

**WEST VIRGINIA
SECRETARY OF STATE
BETTY IRELAND
ADMINISTRATIVE LAW DIVISION**

Form #3

Do Not Mark In This Box

FILLED

2006 JUL 27 P 12:00

OFFICE WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE
AND
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

AGENCY: West Virginia Board of Examiners in Counseling TITLE NUMBER: 27

CITE AUTHORITY: 30-31-5

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 1

TITLE OF RULE BEING AMENDED: Licensing

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE FOR THEIR REVIEW.


Authorized Signature

West Virginia Board of Examiners in Counseling

Post Office Box 129

Ona, West Virginia 25545

800-520-3852

www.wvbec.org

counselingboard@msn.com

Approval of Filing

During the July 21, 2006 Board meeting, the Board reviewed the few comments and agreed that the proposed rule change for Series 1 should be filed.


Jean Ann Johnson

QUESTIONNAIRE

(Please include a copy of this form with each filing of your rule: Notice of Public Hearing or Comment Period; Proposed Rule, and if needed, Emergency and Modified Rule.)

DATE: 07/27/06

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency Name, Address & Phone No) West Virginia Board of Examiners in Counseling
Post Office Box 129, Ona, West Virginia 25545
800-520-3852

LEGISLATIVE RULE TITLE: Licensing Rule

1. Authorizing statute(s) citation 30-31-5

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:
06/27/06

b. What other notice, including advertising, did you give of the hearing?
N/A

c. Date of Public Hearing(s) or Public Comment Period ended:
Noon 07/27/06

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

Attached _____ No comments received _____

e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

f. **Name, title, address and phone/fax/e-mail numbers** of agency person(s) to receive all *written correspondence* regarding this rule: (Please type)

Jean Ann Johnson, Executive Director, Post Office Box 129, Ona, West Virginia
25545 800-520-3852
304-733-4172 Fax

counselingboard@msn.com

g. **IF DIFFERENT FROM ITEM 'f'**, please give **Name, title, address and phone number(s)** of agency person(s) who wrote and/or has responsibility for the contents of this rule: (Please type)

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

b. Date of hearing or comment period:

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

d. Attach findings and determinations and reasons:

Attached

West Virginia Board of Examiners in Counseling

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Brief Summary and Statement of Circumstances **Series 1**

The proposed rule is designed to increase the academic and supervision requirements for West Virginia Licensed Professional Counselors (LPC). It increases the core areas from eight to sixteen by making former electives within the rule mandatory requirements. It requires new applicants to pass a minimum of 60-semester hours of graduate level academic credit from an accredited institution. The applicant must now complete 3000 total hours of clinical and professional supervision (requirement is currently 2400 total hours) before becoming fully licensed to practice independently.

Additionally, the proposed rule requires current LPCs to meet an equivalent 60-semester hour requirement through the continuing education unit (CEU) system that is already used to maintain active licensure status (a minimum of 40 CEUs every two years). The proposed rule uses the universally accepted formula of 15 CEUs is the equivalent of one academic credit hour to make up the difference between the graduate credits earned and the new requirement.

The Board will create a committee to review submissions of current LPCs as they acquire the necessary CEUs. Current LPCs will have until June 30, 2015 to fully meet this requirement.

These new requirements will place West Virginia's standards on par with those around the nation as well as all of our bordering states. The board feels that this requirement change will enhance our main goal which is to protect the public.

A provisional license is also proposed. This will enable the public to recognize the current status of an applicant for LPC. The applicant will be required to disclose to their clients that they hold a provisional license until they complete their supervision requirement for licensure. The provisional license also requires that the applicant pass the National Counselor Exam prior to starting the supervision experience.

Under accrediting bodies, the rule now reflects the Council on Rehabilitation Education (CORE) as an acceptable accrediting body.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Licensing Rule

Type of Rule: Legislative Interpretive Procedural

Agency: West Virginia Board of Examiners in Counseling

Address: Post Office Box 129, Ona, West Virginia 25545

Phone Number: 800-520-3852 Email: counselingboard@msn.com

Fiscal Note Summary

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

This proposed rule will not have any effect on costs and revenues of state government.

