

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

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2007 MAY -8 PM 2: 29

OFFICE WEST VIRGINIA
SECRETARY OF STATE

Form #6

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE**

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

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 1

TITLE OF RULE BEING AMENDED: Licensing Rule

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

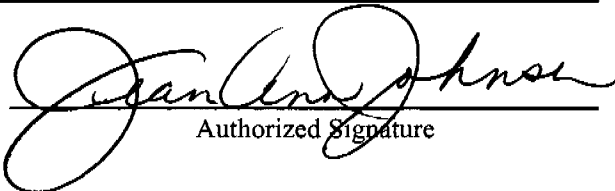
TITLE OF RULE BEING PROPOSED: _____

THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) SB 319

SECTION 64-9-5 (a), PASSED ON March 9, 2007

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON THE
FOLLOWING DATE: July 1, 2007


Authorized Signature

#4.60



West Virginia

Board of Examiners in Counseling

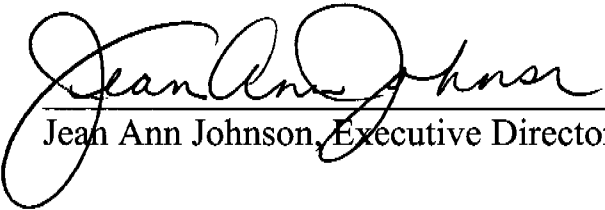
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May 1, 2007

Approval of Filing

Series 1, Licensing Rule

The Board of Examiners in Counseling has given their approval for the filing of this legislative rule.



Jean Ann Johnson, Executive Director

TITLE 27
LEGISLATIVE RULE
BOARD OF EXAMINERS IN COUNSELING

FILED

SERIES 1
LICENSING RULE

2007 MAY -8 PM 2: 29

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. -- May 7, 2007

1.4 Effective Date. -- July 1, 2007

§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 such indirect services, including direct or indirect counselor supervision, as may be approved by the Board.

2.3.a. If, during a twelve-month period, the applicant is engaged in practice for fewer than 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 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 the required specialty areas as cited in subsection 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, in a format designated by the Board, a licensure packet containing all of the following information 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 graduate transcripts sent directly from a college or university;

4.1.e. Two (2) completed professional recommendation forms from individuals licensed as professional counselors, psychologists, social workers, or psychiatrists on a form provided by the Board. Persons with only a temporary license cannot complete the recommendation form;

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 proposed professional supervisor must meet the requirements of section 6.2 of this rule; and

4.1.h. Verification of supervision forms. These forms shall document the supervised counseling experience, including quarterly reports and a final supervisor's verification and assessment form. These forms are provided by the Board.

4.2. For applicants who have passed an examination, 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.

4.3. For applicants who have not passed an examination, a completed licensure packet must be filed with the Board office prior to taking the Board-sponsored exam. The exam may be taken only after Board determination that the applicant is otherwise eligible for licensure.

4.4. For applicants who are not being supervised as of the effective date of this section or who have not passed an approved examination as of the effective date of this rule in 2007, supervision can commence when the applicant receives a provisional license in accordance with section sixteen of this rule.

4.5. Applications will be retained for eighteen (18) months from the date of receipt by the Board. Applications which remain incomplete and/or inactive eighteen (18) months after initial receipt will be invalid, and individuals seeking licensure will be required to re-apply.

4.6. Any applicant for LPC who has not completed the exam requirement for licensure as of the effective date of this rule must reapply in accordance with section 16 of this rule.

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

5.1. An individual may apply for reciprocity review if the individual is currently licensed in another state whose licensing requirements are greater than or equal to the requirements in this rule as determined by the Board. 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.

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

5.2.a. A completed West Virginia application form;

5.2.b. Copies of graduate transcripts from the issuing institutions;

5.2.c. A certified copy, including exam results, of the applicant's file from the jurisdiction where currently licensed;

5.2.d. Two (2) completed professional recommendation forms from individuals licensed as professional counselors, psychologists, social workers or psychiatrists on a form provided by the Board. Persons with only a temporary license cannot complete the recommendation form; and,

5.2.e. 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 a program accredited 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 as outlined in 6.1.b may be accepted.

6.1.b. After the effective date of this rule in 2007, applicants 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) 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; or

(14) Supervised internship: includes actual on-the-job counseling experience 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.

6.1.d. The Credentialing Committee, composed of the two counselor educators on the Board, shall review all matters regarding education requirements. The Credentialing Committee may make a final determination regarding the sufficiency of the applicant's education or may refer the matter to the entire Board for determination. Any determination made by the Committee or Board may be appealed in accordance with the procedures set forth in Series 6 of the Board's rules.

