

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #2

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JUN 30 1 22 PM '98

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: 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: 1

TITLE OF RULE BEING AMENDED: Licensing Rule

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

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 July 31, 1998 AT 4:00 p.m.

ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

WV Board of Examiners in Counseling
100 Angus E. Peyton Drive
South 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

\$4.60

Summary of Proposed Rule Changes

The proposed rule changes address the need to increase the application fee for a counselor license and the renewal fee for licensed professional counselors. These proposed increases will enable the Board to meet the mission and mandates of the code governing the practice of counseling and to meet the expectations of the Performance Evaluation and Research Division report of June, 1995 regarding the Board of Examiners in Counseling.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Title 27 Legislative Rule

Type of Rule: **Legislative** **Interpretive** **Procedural**

Agency 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	\$	\$	\$	\$	\$
PERSONAL SERVICES	N/A				
CURRENT EXPENSE	N/A				
REPAIRS & ALTERNATIONS	N/A				
EQUIPMENT	N/A				
OTHER	N/A				

2. Explanation of above estimates:

NOT APPLICABLE

3. Objectives of these rules:

NOT APPLICABLE

Rule Title: Title 27 Legislative 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: 6-30-98

Signature of Agency Head or Authorized Representative

William E. Zuley

FILED

TITLE 27
LEGISLATIVE RULE
BOARD OF EXAMINERS IN COUNSELING

JUN 30 1 22 PM '98

SERIES 1
LICENSING RULE

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE**§27-1-1. General.**

1.1. Scope. -- This legislative rule establishes standards for professional counselors to follow in applying, qualifying, maintaining, and renewing required licensure. They should be read in pari materia (together) with the West Virginia Code. The W. Va. Code §30-31 et seq. applies to all rules, regulations, guidelines, investigations, orders, appeals promulgated by the Board or pursuant to Board action and to all substantive and procedural matters related thereunto.

1.2. Authority. -- W. Va. Code §30-31-5(a)(2).

1.3. Filing Date. -- May 4, 1998.

1.4. Effective Date. -- July 1, 1998.

§27-1-2. Definitions.

2.1. The following meanings apply to all rules promulgated by the Board of Examiners in Counseling, unless in a specific paragraph under one of these rules the word or term is explicitly defined or used in a different manner.

2.2. The terms "Applicant," "Board," "Counseling," "Counselor," and "Mental health counseling procedures" shall 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 forms prescribed by the Board and filed with the Board secretary.

2.4. "Counseling experience" means the applicant's primary professional responsibility that

was in direct provision of counseling services or supervision of a counseling program.

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

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

§27-1-3. Application Materials.

3.1. Application materials to be completed before consideration for licensing include:

3.1.a. Completed application forms.

3.1.b. Notarized affidavit.

3.1.c. A non-refundable application fee by check or money order;

3.1.d. Official transcripts sent directly from college(s) or university(ies).

3.1.e. Three (3) completed professional recommendation forms from individuals licensed as professional counselor, clinical psychologist, clinical social worker, or psychiatrist.

3.1.f. Three (3) personal reference letters to satisfy the Board that the applicant is of good moral character and merits the public trust. The letters' authors must not be persons completing the recommendation forms.

3.1.g. Verification of supervision form. This form may serve as one of the professional

recommendations.

3.1.8. Verification of successful score on a certification examination in counseling approved by the Board. The successful score must be attained within five (5) years prior to the submission of the application.

§27-1-4. Classification of Applicants.

4.1. An applicant for licensure in counseling in West Virginia shall file proper the application materials required under section 3 of this rule and meet the requirements set forth in this W. Va. Code §30-31-7 and this rule.

4.2. An applicant for licensure who is currently certified or licensed in another jurisdiction where it is adjudged by the Board that the applicant was certified or licensed by equivalent procedures 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.

§27-1-5. Qualifications of Applicants.

5.1. Education: The education requirements for 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:

5.1.a. A master's or doctoral degree in counseling 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. Acceptable graduate degrees include a specialization in community agency counseling, mental health counseling, pastoral counseling, rehabilitation counseling, and school 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.