Fiscal Note Detail

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use "-")	Next Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost			
Personal Services			
Current Expenses			
Repairs & Alterations			
Assets			
Other			
2. Estimated Total Revenues			

Rule Title: _____

Rule Title: Licensing Rule

3. **Explanation of above estimates (including long-range effect):**
Please include any increase or decrease in fees in your estimated total revenues.

MEMORANDUM

Please identify any areas of vagueness, technical defects, reasons the proposed rule **would not** have a fiscal impact, and/or any special issues **not** captured elsewhere on this form.

This proposed rule does not have any real impact on costs or revenue as it is mainly raising the educational requirements for licensure and adding a provisional licensure for applicants completing the supervision requirement.

Date: 07/27/06

Signature of Agency Head or Authorized Representative



TITLE 27
LEGISLATIVE RULE
BOARD OF EXAMINERS IN COUNSELING

SERIES 1
LICENSING RULE

FILED

2006 JUL 27 A/12:00

OFFICE WEST VIRGINIA
SECRETARY OF STATE

§27-1-1. General.

1.1. Scope. -- This rule establishes standards for professional counselors to follow in applying, qualifying, and maintaining licensure as a counselor.

1.2. Authority. -- W. Va. Code §§30-31-5 and 30-31-7a.

1.3. Filing Date. --

1.4. Effective Date. --

~~1.5. Repeal and Replace. -- This rule repeals and replaces Board of Examiners in Counseling rule, "Licensing Rule" WV 27CSR1 filed April 1, 1999 and effective April 1, 1999.~~

§27-1-2. Definitions.

2.1. The following definitions apply to all rules promulgated by the Board of Examiners in counseling, unless the word or term is explicitly defined or used in a different manner.

2.2. "Application" means a written application providing all required information on a form provided by the Board and filed with the Board secretary.

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

2.3.a. If, during a twelve-month period, the applicant is engaged in practice for fewer than ~~1200~~ 1500 clock hours, the Board will grant credit for a fraction of a year's experience represented by the number of hours actually practiced.

2.3.b. The Board will not credit an applicant with more than ~~one year~~ 1500 hours of experience in any twelve-month period.

2.4. "Direct counselor supervision" means face to face or interactive contact such as telephone, video, email, or other contact that clearly addresses ~~application of theories, techniques, human growth and development, social and cultural foundations, individual appraisal, professional responsibilities, and ethics, and five of the eight~~ the required specialty areas as cited in subdivision ~~6-1-e. 6.1.b.~~ of this rule.

2.5. "Indirect counselor supervision" means review of written reports, case notes, test data and/or any review of representation of supervised counselor's work.

§27-1-3. Application of Rule.

This legislative rule applies to all persons practicing or making application to practice as professional counselors.

§27-1-4. Requirements for Application.

4.1. The applicant shall submit all of the following information, in a format designated by the Board thereafter called the Licensure Packet, before the Board will consider the applicant for licensure:

4.1.a. A completed application form;

4.1.b. A notarized affidavit;

4.1.c. A non-refundable application fee by check or money order payable to WV Board of Examiners in Counseling (WVBEC);

4.1.d. Official ~~undergraduate and~~ graduate transcripts sent directly from a college or university;

4.1.e. ~~Three (3)~~ Two (2) completed professional recommendation forms from individuals permanently licensed as professional counselors, psychologists, social workers, or psychiatrists on a form provided by the Board;

4.1.f. Three (3) personal reference letters to satisfy the Board that the applicant is of good moral character and merits public trust. The letters' author may not be the same person completing a recommendation form. The Board does not provide a form for this purpose;

4.1.g. A supervisor's registration form on a form provided by the Board. The professional supervisor shall be registered and approved by the Board prior to beginning the supervised professional experience on a form provided by the Board;

4.1.h. Verification of supervision forms. ~~This~~ These forms shall document the supervised experience. The forms include quarterly reports and a final supervisor's verification and assessment forms. ~~This form may serve as one of the professional recommendations as required in subdivision 4.1.e. of this rule.~~ These ~~The forms is~~ are provided by the Board; and

4.1.i. Verification of a successful score on a certification examination in counseling approved by the Board. A passing score is valid for five (5) years from the date of examination. An applicant may submit a licensure application prior to obtaining a passing score on certification exam.

4.1.j. Extensions of the five (5) year deadline shall be given at the discretion of the Board.

4.1.k. A completed licensure packet must be filed with the Board office prior to taking the Board-sponsored exam.

