

**WEST VIRGINIA**  
**SECRETARY OF STATE**  
**KEN HECHLER**  
**ADMINISTRATIVE LAW DIVISION**

Form #7

FILED  
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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF AN EMERGENCY RULE**

AGENCY: Board of Examiners in Counseling TITLE NUMBER: 27

CITE AUTHORITY: §30-31-5(a)(2)

EMERGENCY 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 RULE BEING FILED AS AN EMERGENCY: 1

TITLE OF RULE BEING FILED AS AN EMERGENCY: Licensing Rules

THE ABOVE RULE IS BEING FILED AS AN EMERGENCY RULE TO BECOME EFFECTIVE UPON FILING.

THE FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY ARE AS FOLLOWS:

We have 35 cases pending in the "grandparenting" part of the law, and we cannot make decisions without implementing these rules as emergencies because the letter of the law isn't clear.

Use Additional Sheets If Necessary.

*Patricia Ann Joyce*  
Board Secretary

27 CSR 1

Title 27

Legislative Rules

Board of Examiners in Counseling

Series 1

Emergency Licensing Rules

## 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 thereunto.

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 individuals licensed as professional counselor, clinical psychologist, clinical social worker, or psychiatrist.

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. An applicant for licensure in counseling in West Virginia shall file proper application for such licensure and meet the requirements set forth in Paragraph 30-31-7 of said Code.

4.2. An applicant 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

Applicants are eligible for a license to engage in the practice counseling without having passed a standardized national certification examination in counseling provided they apply by November 18, 1987, and meet the following qualifications:

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 Paragraph 30-31-7 of said Code. The Board further clarifies and prescribes:

5.2.1. A bachelor's or master's or doctoral degree in counseling from an institution accredited by Council on Accreditation of Counseling and Related Educational Programs (CACREP), National Council on Accreditation of Teacher Education (NCATE), North Central Association of Colleges and Schools (NCACS), Southern Association of Colleges and Schools (SACS), or comparable accrediting body, which is a graduate degree with a major in community agency counseling, mental health counseling, pastoral counseling, rehabilitation counseling, school counseling, or 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.

5.2.2. A bachelor's or master's or doctoral degree in a field closely related to counseling from an institution accredited by Council on Accreditation of Counseling and Related Educational Programs (CACREP), National Council on Accreditation of Teacher Education (NCATE), North Central Association of Colleges and Schools (NCACS), Southern Association of Colleges and Schools (SACS), or comparable accrediting body, which is a graduate degree that includes graduate core coursework, either as part of the degree or after the award of the degree, in each of the following three areas or their equivalent, as determined by the Board:

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 bachelor's or 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 four of the following seven 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;

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

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

5.2.6. The educational requirements contained in this Rule may be completed after the required counseling experience.

### 5.3. Supervised professional experience:

5.3.1. The applicant with a doctoral degree in counseling, or in a field closely related, and who is a legal resident of West Virginia, is required to have at least one year of supervised professional experience after earning the aforementioned doctoral degree.

5.3.2. The applicant with a master's degree in counseling, or in a field closely related, and who is a legal resident of West Virginia, is required to have at least two years of supervised professional experience in counseling. At least one year of said experience shall be after earning aforementioned master's degree.

5.3.3. The applicant with a bachelor's degree in counseling, or in a field closely related, and who is a resident of West Virginia, is required to have at least two years of supervised professional experience in counseling.

5.3.4. The applicant is required to provide documentation of supervised professional experience by a professional who is licensed, licensed eligible, or nationally certified as a counselor or related mental health professional.

5.3.5. The applicant is required to provide the Board verification of supervised professional experience through the application process.

### 5.4. Residency

5.4.1. An applicant is required to be a legal resident of West Virginia.

5.4.2. An applicant who is a non-resident of West Virginia, but who was employed as a professional counselor in West Virginia on June 6, 1986, and had supervised professional experience in counseling in West Virginia two of the five calendar years preceding June 6, 1986, will be considered for licensing.

### 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 to 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. Licensure**

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

**27-1-8. Notice of Board Meetings**

8.1. 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.

8.2. 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.

**27-1-9. Minutes of Board Meetings**

9.1. 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.

**27-1-10. Severability Clause**

Each Rule under these Rules, and every part of each Rule, is hereby declared to be severable 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.

