

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

Form #2

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JUL 3 2 36 PM '00

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: West Virginia 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 RULE BEING PROPOSED: 1

TITLE OF RULE BEING PROPOSED: Licensing Rule

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON August 15, 2000 AT 4:00 pm ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

West Virginia Board of Examiners
in Counseling @MUGC
100 Angus E. Peyton Drive
S. Charleston, WV 25303-1600

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.



Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

84.60

West Virginia Board of Examiners in Counseling

At Marshall University Graduate College
100 Angus E. Peyton Drive
South Charleston, West Virginia 25303-1600
Phone: (304) 746-2512 Fax: (304) 746-1942

July 3, 2000

Approval of Filing Licensing Rule, Series 1

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



Robert L. Rubenstein, Chair

West Virginia Board of Examiners in Counseling

At Marshall University Graduate College
100 Angus E. Peyton Drive
South Charleston, West Virginia 25303-1600
Phone: (304) 746-2512 Fax: (304) 746-1942

Brief Summary of Proposed Rule Licensing Rule Title 27 Series 1

Since July 1986, the Board of Examiners in Counseling has only had one series of rules. After working with this rule for all these years and dealing with the applicants and the public, it became obvious that a clearer and more concise set of rules were needed.

This rule basically is the same as the original series 1 as far as information. It pertains to the educational and other needed requirements for obtaining a license in West Virginia. It explains the responsibilities that the counselor in West Virginia has as a Licensed Professional Counselor. We clarified information that individuals had been asking questions about in past years.

Major change is that we formally adopted the American Counseling Association's Code of Ethics and added the information about child support violations.

West Virginia Board of Examiners in Counseling

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100 Angus E. Peyton Drive
South Charleston, West Virginia 25303-1600
Phone: (304) 746-2512 Fax: (304) 746-1942

Statement of Circumstances

The Board decided to Repeal and Replace, Series 1 Licensing Rule, effective April 1, 1999 and replaces it with three (3) individual series.

Series 1, Licensing Rule. Series 2, Fees. Series 3, License Renewal and Continuing Education Requirements.

Purpose is to make the rules easier to read, update information and make some changes that are noted in the summary.

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: 100 Angus E. Peyton Drive, South Charleston, WV 25303-1600

1. Effect of Proposed rule:

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
ESTIMATED TOTAL COST	N/A				
PERSONAL SERVICES	N/A				
CURRENT EXPENSE	N/A				
REPAIRS & ALTERATIONS	N/A				
EQUIPMENT	N/A				
OTHER	N/A				

2. Explanation of Above Estimates:

N/A

3. Objectives of These Rules:

N/A

Rule Title: Licensing Rule

4. Explanation of Overall Economic Impact of Proposed Rule:

A. Economic Impact on State Government:

N/A

B. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of Citizens:

N/A

C. Economic Impact on Citizens/Public at Large.

N/A

Date: July 3, 2000

Signature of Agency Head or Authorized Representative:

John Z. Paulsen

TITLE 27
LEGISLATIVE RULE
BOARD OF EXAMINERS IN COUNSELING

SERIES 1
LICENSING RULE

FILED

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OFFICE OF 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 WV 27CSR1 Board of Examiners in Counseling rule, "Licensing Rule" 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. The terms "Applicant", "Board", "Counseling", "Counselor", and "Mental health counseling procedures" shall have the same meanings as are set forth for each under W.Va. Code §30-31-2.

2.3. Application means a written application providing all required information on a form provided 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.

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

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

2.5. Direct counselor supervision means face to face or interactive contact (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 required specialty areas as cited in subdivision 6.2.b. of this rule.

2.6. 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 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 undergraduate and graduate transcripts sent directly from college or university;

4.1.e. Three (3) 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 must not be person completing the recommendation forms. No form is provided.

4.1.g. A supervisor's registration form. 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. A verification of supervision form. This shall document the supervised experience. This form may serve as one of the professional recommendations as required in subdivision 4.1.e. of this rule. The form is provided by the Board.

4.1.i. Verification of a successful score on a certification examination in counseling approved by the Board. Passing score is valid for five (5) years from the date of examination. Licensure application can be submitted prior to obtaining passing score on certification exam.