4.1.l. Supervision can commence once the applicant receives an official notification that their application has been accepted.

4.1 m. Applications will be maintained for eighteen (18) months from the date of receipt by the board. Applications which remain incomplete and/or inactive after eighteen (18) months will be invalid and individuals seeking licensure will be required to re-apply.

§27-1-5. Requirements for Reciprocity Review.

5.1. An applicant for licensure currently ~~certified or~~ licensed in another jurisdiction, where it is adjudged by the Board that the applicant ~~is was~~ certified or licensed by educational standards with comparable examination standards, shall file proper application. 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.

5.1.a. The following documentation is required for the Board to review for reciprocity:

- (1). A completed West Virginia application form;
- (2). Copies of graduate transcripts from the issuing institutions;
- (3). A certified copy, including exam results, of the applicant's file from the jurisdiction where currently licensed;
- (4). Two (2) completed professional recommendation forms from individuals permanently licensed as professional counselors, psychologists, social workers or psychiatrists on a form provided by the Board; and,
- (5). The appropriate fee.

§27-1-6. Qualifications of New Applicants.

6.1. Education: The education requirements for the licensure of applicants are set forth in W. Va. Code §30-31-7. To meet those requirements, an applicant shall have one of the following degrees:

6.1.a. A master's or doctoral degree from an institution with program accrediting by the Council on Accreditation of Counseling and Related Educational Programs (CACREP), the National Council on Accreditation for Teacher Education (NCATE), the North Central Association of Colleges and Schools (NCACS), the Southern Association of Colleges and Schools (SACS), Council on Rehabilitation Education (CORE) or a comparable accrediting body. Acceptable graduate degrees include a specialization in community agency counseling, mental health counseling, pastoral counseling, rehabilitation counseling, school counseling, and substance abuse or addictions counseling. Similar degrees that include the word "counseling" and include the core of coursework ~~representative of professional counseling programs at the time of its completion may be accepted;~~ as outlined in 6.1.b; ~~or,~~

~~6.1.b.—A master's or doctoral degree in a field closely related to counseling from an institution with a program accrediting by the Council on Accreditation of Counseling and Related Educational Programs (CACREP), the National Council on Accreditation for Teacher Education (NCATE), the North Central Association of Colleges and Schools (NCACS), the Southern Association of Colleges and Schools (SACS), or a comparable accrediting body. The graduate~~

~~degree shall include graduate core coursework, either as part of the degree or after the award of the degree, in each of the following areas or their equivalent, as determined by the Board:~~

6.1.e. 6.1.b. The applicant must complete a minimum of sixty (60) semester hours or ninety (90) quarter hours of graduate course work inclusive of a masters or doctoral degree in counseling with a minimum of three (3) semester hours in each of the following areas or their equivalent, as determined by the Board:

~~(1). Counseling theories: includes a study of basic theories and principles of counseling and philosophic basis of the helping relationship;~~

~~(2). Counseling techniques: includes individual counseling practices, methods, facilitative skills, and the application of these skills;~~

~~(3). Human growth and development: includes the 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;~~

~~(4). 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;~~

~~(5). Individual appraisal: includes individual differences, methods of data gathering and interpretation, individual and group testing, and case study;~~

~~(6). 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;~~

~~(7). Supervised practicum: includes the provision of counseling to bona fide clients and groups seeking services from counselors under the direction of a graduate faculty member who is a licensed professional counselor or related mental health professional, and shall include critiquing of counseling either observed or recorded on audio or video tape;~~

~~(8). Supervised internship: includes 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; and,~~

~~6.1.c. In addition to subdivision 6.1.b. of this rule, an applicant working towards a master's or doctoral degree in a field closely related to counseling shall present at least one graduate course in five of the following eight areas:~~

~~(1). Addictions counseling;~~

~~(2). Crisis intervention;~~

~~(3). Group dynamics, processes, counseling and consulting: includes theories, practices, methods, dynamics, facilitative skills, and supervised practice;~~

~~(4) 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;~~

~~(5) Marriage, couples, and/or family counseling/therapy;~~

~~(6) Research and evaluation: includes statistics, research design, research proposals and evaluation;~~

~~(7) Principles of etiology, diagnosis, treatment planning, and prevention of mental and emotional disorders and dysfunctional behavior; or,~~