KEN HECHLER  
Secretary of State

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Deputy Secretary of State

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## STATE OF WEST VIRGINIA

### SECRETARY OF STATE

Charleston 25305

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DONALD R. WILKES  
Director, Corporations

SHEREE COHEN  
Special Assistant

(Plus all the volunteer  
help we can get)

October 24, 1989

FILED IN THE OFFICE OF  
THE SECRETARY OF STATE  
THIS DATE Oct. 24, 1989  
ADMINISTRATIVE LAW DIVISION

#### NOTICE OF EMERGENCY RULE DECISION BY THE SECRETARY OF STATE

AGENCY: Board of Examiners in Counseling

RULE: Amendments, Series 1, Licensing Rules

DATE FILED AS AN EMERGENCY RULE: September 12, 1989

DECISION NO. 24-89

Following review under WV Code 29A-3-15a, it is the decision of the Secretary of State that the above emergency rule be approved. A copy of the complete decision with required findings is available from this office.

A handwritten signature in cursive script that reads "Ken Hechler".

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KEN HECHLER  
Secretary of State

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Deputy Secretary of State

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#### DECISION                      EMERGENCY RULE DECISION (ERD 24-89)

AGENCY: Board of Examiners in Counseling  
RULE: Amendments, Series 1, Licensing Rules  
FILED AS AN EMERGENCY RULE: September 12, 1989

- par. 1    The Board of Examiners in Counseling (Board) has filed emergency amendments to the above rule.
- par. 2    West Virginia Code 29A-3-15A requires the Secretary of State to review all emergency rules filed after March 8, 1986. This review requires the Secretary of State to determine if the agency filing such emergency rule 1) has complied with the procedures for adopting an emergency rule; 2) exceeded the scope of its statutory authority in promulgating the emergency rule; or 3) can show that an emergency exists justifying the promulgation of an emergency rule.
- par. 3    Following review, the Secretary of State shall issue a decision as to whether or not such an emergency rule should be disapproved [29A-3-15a(a)].
- par. 4    (A) Procedural Compliance: WV Code 29A-3-15 permits an agency to adopt, amend or repeal, without hearing, any legislative rule by filing such rule, along with a statement of the circumstances constituting the emergency, with the Secretary of State and forthwith with the Legislative Rule-Making Review Fire Commission (LRMRC).
- par. 5    If an agency has accomplished the above two required filings with the appropriate supporting documents by the time the ERD is issued or the expiration of the forty-two day review period, whichever is sooner, the Secretary of State shall rule in favor of procedural compliance.
- par. 6    The Board has filed this emergency rule with supporting documents with the Secretary of State on September 12, 1989 and with the LRMRC on September 12, 1989.

par. 7 It is the determination of the Secretary of State that the Board has complied with the procedural requirements of WV Code §29A-3-15 for adoption of an emergency rule.

par. 8 (B) Statutory Authority -- WV Code §30-31-5(a)(2) reads in part:

*§30-31-5(a)(2). Powers and duties of board; disposition of board funds.*

*(2) Promulgate reasonable rules pursuant to article three (§20A-3-1 et seq.), chapter twenty-nine-a of this code, implementing the provisions of this article and the powers and duties conferred upon the board . . .*

par. 9 It is the determination of the Secretary of State that the Board has not exceeded its statutory authority in promulgating this emergency rule.

par. 10 (C) Emergency: WV Code 29A-3-15(g) defines "emergency" as follows:

*(g) For the purposes of this section, an emergency exists when the promulgation of a rule is necessary for the immediate preservation of the public peace, health, safety or welfare or is necessary to comply with a time limitation established by this code or by a federal statute or regulation or to prevent substantial harm to the public interest.*

par. 11 There are essentially three classes of emergency broadly presented with the above provision: 1) immediate preservation; 2) time limitation; and 3) substantial harm. An agency need only document to the satisfaction of the Secretary of State that there exists a nexus between the proposal and the circumstances creating at least one of the above three emergency categories.

par. 12 The facts and circumstances as presented by the Board are as follows:

We have 35 cases pending in the "grandparenting" part of the law, and we cannot make decisions without implementing these rules as emergencies because the letter of the law isn't clear.

par. 13 It is the determination of the Secretary of State that this proposal qualifies under the definition of an emergency.

par. 14 This decision shall be cited as Emergency Rule Decision 24-89 or ERD 24-89 and may be cited as precedent. This decision is available from the Secretary of State's office and has been filed with the Board, the Attorney General and the Legislative Rule Making Review Commission.



KEN HECHLER  
SECRETARY OF STATE