitate, or collaborate with any form of discrimination, and shall act to prevent and eliminate discrimination, against any person or group.

11.2.3. The licensed professional counselor shall not engage in any action that violates or diminishes the civil or legal rights of clients.

11.2.4. The licensed professional counselor shall under no circumstances be involved with the sexual exploitation of clients.

11.2.5. The licensed professional counselor shall not claim, either directly or by implication, professional qualifications that differ from his/her actual qualifications, including use of a degree or title which is not relevant to his/her professional training or which is issued by an institution which is not an accredited educational institution.

11.2.6. The licensed professional counselor shall not practise outside the areas of competence and services provided that are listed on his/her professional disclosure statement.

11.2.7. The licensed professional counselor shall not engage in activities resulting in personal gain based upon information accessible solely as a result of the confidential relationship, regardless of absence of harm or detriment to the client.

11.2.8. The licensed professional counselor shall not condone, facilitate, or collaborate in unethical practices, and shall be obligated to report such practices to the West Virginia Board of Examiners in Counseling.

§27-1-12. Reexamination

12.1. Any applicant who fails the licensure examination may be reexamined as follows:

12.1.1. To be reexamined, a candidate must notify the Board and pay the appropriate nonrefundable fee no less than sixty (60) days prior to the scheduled examination.

12.1.2. After paying the reexamination fee, a candidate may be reexamined

within an eighteen (18) month period of the date of the failed examination without filing a new application and without presenting evidence of additional education or experience.

12.2. A candidate who fails the initial examination and fails two (2) subsequent reexaminations shall be disqualified from retaking the examination until satisfactory documentation of additional education and experience has been received and approved by the Board.

§27-1-13. Expired License

13.1. Persons whose licenses have expired and who continue to hold themselves out as counselors, or who engage in counseling without a license shall be in violation of §30-31-6 of said code.

§27-1-14. Renewal of License

14.1. Any license issued by the Board expires during the month of July two years from the effective date of issuance or renewal. The provisions of §30-31-8 of the said code shall apply to all applications for renewal of licenses.

14.2. The renewal applicant must file the required renewal forms in the manner prescribed by the Board and must pay the appropriate renewal fee.

14.3. The renewal applicant must demonstrate in the manner prescribed by the Board that applicant has met the continuing professional education requirement of the license. The continuing professional education required for renewal must have been acquired during the time the license was in effect.

14.4. The Board shall renew any license that has been expired for two years or less upon application by the former licensee, documentation that the continuing education requirement for renewal has been met, and payment of the renewal fee. Persons whose license have been expired for more than two years shall reapply for licensure including the appropriate licensure examination.

§27-1-15. Continuing Professional Education

15.1. The goals of the Board's continuing professional education requirements are to: Enable licensees to maintain and/or expand professional expertise; become more aware of new professional developments; and provide responsible and quality service to clients and community.

15.2. The requirements for license renewal are forty (40) clock hours of approved continuing professional education within the two year renewal period in the program areas of counselor training listed in §27-1-5 of these rules.

15.2.1. A "clock hour" is one (1) hour spent in a program meeting the requirements issued by the Board and offered by an appropriate provider. Clock hours exclude refreshment breaks, receptions, and other social gatherings, and meals that do not include an acceptable program.

15.2.2. Fifteen (15) clock hours will be granted for one academic semester hour. Ten (10) clock hours will be granted for one academic quarter hour.

15.2.3. Ten (10) clock hours will be granted for one continuing education unit.

15.2.4. Ten (10) clock hours will be granted for a journal article qualifying by being published during the renewal period and being published in a refereed professional journal.

15.2.5. Thirty (30) clock hours will be granted for a book qualifying by being published during the renewal period and being directly related to the counseling profession.

15.2.6. The number of clock hours granted for a program will be determined by the definition of clock hour in this rule.

15.3. Academic courses offered in accredited educational institutions by counseling degree programs and psychology degree programs are automatically granted approval.

15.4. Programs sponsored by departments of accredited educational institutions; national, regional, state or local human service professional organizations or associations; public or private human service agencies or organizations, may be granted approval.

15.4.1. Programs must be presented by competent individuals as documented by appropriate academic training, professional licensure or certification, or professionally recognized experience. Presenters should have identifiable involvement in human services.

15.4.2. Programs must meet the professional needs of the intended clients.

15.4.3. Programs must have a minimum duration of one contact hour.

15.4.4. Programs must be disseminated via appropriate instructional methods, such as lecture, group discussion, or film.

15.4.5. Programs must be offered in a place which is accessible to persons who are handicapped.

15.4.6. Programs must provide participants certificates of completion which contain the following information:

a. The title and date(s) of program.

b. The name of the sponsoring agency or organization.

c. The name of the participant and the number of clock hours of continuing professional education earned.

d. The signatures of the instructor and the official representative of the sponsoring organization.

15.5. Each licensee shall provide evidence that the continuing professional education requirement for renewal has been satisfied.

15.5.1. Courses taken for credit at accredited educational institutions must be verified by transcripts. Completion of non-credit and audited courses must be verified by certificates of completion or by signed statements from instructor.

15.5.2. All other continuing professional education shall be documented by copies of certificates of completion furnished by the provider. Such certificates must contain the information required by §15.4.6. of these rules. In addition, the licensee shall record his/her license number in an appropriate place on the certificate of completion.

15.5.3. Copies of publications for continuing professional education credit must be furnished to the Board. In the case of journal articles, a copy of the journal editorial review board page must be included to document that the journal is refereed.

§27-1-16. Relations with the Public and Other Professions

16.1. Licensees shall neither misrepresent nor accept the misrepresentation by others of the efficacy of their professional services.

16.2. Licensees shall not, under normal circumstances, offer professional services to clients receiving services from another professional except with the knowledge of the professional.

16.3. Licensees shall not distribute advertisements, announcements, or information which is false, inaccurate, misleading, partial, out of context or deceptive.

16.4. Licensees shall clearly state licensure status by the use of title "LPC" or "Licensed Professional Counselor" in all advertisements or announcements.

16.5. Licensees shall support the integrity, reputation, and proprietary rights of their agency and any other organizations utilizing their services.

16.6. Licensees shall display their original current license certificate in a prominent place in the primary location of their practice.

16.7. Licensees shall distinguish between public statements made as a private citizen and those made as a representative of the profession and be aware that any statement they make may be interpreted as being representative of their profession.

16.8. Licensees who offer educational programs shall give clear statements regarding the purpose of the programs and shall refrain from participating in testing or counseling activities within the context of the educational situation without prior notification of intent.

16.9. Licensees shall not give or accept a commission, rebate, or other form of remuneration for referral of clients or professional services.

§27-1-17. Violations, Penalties, Orders, Actions, and Appeals

See Chapter 30 Article 31 of West Virginia Code.

§27-1-18. Notice of Board Meetings

18.1. All regularly scheduled meetings of the Board will be published in the STATE REGISTER at least five (5) days prior to the date of the meeting.

18.2. In the event of an emergency requiring immediate official action, the Board will file notice with the Secretary of State's Office prior to the meeting, stating the time, place, and purpose of the meeting and the facts and circumstances of the emergency.

§27-1-19. Minutes of Board Meetings

19.1. The minutes of all Board meetings shall be recorded and open to public inspection in a binder located in the Board office during normal business hours by appointment.

§27-1-20. Independent Rules

Each rule under these rules, and every part of each rule, is hereby declared to be an independent rule, and the holding of any rule, or part thereof, to be unconstitutional, void, or ineffective, for any cause, shall not affect the validity or constitutionality of any other rule or part thereof.