~~(8) Community resources and rehabilitation services; includes development and implementation of community resource references and materials for client referral.~~

(1) Counseling theories: includes a study of basic theories and principles of counseling and philosophic basis of the helping relationship;

(2) Counseling techniques: includes individual counseling practices, methods, facilitative skills, and the application of these skills;

(3) Human growth and development: includes the 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;

(4) 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;

(5) Individual appraisal: includes individual differences, methods of data gathering and interpretation, individual and group testing, and case study;

(6) 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;

(7) Principles of etiology, assessment, diagnosis, treatment planning, and prevention of mental and emotional disorders and dysfunctional behavior;

(8) Addictions counseling: includes the assessment, diagnosis and treatment of addictive disorders;

(9) Group dynamics, processes, counseling and consulting: includes theories, practices, methods, dynamics, facilitative skills, and supervised practice;

(10) 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;

(11) Marriage, couples, and/or family counseling/therapy

(12) Research and evaluation: includes statistics, research design, research proposals and evaluation;

(13) Supervised practicum: includes the provision of counseling to bona fide clients and groups seeking services from counselors under the direction of a graduate faculty member who is a licensed professional counselor or related mental health professional, and shall include critiquing of counseling either observed or recorded on audio or video tape;

(14) Supervised internship: includes 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; and

6.1.c. The applicant must have sufficient semester credit hour courses in any of the following counseling related elective subjects to equal the semester credit hour course requirements as outlined in 6.1.b.

(1). Human Sexuality;

(2). Psychopharmacology;

(3). Crisis intervention;

(4). Biological basis of behavior;

(5). Counseling special populations, including forensic populations, sex offenders, children and adolescents, adults, elderly, gender specific populations, seriously mentally ill individuals, and individuals affected by domestic violence, dual diagnosis, co-morbidity or co-occurring disorders;

(6). Rehabilitation counseling;

(7). Counseling interventions; or

(8). Additional or advanced courses in any required curriculum category listed in section 6.1.b.1 through 14.

6.2. Supervised professional experience: The applicant shall have a minimum of 3000 hours two years of supervised professional experience in counseling, ~~including at least one year's experience~~ after earning a master's degree in counseling or its equivalent as determined by the Board; or have earned a doctoral degree in counseling or its equivalent as determined by the Board and have ~~at least one year a~~ minimum of 1500 hours of supervised professional experience in counseling after earning the degree. At least fifty percent (50%) of the supervised professional experience must be in direct service to clients.

6.2.a. The applicant shall remain under professional supervision satisfactory to the Board, and may not be called a licensed professional counselor, ~~solicit clients, bill for services,~~ or in anyway be represented as a licensed professional counselor, until the applicant is duly licensed by the Board.

6.2.b. The professional supervisor shall determine the applicant's activities and the amount of supervision required. A minimum of one (1) hour of direct individual supervision is required for every twenty (20) hours of practice. When the professional supervisor is not a full-time employee of the same firm or agency as the applicant, this supervision shall occur at least twice in each calendar month. The supervisor shall be reasonably available to the applicant for telephone consultation. ~~at all times during regular business or professional practice hours. The professional supervisor shall countersign all reports or other professional opinions rendered by~~

~~the applicant.~~ An approved professional supervisor may not supervise more than four (4) individual applicants.

6.2.c. The professional supervisor shall provide post-graduate degree supervision for applicants provided he or she is a Licensed Professional Counselor, or other qualified supervisor as determined by the Board. At a minimum, the professional supervisor shall have been permanently licensed for a period of two (2) years and shall have had five years counseling experience. The professional supervisor shall document to the Board that he or she has a current license and has completed training in counseling supervision that includes content and experiences relevant to the professional and clinical supervision of counselors. The professional supervisor shall provide the Board with a statement detailing their counseling philosophy, supervision experience and counseling experience. The professional supervisor shall demonstrate skills necessary to address all core areas of practice ~~as theories, techniques, human growth and development, social and cultural foundations, individual appraisal, professional and ethical responsibilities, and five of the eight required specialty areas as cited in subdivision~~ as outlined in 6.1.b. 6.1.e of this rule.

6.2.d. The applicant shall provide the Board with verification of completion of supervised professional experience on ~~a form~~ forms provided by the Board.