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

5.1.b.1. Counseling theories: includes a study of basic theories and principles of counseling and philosophic bases of the helping relationship;

5.1.b.2. Counseling techniques: includes individual counseling practices, methods, facilitative skills, and application of these skills;

5.1.b.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;

5.1.b.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;

5.1.b.5. Individual appraisal: includes individual differences, methods of data-gathering and interpretation, individual and group

testing, and case study;

5.1.b.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;

5.1.b.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;

5.1.b.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.

5.1.c. In addition to 5.1.b., an application with a master's or doctoral degree in a field closely related to counseling must present at least one graduate course or equivalent, as determined by the Board, in five of the following eight areas:

5.1.c.1. Addictions counseling;

5.1.c.2. Crisis intervention;

5.1.c.3. Group dynamics, processes, counseling, and consulting: includes theories, practices, methods, dynamics, facilitative skills, and supervised practice;

5.1.c.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;

5.1.c.5. Marriage, couples, and/or family counseling/therapy;

5.1.c.6. Research and evaluation: includes statistics, research design, research proposals, and evaluation.

5.1.c.7. Principles of etiology, diagnosis, treatment planning, and prevention of mental and emotional disorders and dysfunctional behavior; or

5.1.c.8. Community resources and rehabilitation services: includes development and implementation of community resource references and materials for client referral.

5.1.d. The applicant shall demonstrate that his or her coursework meets the educational requirements contained in this rule. If a course title does not clearly indicate the content area of courses named in this Rule, the applicant must also provide the college catalog description of the course and the name of the instructor of the course.

5.1.e. The educational requirements contained in this Rule shall be completed prior to the date of application for licensure.

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

5.2. Supervised professional experience: The applicant is required to have two years of supervised professional experience in counseling after earning the master's degree in counseling or equivalent as determined by the Board; or have earned a doctoral degree in counseling, or equivalent as determined by the Board, and have at least one year of supervised professional experience in counseling after earning the doctoral degree.

5.2.a. The applicant is required to remain under professional supervision satisfactory to the Board, and may not be called a licensed professional counselor, solicit clients, bill for services, or in any way be represented as a licensed professional counselor, until such time

that the applicant is duly licensed by said Board.

5.2.b. The professional supervisor determines the applicant's activities and the amount of supervision required. A minimum of one hour of individual supervision is required for every 20 hours of practice.

5.2.c. The applicant is required to provide the Board verification of completion of supervised professional experience via the format determined by the Board.

5.2.d. The professional supervisor may provide post-graduate degree supervision for prospective applicants in the field of professional counseling provided he or she is licensed for a period of two years a professional counselor, clinical psychologist, clinical social worker, or psychiatrist.

5.2.e. For the purposes of this section, beginning July 1, 2001, professional supervisor means any Licensed Professional Counselor, or other qualified supervisor as determined by the Board, who 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.

5.3. Standardized certification examination in counseling: The applicant is required to provide the Board verification of successful score on a certification examination in counseling approved by the Board. The successful score must be attained within five (5) years prior to the submission of the application.

§27-1-6. Issuance of License.

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

6.2. Official licenses shall be signed by the

Chairperson and Secretary of the Board, and be affixed with the official seal of the Board.

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

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

6.5. The Board will replace a license that is lost, damaged, or is in need of revision upon written request from the licensee and payment of the license replacement fee.

§27-1-7. Fees.

7.1. The following fee structure hereby is established by the Board:

Application processing	\$50.00	\$120.00
Renewal	-25.00	\$ 75.00
Reciprocity application processing	50.00	
Examination score endorsement	20.00	
Name Change	5.00	
Endorsement to another jurisdiction	20.00	
Duplicate wall hanging	10.00	
Copies per page	.75	

7.2. Examination fee shall be the current rate of the national exam cost and an appropriate fee to proctor and process the examination.

§27-1-8. Licensure.

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

§27-1-9. Professional Disclosure.

9.1. Licensees are required to display a professional disclosure statement at the place where services are performed and to make a copy of the statement available to clients upon request.

9.2. The information to be included on the

professional disclosure statement is as follows:

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

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

9.2.b.1. "Formal professional education" means the licensee's academic training related to counseling which meets the educational requirements for licensure as a counselor.

9.2.b.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.

9.2.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, supervision, and vocational counseling.

