

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

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AUG 28 4 15 PM '00

Form #3 ■

OFFICE OF 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(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

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

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

**August 28, 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.**



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**Robert L. Rubenstein, Chair**

# **West Virginia Board of Examiners in Counseling**

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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 with two exceptions. The fee schedule and the continuing education information was placed in separate series, 2 and 3. Series 1 now pertains to the educational and other needed requirements for obtaining a license in West Virginia. It also 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, upgraded the supervision component and added the information about child support violations.

## **West Virginia Board of Examiners in Counseling**

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At Marshall University Graduate College  
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.



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

N/A

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- 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 Secretary	Email: jajohnson@marshall.edu
100 Angus E. Peyton Drive	Phone: 746-2512 or 800-520-3852
South Charleston, WV 25303-1600	Fax: 746-1942

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- 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)
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- 
- 

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.

N/A

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b. Date of hearing or comment period:

N/A

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

N/A

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d. Attach findings and determinations and reasons:

Attached N/A

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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: August 28, 2000

Signature of Agency Head or Authorized Representative:

Robert L. Paulsen

FILED

TITLE 27  
LEGISLATIVE RULE  
BOARD OF EXAMINERS IN COUNSELING

AUG 28 4 15 PM '00

SERIES 1  
LICENSING RULE

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 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 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 have 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.

West Virginia Board of Examiners in Counseling

At Marshall University Graduate College

100 Angus E. Peyton Drive

South Charleston, WV 25303-1600

Phone: (304) 746-2512 Fax: (304) 746-1942

Email: jajohnson@marshall.edu

**Proposed Rule: Licensing Rule, Series 1**

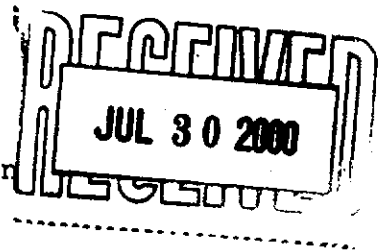
For your information: The Board has 1123 Licensed Professional Counselors.

During the comment period, July 14, 2000 through August 15, 2000, the Board received **three (3)** letters concerning this rule.

The main concern in all three of these letters was the adoption of the American Counseling Associations (ACA) Code of Ethics. The ACA has been the unofficial code of ethics we have used since 1986. Due to some complaints that have been reviewed over the last several years, a decision was made to place the ACA's Code of Ethics formally into our rules. The ACA Code of Ethics establishes principles that define the ethical behavior of **all** counselors.

**All seven board members reviewed these comments and each one voted to leave the proposed rule as it was written.**

*Letter 2*  
*2 pages*



Sharon Markle  
President, West Virginia Counseling Association  
622 North Penn Avenue  
Harrisville WV 26362

West Virginia Board of Examiners in Counseling  
Marshall University Graduate College  
100 Angus E. Peyton Drive  
South Charleston WV 25303-1600

July 26, 2000

RE: Proposed Rules for the 2001 Legislative Session

The following comments reflect discussions held on 07-22-2000 at the West Virginia Counseling Association's Board of Directors meeting in Charleston, West Virginia.

Proposed Rule 27-1-8.6

This rule will negatively impact LPCs in private practice in border counties who might apply to be licensed in other states having more stringent clinical standards. If the rule is passed as written, the very application for licensure in another state (if that application is denied) endangers LPC licensure already established in West Virginia. Likewise, should an LPC seek licensure in another field in West Virginia and should that application be rejected, he or she endangers LPC licensure already established. It is our opinion that denial of West Virginia LPC licensure should only occur when applicants do not meet WVBE standards and qualifications. It is our further opinion that revocation of licensure should occur only when LPCs have been found to have violated WVBE rules or standards. The denial or revocation of LPC licensure should not be based on the actions of another board (of West Virginia, of another state, of another credential or of another jurisdiction).

We recommend that the proposed rule be eliminated.