- 6.3. Standardized certification examination in counseling: The applicant shall provide the Board with verification that he or she has attained a successful score on a certification examination in counseling approved by the Board. The successful score is valid for five (5) years from the date of examination.

27-1-7. Licensure Requirements for Current Licensees

7.1 LPC's awarded their licensure prior to this rule revision must meet the 60 hour requirement by 2015. This can be achieved through a combination of previous degree credit, additional graduate course credit, or continuing education based on Series 3, Renewal rule.

7.1.a The Board will appoint a committee to review LPC submissions using the following guidelines to determine whether an LPC has met that threshold:

7.1.a.1. LPCs will note the number of academic credit hours they completed in their masters and/or doctoral programs,

7.1.a.2. In addition, LPCs may submit documentation of successful completion of postgraduate academic courses from an institution with a counseling program or field closely related to counseling with program accrediting by the Council on Accreditation of Counseling and Related Educational Programs (CACREP), Council on Rehabilitation Education (CORE) or a comparable accrediting body. Acceptable coursework may include but is not limited to specialization in community agency counseling, marriage and family counseling, mental health counseling, pastoral counseling, rehabilitation counseling, school counseling, and substance abuse or addictions counseling.

7.1.b. In addition, LPCs may submit WVBE or NBCC approved Contact hours using a formula of 15 contact hours equals 1 academic credit hour.

7.1.b.1. LPCs will receive automatic credit for the forty (40) contact hours already earned to fulfill licensure renewal requirements.

7.1.b.2. LPCs can receive credit for contact hours above the minimum forty (40) every two years if they provide documentation for all approved contact hours they want to count for that renewal cycle.

7.1.c. The Board will certify LPCs recommended by the review committee as meeting the licensing requirements that must be met by June 30, 2015.

§27-1-8. Examination Failure

8.1. An applicant who fails the certification examination:

8.1.a. An applicant shall notify the Board no less than sixty (60) days prior to the scheduled examination that he or she intends to retake the exam by completing the examination application provided by the Board and paying the appropriate fees.

8.1.b. An applicant may sit for an approved examination within an eighteen (18) month period of the date of the first failed examination without filing a new licensure application and without presenting evidence of additional education or experience.

8.1.c. An applicant who fails the initial examination and fails two (2) subsequent examinations is disqualified from retaking the examination until satisfactory documentation of additional education and experience as determined by the Board, has been received and approved by the Board.

§27-1-9. Issuance of License.

9.1. 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.

9.2. Each license issued by the Board shall contain the licensee's name, license number, the date of issuance and the expiration date.

9.3. Official licenses shall be signed, in person or electronically, by the Chairperson and Secretary of the Board, and be affixed with the official seal of the Board.

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

9.5. Once all requirements for licensure have been determined, the Board shall mail notification of the license to the applicant's last known physical address or email address.

9.6. The Board shall 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.

§27-1-10. Professional Disclosure

10.1. A licensee shall display a professional disclosure statement at the place where he or she performs services and make a copy of the statement available to clients upon request. The Board shall

provide the professional disclosure statement form when a license is originally issued. A licensee may obtain additional forms through the Board office or website.

10.2. The following information shall be included on the professional disclosure statement:

10.2.a. The name, title, business address, and business phone number of the licensee performing the service; and

10.2.b. The formal professional education of the licensee, including academic degrees, the institutions awarding those degrees and the dates they were received.

(1). Formal professional education means the licensee's academic training related to counseling which meets the educational requirements for licensure as a counselor; and,

(2). 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;

10.2.c. The licensee's areas of competence in counseling and the services provided, based on training and experience, from the following list, as is appropriate: career counseling, consultation, diagnosis and treatment of mental and emotional disorders, employee assistance counseling, family counseling, human resources counseling, marriage counseling, mental health counseling, rehabilitation counseling, school counseling, substance abuse and addictions counseling, supervision, and vocational counseling; and

10.2.d. The Board's name, current address and toll-free telephone number. The following statement shall appear just above the Board's information: Any questions, concerns or complaints relating to the delivery of service by the counselor listed above, may be directed to:.

10.3. The following legal and ethical principles apply to the licensee in providing this disclosure statement:

10.3.a. The provision of the professional disclosure statement is the sole responsibility of the licensee. The licensee shall submit a copy of the professional disclosure statement to the Board;

10.3.b. 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; and,

10.3.c. Areas of competence and provided services listed on the professional disclosure statement shall not exceed those professional qualifications possessed.