9.3. The following legal and ethical principles apply in providing the disclosure statement:

9.3.a. The provision of the professional disclosure statement is the sole responsibility of the licensee. A copy of the professional disclosure statement must be submitted to the Board upon request.

9.3.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.

9.3.c. When choosing areas of competence and services provided to be listed on their professional disclosure statement, the

licensee should be guided by: "The member neither claims nor implies professional qualifications exceeding those possessed."

9.4. In listing areas of competence and services provided on the professional disclosure statement, licensee should adhere to the scope of practice of professional counseling and delivery of services as defined in W. Va. Code §30-31-2, and as stated in Section 11 of this Rule.

§27-1-10. 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.

§27-1-11. Code of Ethics.

11.1. The Board adopts the following additional standards of professional and ethical behavior for licensed professional counselors to be included with the Code of Ethics:

11.1.a. The licensed professional counselor shall maintain high standards of personal conduct in the capacity or identity as a counselor. The private conduct of the counselor is a personal matter to the same degree as any other person's, except when such conduct compromises the fulfillment of professional responsibility.

11.1.b. The licensed professional counselor shall not practice, condone, facilitate, or collaborate with any form of discrimination, and shall act to prevent and eliminate discrimination, against any person or group.

11.1.c. The licensed professional counselor shall not engage in any action that violates or diminishes the civil or legal rights of clients.

11.1.d. The licensed professional counselor shall under no circumstances be involved with the sexual exploitation of clients.

11.1.e. The licensed professional

counselor shall not claim, either directly or by implication, professional qualifications that differ from his/her actual qualifications, including use of a degree or title which is not relevant to his/her professional training or which is issued by an institution which is not an accredited educational institution.

11.1.f. The licensed professional counselor shall not practice outside the areas of competence and services provided that are listed on his/her professional disclosure statement.

11.1.g. The licensed professional counselor shall not engage in activities resulting in personal gain based upon information accessible solely as a result of the confidential relationship, regardless of absence of harm or detriment to the client.

11.1.h. The licensed professional counselor shall not condone, facilitate, or collaborate in unethical practices, and shall be obligated to report such practices to the West Virginia Board of Examiners in Counseling.

§27-1-12. Examination Failure.

12.1. Any applicant who fails the licensure examination may be examined as follows:

12.1.a. To be examined, an applicant shall notify the Board no less than sixty (60) days prior to the scheduled examination.

12.1.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 application and without presenting evidence of additional education or experience.

12.2. An applicant who fails the initial examination and fails two (2) subsequent examinations shall be disqualified from retaking the examination until satisfactory documentation of additional education and experience has been received and approved by the Board.

§27-1-13. Expired License.

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

§27-1-14. Renewal of License.

14.1. Any license issued by the Board expires during the month of July two years from the effective date of issuance or renewal. The provisions of W. Va. Code §30-31-8, apply to all applications for renewal of licenses.

14.2. The renewal applicant shall file the required renewal forms in the manner prescribed by the Board and shall pay the appropriate renewal fee set forth in subsection 7.1 of this rule.

14.3. The renewal applicant shall demonstrate in the manner prescribed by the Board that the applicant has met the continuing professional education requirements set forth in Section 15 of this rule. The applicant shall have acquired the continuing education required for renewal during the time his or her license was in effect.

14.4. The Board shall renew any license that has been expired for two years or less upon application by the former licensee, documentation that the continuing education requirement set forth in Section 15 of this rule have been met, and payment of the renewal fee. A person whose license has been expired for more than two years shall reapply for licensure and shall take the appropriate licensure examination.

§27-1-15. Continuing Professional Education.

15.1. The goals of the Board's continuing professional education requirements are to: Enable the licensee to maintain and/or expand professional expertness, become more aware of new professional developments; and provide responsible and quality service to clients and community.

15.2. The requirements for license renewal

are forty (40) continuing education clock hours (CECH) of approved continuing professional education within the two year renewal period in the program areas of counselor training listed in Section 5 of this Rule.

15.2.a. A "clock hour" (CECH) is one (1) hour spent in a program meeting the requirements issued by the Board and offered by an appropriate provider. Clock hours exclude refreshment breaks, receptions, and other social gatherings, and meals that do not include an acceptable program.