Proposed Rule 27-1-12.1 (and other proposed rules based on this proposed elevation of the American Counseling Association's Code of Ethics to the status of a WVBE promulgated rule)

The idea that any voluntary association's code of ethics might be elevated to the status of law is problematic in many ways:

1. The creation of West Virginia law properly belongs to the West Virginia legislature and, by extension, to the specific Boards that it creates, and should not be created by any body not answering directly to the West Virginia Legislature;

2. The American Counseling Association, (which neither represents school counselors nor mental health counselors), represents only some of those in the counseling profession. It is unfair of the board to demand that LPCs not practice according to the codes of ethics of their specific national associations;

3. The official body representing LPCs in West Virginia (the West Virginia Licensed Professional Counselors Association) is chartered not by the American Counseling Association but by the American Mental Health Counseling Association. This, in and of itself, should indicate the inappropriateness of using the ACA Code of Ethics as a standard for practice for West Virginia LPCs.

In summary, we recommend that no voluntary association's code of ethics be elevated to the status of law as ethical codes are aspirations and law describes minimally acceptable behavior.

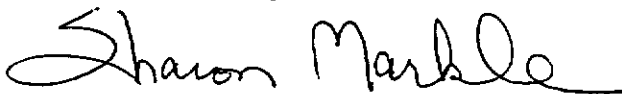
Proposed Rule 27-<sup>2</sup>A-4.3.i

Rule 27  
FEES

The effect of this rule may be to stifle public inquiry and to stop LPCs from attempting to clarify issues or concerns confusing to them. Neither of these likely results are in the public interest.

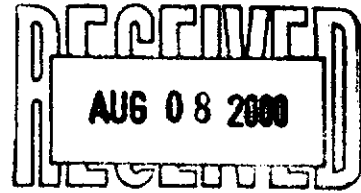
It is our recommendation that WVBECC not charge for answering questions and that this proposed fee be eliminated. If this proposed rule actually is intended to provide a mechanism to charge for LPC address-sharing with potential providers of continuing education, etc., then we suggest that it be more clearly written.

Respectfully Submitted,



Sharon Markle, MA, LPC, NCC  
West Virginia Counseling Association President

-Letter 3-  
4 pages



Barry Row, LPC  
Rt 1 Box 52  
Belington WV 26250

ATTN: COMMENT  
West Virginia Board of Examiners in Counseling  
Marshall University Graduate College  
100 Angus E. Peyton Drive  
South Charleston WV 25303-1600

August 7, 2000

These comments are in reference to the proposed rules for the 2001 legislative year

I believe that proposed rule 27-1-8.6 should be eliminated. I believe that licensure should be denied, and that an LPC's license should be revoked, only upon cause. Some boards, for example, revoke licensure upon non-payment of recertification or license maintenance fees: for something so innocent of wrong-doing to result in the possibility of losing one's LPC license is simply wrong.

I recommend that proposed rule 27-1-12.1 (and other rules based on this one) be eliminated. The American Counseling Association is a voluntary organization that many of us have chosen not to support as we feel they don't represent our professional best interests. Mental health counselors and school counselors, for example, have different national professional organizations. Counseling is a diverse field. To legislative support any voluntary association---or to make it's Code of Ethics into West Virginia law---is to in effect ignore that diversity. I recommend that no voluntary association's Code of Ethics be singled out by the WVBECC as determining ethical conduct for West Virginia's Licensed Professional Counselors.

I believe that proposed rule 27-<sup>2</sup>~~A~~-4.3.1 is unacceptably vague. I also find the notion of charging for responding to requests for information to be just short of insulting. I believe that the public has the right to make inquiries of the Board, and that LPCs should also be free to make inquiries of the Board (without being concerned that the responses to such inquiries would include billing at an undetermined rate). I recommend that the proposed rule be entirely eliminated.

Regarding 27-4-4.4a-----4.4d:

I believe that the fees to become an approved provider of continuing professional education are excessive. For example, to be approved to offer two events every two years would cost the prospective provider a total of \$350.00 (a \$150.00 initial application fee, \$100.00 for such to be monitored, and an additional \$100 to re-certify). This fee structure, if proposed and adopted, will insure that West Virginia LPCs will have fewer continuing education options available in-state. I fear that it will also insure that the options we will have will be offered by national groups insensitive to the cultural nuances and needs of Appalachians. I believe that the best continuing education I have ever completed, I had in small groups. This proposed fee schedule will discourage small-group continuing education programs or make such programming prohibitively expensive. I fear that the proposed fee structure will result in crowded rooms and less opportunity for presenter-attendee interaction---and neither of these will help West Virginia consumers of counseling services.

RE: Proposed Rule 27-1-6.3.b.