10.4. In listing areas of competence and services provided on the professional disclosure statement, the licensee shall adhere to the scope of practice of professional counseling and delivery of services as defined in W. Va. Code §30-31-2, and as cited in Section 10 of this rule.

§27-1-11. Code of Ethics.

11.1. The Board adopts the American Counseling Association's Code of Ethics as part of this rule and all provisions of the Code of Ethics have the effect as if it were a specifically promulgated rule of the Board.

11.2. The Board may take disciplinary action against a licensee who fails to comply with the Code of Ethics cited in subsection 10.1. of this rule.

§27-1-12. Responsibilities of Licensees.

12.1. Licensees are responsible for familiarizing themselves with the most current provisions of the W. Va. Code §30-31-5(a)(2), the Code of Ethics of the American Counseling Association and for practicing counseling in accordance with the law and ~~this rule~~ all rules promulgated by the Board.

12.2. A licensee shall notify the Board within thirty (30) days of any change of his or her legal name, primary address, telephone number, email address or similar change of location or status.

12.3. A licensee shall notify the Board within thirty (30) days of witnessing what may constitute, in his or her best judgment, professional misconduct by another licensed professional counselor.

§27-1-13. Expired License.

13.1. A persons whose license has expired and who continues to hold himself or herself out as counselor or who engages in counseling without a license is in violation of W. Va. Code §30-31-6.

§27-1-14. Relations with the Public and Other Professions.

14.1. A licensee shall neither misrepresent not accept the misrepresentation by other persons of the efficacy of their professional services.

14.2. A licensee shall not, under normal circumstances, offer professional services to clients receiving services from another professional except with the knowledge of the other professional.

14.3. A licensee shall not distribute advertisements, announcements, or information that is false, inaccurate, misleading, partial, out of context, or deceptive.

14.4. A licensee shall clearly state their licensure status by the use of title "Licensed Professional Counselor or "LPC" in all professional correspondence, documents, advertisements ~~or~~ and announcements.

14.5. A licensee shall display their original current license certificate and disclosure statement in a prominent place in the primary location of their practice.

14.6. A licensee 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.

14.7. A licensee shall not give or accept a commission, rebate, or other form of remuneration for referral of clients for professional services.

§27-1-15. Violations of Child Support.

15.1. The Board shall revoke or suspend the license of a licensee or impose other sanctions against a licensee, or refuse to renew a license or approve an application for license, after receiving a

valid circuit court order indicating that the licensee has violated a child support ruling and, as a result, has endangered his or her professional license.

15.2. The Board shall reinstate, remove sanctions against or allow renewal of or application for a license after receiving a valid circuit court order to reinstate or renew a license previously suspended, revoked or sanctioned as a result of a similar order of the court.

§27-1-16. Provisional License

16.1. The Board may issue a Provisional License to an applicant who:

16.1.a. has filed a Licensure Packet and paid all applicable fees;

16.1.b. has met all the academic requirements for licensure as outlined in section 6.1 of this rule;

16.1.c. has completed the required examination as stated in outlined 6.3 of this rule;

16.1.d. has entered into a supervisory agreement with a supervisor meeting the requirements as outline in section 6.2.c of this rule;

16.1.d.1. supervision during the provisional licensing period must be continuous and any interruption in supervision must be reported to the board, in writing, within 10 days of the interruption; and;

16.1.d.2. interruptions not reported or interruptions not resolved in a timely manner could result in termination of provisional status or other sanctions as deemed by the Board.

16.2 An applicant must obtain a provisional license before the applicant begins their supervisory experience or continues a supervisory experience. Hours obtained by an unlicensed person in any setting shall not count toward the supervised experience requirements.

16.3. Provisionally licensed counselors are not permitted to operate their own private practice and may practice only as part of his or her licensure supervisory requirement as outlined in section 6.2 of this rule.

16.4. A provisional license is valid for 36 months; and,

16.4.a. A provisional licensee who does not complete the supervised experience during the 36 months may renew his/her provisional license once for an additional 24 months by written request and payment of a fee. The fee is equal to the current application fee.

