

**WEST VIRGINIA
SECRETARY OF STATE**

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #4

FILED

JAN 25 3 33 PM '94

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: WV BOARD OF EXAMINERS IN COUNSELING TITLE NUMBER: 27

CITE AUTHORITY 30-31-5 (a) (2)

AMENDMENT TO AN EXISTING RULE: YES NO

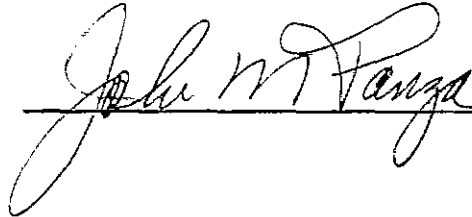
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 1

TITLE OF RULE BEING AMENDED: LICENSING RULE

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

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE PROPOSED LEGISLATIVE RULE, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.



4.60

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

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Dec 10 3 55 PM '93

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11/11/11

27-1-1. General

1.1. Scope.--This legislative rule establishes standards for professional counselors to follow in applying and qualifying for, maintaining, and renewing required licensure. They should be read in pari materia (together) with the West Virginia Code. The West Virginia Code 30-31-1 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 to.

* 1.2. Authority.--West Virginia Code 30-31-5(a)(2)

1.3. Filing Date.--

1.4. Effective Date.--

1.5. Repeal and Replace--This rule repeals and replaces West Virginia Board of Examiners in Counseling Rule, Licensing 2TC8R1 filed August 16, 1993.

27-1-2. Definitions

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

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

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

2.4. A "year of counseling experience" means at least 1200 clock hours providing counseling services for a fee or a salary, practicing counseling in a supervised practicum or internship, or doing volunteer work under Board approved supervision in a structured organizational counseling setting.

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

2.4.3. The applicant is responsible for documentation of clock hours.

27-1-3. Application Materials

3.1. An applicant shall submit the following to the Board before the Board will consider the applicant for licensing:

3.1.1. A completed application form.

3.1.2. A notarized affidavit.

3.1.3. A non-refundable application fee of \$50.00 by check or money order.

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

3.1.5. Three (3) completed professional recommendation forms from individuals licensed as professional counselors, clinical psychologists, clinical social workers, or psychiatrists attesting to the professional integrity of the applicant.

3.1.6. 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 professional recommendation forms.

3.1.7. A verification of supervision form. This form may serve as one of the professional recommendations.

3.1.8. Verification of a 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 application for such licensure and meet the requirements set forth in W. Va. Code, 30-31-7.

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, shall file a proper application, but may have the national certification examination 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. The Board further clarifies and prescribes:

5.1.1. A master's or doctoral degree in counseling from an educational institution accredited by the Council on Accreditation of Counseling and Related Educational Programs (CACREP), the National Council on Accreditation for Teacher Education (NCATE), the North Central Association of Colleges and Schools (NCACS), the Southern Association of Colleges and Schools (SACS), or a comparable accrediting body, which is a graduate degree with a major in community agency counseling, mental health counseling, pastoral counseling, rehabilitation counseling, school counseling, or similar title which includes the word "counseling," and which includes the core of coursework representative of professional counseling programs at the time of its completion.

5.1.2. A master's or doctoral degree in a field closely related to counseling from an educational institution accredited by the Council on Accreditation of Counseling and Related Educational Programs (CACREP), the National Council on Accreditation for Teacher Education (NCATE), the North Central Association of Colleges and Schools (NCACS), the Southern Association of Colleges and Schools (SACS), or a comparable accrediting body, which is a graduate degree that includes 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:

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

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

C. Either a supervised practicum or a supervised internship.

1. A supervised practicum is the provision of counseling to bonafide 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.

2. A supervised internship is an 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.

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

1. 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;

2. 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;

3. Group dynamics: includes theories, practices, methods, dynamics, facilitative skills, and supervised practice;

4. Life-style and career development: includes vocational-choice theory, the relationship between career choice and life-style, occupational and educational information, career decision-making processes, career development exploration, and placement techniques;

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

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

7. 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;

8. Community resources: includes development and implementation of community resource references and materials for client referral; or

9. Supervision: includes the theory and practice of supervision with experiential components.

5.1.3. The applicant must 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.

5.1.4. The applicant must complete the educational requirements contained in this Rule prior to the date of application for licensure.

5.1.5. The applicant shall verify his or her graduate record by authorizing the college(s) or university(ies) to forward an official transcript directly to the Board office.

5.2. 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.

5.2.1. 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 any way be represented as a licensed professional counselor, until such time that the applicant is duly licensed by the Board.

5.2.2. 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.

5.2.3. The applicant shall provide the Board verification of completion of supervised professional experience via the format determined by the Board.

5.2.4. 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 as a professional counselor, clinical psychologist, clinical social worker, or psychiatrist.

5.3. Standardized certification examination in counseling: The applicant is required to provide the Board verification of a successful score on a certification examination in counseling approved by the Board. The applicant must attain the successful score 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 the 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 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
Examination(s).....	80.00*
Renewal.....	25.00
Reciprocity application processing.....	50.00
Examination score endorsement.....	20.00
Name change.....	20.00
Endorsement to another jurisdiction.....	20.00
Duplicate wall hanging.....	20.00
Copies per page.....	00.50

*Fee is variable, dependent on national examining body.

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:

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

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

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

B. 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; and

9.2.3. 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:

9.3.1. 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.

9.3.2. 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.