15.2.b. Fifteen (15) continuing education clock hours (CECH) will be granted for one academic semester hour. Ten (10) continuing education clock hours (CECH) will be granted for one academic quarter hour.

15.2.c. The Board shall grant ten (10) continuing education clock hours (CECH) for a journal article directly related to the counseling profession published during the renewal period in a refereed professional journal related to the counseling profession.

15.2.d. The Board shall grant thirty (30) continuing education clock hours (CECH) for a book that is published during the renewal period and is directly related to the counseling profession.

15.2.e. The Board shall grant ten (10) continuing education clock hours (CECH) to a presenter of an approved graduate college course related to the counseling profession. No more than twenty (20) continuing education clock hours (CECH) shall be accepted during the two year renewal period.

15.2.f. The Board shall grant one-half (1/2) the total number of continuing education clock hours (CECH) to a presenter of an approved continuing education program related to the counseling profession for Licensed Professional Counselors.

15.2.g. The Board shall not grant more

than fifteen (15) continuing education clock hours (CECH) for continuing education presented by the employing agency personnel who meet the presenter qualifications. The continuing education programs shall be directly related to the counseling profession for Licensed Professional Counselors.

15.3. The Board shall grant approval for academic courses offered in accredited educational institutions by counseling degree programs.

15.4. The Board shall grant approval for programs sponsored by departments of accredited educational institutions; national, regional, state or local human service professional organizations or associations; and public or private human service agencies or organizations.

15.4.a. Programs shall be presented by competent individuals as documented by appropriate academic training, professional licensure or certification, or professionally recognized experience. Presenters should have identifiable involvement in human services.

15.4.b. Continuing education programs shall meet the professional needs of the intended clients.

15.4.c. Continuing education programs shall have a minimum duration of one clock hour.

15.4.d. Continuing education programs shall be disseminated via appropriate instructional methods, such as lecture, group discussion, or film.

15.4.e. Continuing education programs shall be offered in a place which is accessible to persons who are handicapped.

15.4.f. Continuing education programs shall provide participant certificates of completion which contain the following information:

15.4.f.1. The title and date(s) of the continuing education program.

15.4.f.2. The name of the sponsoring agency or organization.

15.4.f.3. The name of the participant and the number of clock hours of continuing professional education earned.

15.4.f.4 The signatures of the instructor and the official representative of the sponsoring organization.

15.5. Each licensee shall provide evidence that the continuing professional education requirement for renewal has been satisfied.

15.5.a. Courses taken for credit at accredited educational institutions must be verified by transcripts. Completion of non-credit and audited courses must be verified by certificates of completion or by signed statements from the instructor.

15.5.b. All other continuing professional education shall be documented by copies of certificates of completion furnished by the provider. Such certificates must contain the information required by 15.4.6. of this Rule. In addition, the licensee shall record his/her license number in an appropriate place on the certificate of completion.

15.5.c. Copies of publications for continuing professional education credit must be furnished to the Board. In the case of journal articles, a copy of the journal editorial review board page must be included to document that the journal is refereed.

§27-1-16. Relations with the Public and Other Professions.

16.1. Licensees shall neither misrepresent nor accept the misrepresentation by others of the efficacy of their professional services.

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

professional.

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

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

16.5. Licensees shall display their original current license certificate in a prominent place in the primary location of their practice.

16.6. 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.

16.7. Licensees who offer educational programs shall give clear statements regarding the purpose of the programs and shall refrain from participating in testing or counseling activities within the context of the educational situation without prior notification of intent.

16.8. Licensees shall not give or accept a commission, rebate, or other form of remuneration for referral of clients for professional services.

§27-1-17. Violations, Penalties, Orders, Actions, and Appeals.

See W. Va. Code §30-31-1, et. seq.

§27-1-18. Notice of Board Meetings.

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

18.2. In the event of an emergency requiring immediate official action, the Board will file notice with the Secretary of State's office prior to

the meeting, stating the time, place, and purpose of the meeting and the facts and circumstances of the emergency.

§27-1-19. Minutes of Board Meetings.

19.1. The minutes of all Board meetings shall be recorded and open to public inspection in a binder located in the Board office during normal business hours by appointment.