My guess is that the Proposed Rule, by limiting an approved professional supervisor to four supervisees, attempts to insure quality supervision. Obviously, there is an upper limit to the number of supervisees that a supervisor can ethically supervise. I question why the Board has specified an upper limit of four. The NBCC Standards For The Ethical Practice of Clinical Supervision recognizes no upper limit and that national standard (adopted June 12, 1998, a copy of which is enclosed) is the most current standard of practice that I am aware of. A well-trained supervisor, especially if his or her supervisees are developmentally at an advanced level, can provide quality supervision to more than four supervisees. I would recommend that the upper limit be dropped altogether (or raised to at least 6 supervisees per supervisor).

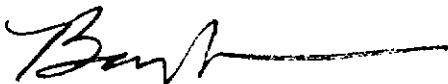
RE: Proposed Rule 27-1-6.3.c

I applaud the Board's efforts to secure quality supervision for persons in the process of becoming LPCs. I believe, however, that the proposed rule does not go far enough---I believe that supervisors should have to show evidence of having their supervision supervised. A good model for constructing such a definition is provided in the certification program (within NBCC) which leads to recognition as an Approved Clinical Supervisor. That certification requires at least 20 hours of supervision of supervision. In short, I think one can be licensed for two years, have five years of counseling experience, and

academic training in supervision---and still be a less than adequate supervisor. By requiring proof of having supervision of one's supervision, at least you could be a little more certain that poor supervisors had been weeded out (or had become at least minimally skilled as supervisors). Pragmatics may have determined leaving out the supervision of supervision---it would be my hope that the Board, in the near future, might consider "beefing up" it's requirements, and requiring more of approved supervisors.

Lastly, I am responding to a rule change NOT proposed by the Board. It has been 12 years since licensure for LPCs became a reality in West Virginia. It may have made sense, at the time, to exempt state employees from licensure but that exemption has hurt the profession terribly. LPCs are not, because they are excluded by the West Virginia Division of Personnel (secondary to their being exempted from licensure), eligible as a class for employment by the state. Social Workers are eligible, Psychologists are eligible . . . but LPCs are not even listed by the Division of Personnel. It is time, in my opinion, to remove state employees from the licensure exemption. So doing would very definitely strengthen the license itself and it would insure that many now-exempt counselors working in West Virginia would be accountable to someone for their professional behavior. I have absolutely no data to support this idea, but it seemly likely to me that the majority of persons being treated by counselors in West Virginia are being treated by unlicensed counselors whose professional behavior is not accountable to any board. Consumers deserve better. I would recommend that LPC licensure not be exempted for all NEW state-employed counselors (a method of approach that would eliminate no one currently employed but insure that LPCs, as a class, are eligible for state employment in the future).

Respectfully Submitted

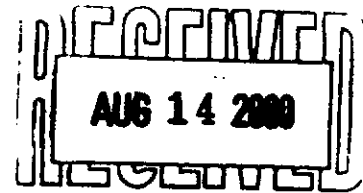


Barry Row, NCC, LPC, DABFC  
 National Certified Counselor #16412  
 West Virginia Licensed Professional Counselor #431  
 Diplomate of the American Board of Forensic Counselors

*In addition to following the NBCC Code of Ethics pertaining to the practice of professional counseling, clinical supervisors shall:*