16.5. Any applicant currently registered with the Board office as an applicant for LPC and is actively participating in supervision with an approved licensed professional supervisor shall be allowed to fulfill the requirements for licensure under Licensing Rule, Series 1 with the effective date of May 15, 2001;

16.5.a. Any applicant currently registered with the Board office as an applicant for LPC that is not currently being supervised by an approved licensed professional supervision shall have to reapply under section 16.1 of this rule; and,

16.5.b. Any applicant currently registered with the Board office as an applicant for LPC that has not completed the exam requirement for licensure may have to reapply as outlined in section 15.1 of this rule or be required to take the exam the next time the exam is offered.

§27-1-17. Retirement Status

17.1. A licensed professional counselor can apply for retirement status based on these guidelines:

17.1.a. Shall only work in a voluntary position.

17.1.b Shall complete twenty (20) contact hours each renewal cycle instead of the required forty (40) contact hours.

17.1.c Shall complete three (3) of the twenty (20) contact hours in ethics based on the American Counseling Association Code of Ethics.

17.1.d May complete all twenty (20) contact hours in home study including the ethics.

17.1.e Shall pay a renewal fee of one-half (1/2) of the current required renewal fee.

West Virginia Board of Examiners in Counseling

Post Office Box 129

Ona, West Virginia 25545

800-520-3852

www.wvbec.org

counselingboard@msn.com

July 25, 2006

To Whom It May Concern:

The Board has received two comments as of this writing at 8:30 pm July 25, 2006. If more comments are received through noon July 27, 2006, they will be faxed to Judy Cooper at 1:00 pm.

After reviewing the comments during the July 21, 2006 board meeting, the board voted for the rule to be filed as written. The comment from Mr. Watson was discussed at length. In 1990 Mr. Watson was "grandfathered" in by the original board members with a bachelor's degree in Political Science.

The other comment was in support of the rule changes.

The Board is of the opinion the changes in Series 1 will serve to protect the public.

Jean Ann Johnson

From: "Guy Gage" <ggage@toothmanrice.com>
To: "Jean Ann Johnson" <counselingboard@msn.com>
Cc: "Judie Smith" <jbs@davidandelkins.edu>; <tonorato@apocounseling.com>
Sent: Friday, June 30, 2006 1:37 PM
Subject: Proposed Rules Change

Jean Ann,

Thank you for the announcement of the proposed rules change for licensure. It is comprehensive and clear in describing the changes and answers the questions that are naturally generated. I am optimistic that this will clear up any confusion and will expedite the rules change process. You are much appreciated.

Guy Gage
Performance Improvement Consultant
Toothman Rice, PLLC
304.363.2220
toothmanrice.com

IRS CIRCULAR 230 NOTICE: Recent revisions to IRS Circular 230 require that certain steps be taken by a tax advisor before his or her written tax advice may be relied upon to avoid IRS penalties. Those steps, which generally are time-consuming and result in substantial additional fees, were not undertaken in connection with any tax advice which may appear in this communication. Accordingly, this communication was not written or intended by the sender or Toothman Rice PLLC, to be used, and cannot be used, by any taxpayer for the purpose of avoiding tax penalties that may be imposed. Further, any written statement contained in this communication relating to a federal tax transaction or matter may not be used by any person to support the promotion or marketing of, or to recommend, any federal tax transaction or matter addressed in this communication.

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Fax: (304) 755-0599

July 20, 2006

West Virginia Board of Examiners in Counseling
PO Box 129
Ona, WV 25545

Dear Ms. Johnson:

Please accept this as my comment on the proposed 2006 changes to Legislative Rule Title 27-Series 1.

When House Bill 1346 was passed in 1986, it included a "grandfathering" clause for legal reasons.

Twenty years later the Board wants a Rule to retroactively effectively negate that statutory provision.

Fifteen years after I was licensed (following a 1987 application, an appeal, a court order and an appeal hearing before the Board), the Board is proposing a requirement that I secure the coursework equivalent of a Masters Degree in Counseling by 2015.

I do not have the time, finances or energy to pursue the coursework equivalent of a Masters degree. In my case the proposed Rule would mandate I complete over 900 CEUs (60 hours times 15 plus attended ethics programs) by June 2015. I would need just 180 CEUs by for the same time period under the current Rule.

Clearly, this discriminates against some LPCs who are already lawfully licensed and will most certainly send us back to court.

Thank you for your attention.

Sincerely,

Edwin S. Watson
CRC, LPC, CDMS, CCM