4.1.i.1. Extensions shall be given at the discretion of the Board.

§27-1-5. Classification of Applicants.

5.1. An applicant for licensure in counseling in West Virginia shall file the application materials as required under section 4 of this rule and meet the requirements set forth in the W. Va. Code §30-31-7 and this rule.

5.2. An applicant for licensure currently certified or licensed in another jurisdiction, where it is adjudged by the Board that the applicant 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.

5.2.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 completed professional recommendation forms from individuals permanently licensed as professional counselors, psychologists, social workers or psychiatrists; and,

(5). The appropriate fee.

§27-1-6. Qualifications of 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), or a comparable accrediting body shall be accepted. 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.

6.2.a. 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 shall be accepted. 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:

(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 must include critiquing of counseling either observed or recorded on audio or video tape; and,

(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.

6.2.b.. In addition to subdivision 6.2.a. of this rule, an applicant working towards a master's or doctoral degree in a field closely related to counseling must present at least one graduate course in five of the following eight areas:

(1). Addictions counseling;

intervention;

(2). Crisis

(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.

6.3. Supervised professional experience: The applicant shall have 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 of supervised professional experience in counseling after earning the degree.

6.3.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.

6.3.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 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 shall be limited to the supervision of four (4) individual applicants.

6.3.c. The professional supervisor may provide post-graduate degree supervision for prospective applicants in the field of professional counseling provided he or she is a Licensed Professional Counselor, or other qualified supervisor as determined by the Board, who has been permanently licensed for a period of two (2) years and has five years counseling experience and documents to the Board that he or she has completed training in counseling supervision that included content and experiences relevant to the supervision of counselors. The supervisor shall provide the Board a statement detailing the person's supervision, philosophy, orientation, and experience. 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 6.2.b. of this rule.

6.3.d. The applicant shall provide the Board with verification of

completion of supervised professional experience on a form provided by the Board.

6.4. 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. Examination Failure

7.1. Any applicant who fails the licensure examination may be examined as follows to retake the examination:

7.1.a. The applicant must 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 pay the appropriate fees.

7.1.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.

7.1.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.

§27-1-8. Issuance of License.

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

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

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

8.4. Once all requirements for licensure have been determined, the Board shall mail notification of the license to the last known address.

8.5. 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.

8.6. Counselor concede that denial or revocation of licensure in another state, or from another board in West Virginia, or from another credential or jurisdiction, shall also make them liable for denial or revocation of licensure by this Board.

§27-1-9. Licensure

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.

§27-1-10. Professional Disclosure

10.1. Licensee shall display a professional disclosure statement at the place where they perform services and make a copy of the statement available to clients upon request. The Board will provide the professional disclosure statement form when a license is originally issued. Additional forms may be obtained through the Board office.

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

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

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.

10.2.d. The Board's name, current address and toll-free telephone number shall be prominently displayed. 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 12 of this rule.

§27-1-11. Confidentiality/Disclosure.

The Disclosure of information and exceptions shall have the same meaning and intent as are set forth for each under W. Va. Code §30-31-13.

§27-1-12. Code of Ethics.

12.1. The Board adopts the American Counseling Associations Code of Ethics as part of this rule, and all provisions of the Code of Ethics has the effect as if it were a specifically promulgated rule of the Board.

12.2. The Board may take disciplinary action against a licensee who fails to comply with the Code of Ethics cited in subsection 12.1. of this rule.

§27-1-13. Responsibilities of Licensees.

13.1. 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.

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

13.3. 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.

§27-1-14. Expired License.

14.1. Persons whose licenses have expired and who continue to hold themselves out as counselor or who engage in counseling without a license is in violation of W. Va. Code §30-31-6.

§27-1-15. Relations with the Public and Other Professions.

15.1. Licensees shall neither misrepresent nor accept the misrepresentation by other persons of the efficacy of their professional services.

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

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

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

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

15.6. 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.

15.7. Licensees shall not give or accept a commission, rebate, or other form of

remuneration for referral of clients for professional services.

§27-1-16. Violations of Child Support.

16.1. 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.

16.2. 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.

§27-1-17. Notice of Board Meetings.

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

17.2. In the event of an emergency requiring immediate official action, the Board shall 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.