6.2 Supervised counseling experience: The applicant shall have a minimum of 3000 hours of supervised counseling 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 a minimum of 1500 hours of supervised counseling experience after earning the degree. At least fifty percent (50%) of the supervised counseling experience must be in the direct provision of counseling services 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, 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. An approved professional supervisor may not supervise more than four (4) individual applicants.

6.2.c. The professional supervisor shall be pre-approved by the Board and 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 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 his or her counseling philosophy, supervision experience and counseling experience. The professional supervisor shall demonstrate skills necessary to address all core areas of practice as outlined in 6.1.b of this rule.

6.2.d. The applicant shall provide the Board with verification of completion of supervised counseling experience on 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 Licensees and Certain Applicants as of Effective Date.

7.1 Licensees as of the effective date of this rule in 2007 must meet the equivalency of 60 hour graduate course requirement set forth in section 6.1.b of this rule by 2015. This can be achieved through a combination of previous degree credit, additional graduate course credit, or continuing education based on Series 3 of the rules of this Board relating to licensure renewal. Individuals licensed through the original enabling legislation in 1986 and who have maintained their licenses continually since that time are exempt from this section.

7.1.a The Board will appoint a committee to be composed of Board members or non-members who are LPCs who have met the requirements of this section to review LPC submissions. The review committee shall use the following guidelines to determine whether an LPC has met the requirement of this section:

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 board-approved contact hours, which shall include hours approved by National Board for Certified Counselors or other credentialing entity approved by the Board, using a formula of 15 contact hours equaling 1 academic credit hour. A contact hour is defined in Series 3 of the rules of this Board relating to licensure renewal.

7.1.b.1. LPCs licensed as of the effective date of this section may use the forty (40) contact hours earned for each renewal to meet the course requirements set forth in section 6.1.b.

7.1.b.2. LPCs can receive credit for any contact hours above the minimum forty (40) required for renewal upon documentation and approval by the review committee.

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.

7.2. Applicants who have been approved for and are being supervised for licensure and who have passed an approved examination as of the effective date of this rule in 2007 must meet the equivalency of 60 hour graduate course requirement set forth in section 6.1.b of this rule by 2015.

§27-1-8. Examination Failure

8.1. 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.

8.2. 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.

8.3. 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 judgments 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 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.

A person 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 the title “Licensed Professional Counselor or “LPC” in all professional correspondence, documents, advertisements 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. An applicant must obtain a provisional license before the applicant begins their supervisory experience or continues a supervisory experience approved prior to the effective date of this section, unless the applicant has already passed an approved examination and is being supervised as of the effective date of this rule in 2007. Hours obtained by an unlicensed person in any setting shall not count toward the supervised experience requirements.

16.1.a. Any person who has applied for licensure prior to the effective date of this section in 2007 who is not being supervised as of the effective date must reapply and meet the requirements of this section.

16.1.b. Applicants who have been approved for and are being supervised for licensure who have not passed an approved examination as of the effective date of this rule in 2007 must reapply and meet the requirements of this section.

16.2. The Board will issue a provisional license to an applicant who:

16.2.a. has filed a licensure packet in accordance with section 4.1 of this rule; and

16.2.b. has met all the licensure requirements, including the academic requirements in section 6.1 of this rule; and the required examination in section 6.3 of this rule;

16.3. Supervision during the provisional licensing period must be continuous, and any interruption in supervision of more than six weeks must be reported to the Board, in writing, within the first month of the interruption. Interruptions not reported in a timely manner may result in termination of the provisional license or other disciplinary action or sanctions as deemed appropriate by the Board.

16.4. Any change in the supervisory agreement, including the approved supervisor, must be reported to the Board, in writing, prior to the change and approved by the Board. Changes not reported to and approved by the Board in a timely manner may result in termination of the provisional license or other disciplinary action or sanctions as deemed appropriate by the Board.

16.5. 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.

16.6. A provisional license is valid for 36 months. A provisional licensee who does not complete the supervised counseling experience during the 36-month licensure period may renew

his or her provisional license once for an additional 24 months by written request and payment of a fee equal to the current initial application fee.

§27-1-17. Retirement Status

17.1. Shall only work in a voluntary position.

17.2. Shall complete twenty (20) contact hours each renewal cycle instead of the required forty (40) contact hours as set forth in Series 3 of the rules of this Board.

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

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

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