9.3.3. 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, the 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 has 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. Preamble: Licensed professional counselors believe in the inherent worth, integrity, and dignity of each individual and his or her right of opportunity that is limited only by the individual's innate capacity. Their roles commit them to increasing their knowledge of human behavior and they must have freedom of inquiry and of communication to pursue this end, while accepting the responsibility this freedom confers. They recognize the need to eliminate bias, discrimination, and any traditions and practices that impede or deny human rights. Counselors are aware of client vulnerability and under no circumstances will they engage in sexual or intimate relations with the client. It is especially essential that no child be abused in any manner. To protect public confidence, the public behavior of counselors must reflect a high level of moral and ethical integrity. Counselors concede that denial or revocation of licensure in another state, or from another board in West Virginia, or from another credential or jurisdiction, will also make them liable for denial or revocation of licensure by this Board. Proficiency in areas of treatment, objectivity in the application of skills, and concern for the best interests of clients, colleagues, and society as a whole, are ideals for counselors. Therefore, they subscribe to these principles and the Code of Ethics adopted by the Board (see Appendix A), and agree to abide by the Rules of the Board.

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

11.2.1. 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 that conduct compromises the fulfillment of professional responsibility;

11.2.2. 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;

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

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

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

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

11.2.7. 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 the absence of harm or detriment to the client; and

11.2.8. The licensed professional counselor shall not condone, facilitate, or collaborate in unethical practices, and is 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:

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

12.1.2. An applicant may sit for an approved examination within an eighteen (18) month period of the date of the first failed examination without filing a new 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 is 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 are 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 must file the required renewal forms in the manner prescribed by the Board and must pay the appropriate renewal fee.

14.3. The renewal applicant must demonstrate in the manner prescribed by the Board that the applicant has met the continuing professional education requirement of the licensee. The continuing professional education required for renewal must have been acquired during the time the 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 for renewal has 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 must take the appropriate licensure examination.

14.5. Upon Board receipt of the renewal application, the applicant's license remains in effect until such time as notification of renewal or revocation is issued.

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, to become more aware of new professional developments; and to provide responsible and quality service to clients and the community.

15.2. The requirements for license renewal are forty (40) clock hours 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.

15.2.1. A "clock hour" 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.

15.2.2. The Board will grant fifteen (15) clock hours for one academic semester hour. The Board will grant Ten (10) clock hours for one academic quarter hour.

15.2.3. The Board will grant ten (10) clock hours for one continuing education unit.

15.2.4. The Board will grant ten (10) clock hours for a journal article published during the renewal period and published in a refereed professional journal.

15.2.5. The Board will grant thirty (30) clock hours for a book published during the renewal period and directly related to the counseling professional.

15.2.6. The Board will grant ten (10) clock hours to a presenter of an approved college course.

15.2.7. The Board will grant one half (1/2) the number of continuing education clock hours presented to a presenter of an approved continuing education program.

15.2.8. The Board will not grant more than fifteen (15) clock hours for continuing education hours earned within the employing agency.

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

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

15.4.1. Programs must 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.

15.4.2. Programs must meet the professional needs of the intended clients.

15.4.3. Programs must have a minimum duration of one contact hour.

15.4.4. Programs must be disseminated via appropriate instructional methods, such as lecture, group discussion, or film.

15.4.5. Programs must be offered in a place which is accessible to persons who are handicapped.

15.4.6. Programs must provide participant certificates of completion which contain the following information:

- a. The title and date(s) of program;
- b. The name of the sponsoring agency or organization;
- c. The name of the participant and the number of clock hours of continuing professional education earned; and

d. 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.

15.5.1. 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.

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

15.5.3. The licensee must furnish copies of publications for continuing professional education credit 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 the 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. Notice of 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 in a binder located in the Board office and open to public inspection during normal business hours by appointment.



WEST VIRGINIA LEGISLATURE
 LEGISLATIVE RULE-MAKING REVIEW COMMITTEE
 Room M-152, State Capitol
 Charleston, West Virginia 25305
 (304) 340-3286

FILED

Oct 26 11 06 AM '93

OFFICE OF WEST VIRGINIA
 SECRETARY OF STATE

Senator Joe Manchin III, Co-Chair
 Delegate Brian A. Gallagher, Co-Chair

Debra A. Graham, Counsel
 Marie Nickerson, Admr. Assistant

NOTICE OF ACTION TAKEN BY LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

October 19, 1993

TO: Ken Hechler, Secretary of State, State Register

TO: Mr. John M. Panza
 WV Board of Examiners in Counseling
 P.O. Box 6492
 Charleston, WV 25362

FROM: Legislative Rule-Making Review Committee

PROPOSED RULE: Licensing Rules

The Legislative Rule-Making Review Committee recommends that the West Virginia Legislature:

1. Authorize the agency to promulgate the Legislative Rule
 - (a) as originally filed _____
 - (b) as modified by the agency X
2. Authorize the agency to promulgate part of the Legislative rule; a statement of reasons for such recommendation is attached. _____
3. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. _____
4. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached. _____
5. Recommends that the rule be withdrawn; a statement of reasons for such recommendation is attached. _____

Pursuant to Code 29A-3-11(c), this notice has been filed in the State Register and with the agency proposing the rule.

cc: John M. Panza
 963 Coleman Avenue
 Fairmont, WV 26554

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Oct 28 11 24 AM '83

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application for licensure.

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

5.3. Supervised professional experience: The applicant is required to have two years of supervised professional experience in counseling, including at least one year's experience after earning the aforementioned 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 aforementioned degree.

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Copies per page	0.50

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

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

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

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

b. 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.

9.2.3. 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.

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§27-1-10. Confidentiality/Disclosure.