1. Ensure that supervisees inform clients of their professional status (e.g., intern) and of all conditions of supervision.  
Supervisors need to ensure that supervisees inform their clients of any status other than being fully qualified for independent practice or licensed. For example, supervisees need to inform their clients if they are a student, intern, trainee or, if licensed with restrictions, the nature of those restrictions (e.g., associate or conditional). In addition, clients must be informed of the requirements of supervision (e.g., the audiotaping of all counseling sessions for purposes of supervision).
2. Ensure that clients have been informed of their rights to confidentiality and privileged communication when applicable. Clients also should be informed of the limits of confidentiality and privileged communication.  
The general limits of confidentiality are when harm to self or others is threatened; when the abuse of children, elders or disabled persons is suspected and in cases when the court compels the counselor to testify and break confidentiality. These are generally accepted limits to confidentiality and privileged communication, but they may be modified by state or federal statute.
3. Inform supervisees about the process of supervision, including supervision goals, case management procedures, and the supervisor's preferred supervision model(s).
4. Keep and secure supervision records and consider all information gained in supervision as confidential.
5. Avoid all dual relationships with supervisees that may interfere with the supervisor's professional judgment or exploit the supervisee.  
Although all dual relationships are not in of themselves inappropriate, any sexual relationship is considered to be a violation. Sexual relationship means sexual contact, sexual harassment, or sexual bias toward a supervisee by a supervisor.
6. Establish procedures with their supervisees for handling crisis situations.
7. Provide supervisees with adequate and timely feedback as part of an established evaluation plan.
8. Render assistance to any supervisee who is unable to provide competent counseling services to clients.
9. Intervene in any situation where the supervisee is impaired and the client is at risk.
10. Refrain from endorsing an impaired supervisee when such impairment deems it unlikely that the supervisee can provide adequate counseling services.
11. Refrain from offering supervision outside of their area(s) of competence.
12. Ensure that supervisees are aware of the current ethical standards related to their professional practice, as well as legal standards that regulate the practice of counseling.  
Current ethical standards would mean standards published by the National Board for Certified Counselors (NBCC) and other appropriate entities such as the American Counseling Association (ACA). In addition, it is the supervisor's responsibility to ensure that the supervisee is aware that state and federal laws might regulate the practice of counseling and to inform the supervisee of key laws that affect counseling in the supervisee's jurisdiction.
13. Engage supervisees in an examination of cultural issues that might affect supervision and/or counseling.
14. Ensure that both supervisees and clients are aware of their rights and of due process procedures.

ADOPTED BY THE NBCC BOARD OF DIRECTORS: June 12, 1998



August 10, 2000

West Virginia Board of Examiners in Counseling  
100 Angus E. Peyton Drive  
Room 201-D  
South Charleston, West Virginia 25303-1600

Re: Proposed Legislative Rules Concerning Licensed Professional Counselors (LPCs)

Dear Board Members:

I am writing on behalf of the American Mental Health Counselors Association (AMHCA) regarding the proposed legislative rules concerning Licensed Professional Counselors (LPCs). AMHCA is pleased to have the opportunity to provide comments on the proposed rules, and will direct our comments to rule Series 1 and 3.

AMHCA, with nearly 6,000 members, is the largest professional organization exclusively representing the mental health counseling profession. Our members practice in a variety of settings, including hospitals, community mental health centers, managed behavioral health care organizations, employee assistance plans, substance abuse treatment centers and private practice. The West Virginia Licensed Professional Counselors Association (WVLPACA), a state chapter of AMHCA, represents the interests of mental health counselors practicing in the state.

AMHCA is opposed to §27-1-12 of the proposed rule that would adopt the American Counseling Association's (ACA's) Code of Ethics as part of the legislative rule governing the practice of professional counseling. In addition, while AMHCA supports the directive to require, on a biannual basis, specific continuing education credits in ethics, we oppose the proposal (§27-3-5) to require these programs to reflect the ACA ethical code. Further, the Association opposes the proposal (§27-3-6) to require home study programs that focus on ethics to include specific information on the ACA Code of Ethics.

AMHCA believes it is essential that the inclusion of professional codes of ethics in statutes or legislative rules reflect the profession that it regulates. Clearly, the Board's proposal to adopt the ACA Code of Ethics is an oversight, as it does not adequately represent mental health counselors, or any other sub-specialty of counseling. To that end, AMHCA strongly encourages you to amend the proposed rule to require professional counselors to adhere to the ethical code of the voluntary association of their choice. To do otherwise would be a disservice to the counseling profession.

Thank you for allowing AMHCA the opportunity to comment on the proposed rules. We respectfully request that you consider our comments in your deliberations. If you need any additional information on AMHCA or mental health counselors, please do not

hesitate to contact me at 660-827-7232. Beth Powell, AMHCA's Director of Public Policy and Legislation, is also available to assist you at 800-326-2642, ext. 105. I look forward to your timely response.

Sincerely,



Glenna Wentworth, LPC, CCMHC  
President

- c: Cecil H. Underwood, Governor, State of West Virginia  
Danny Roach, LPC, President, West Virginia Licensed Professional Counselors Association  
Sharon Markle, LPC, President, West Virginia Counseling Association  
Barry Row, LPC  
W. Mark Hamilton, Ph.D., AMHCA Executive Director