

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

Form #3

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AUG 1 1 17 PM '97

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: 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 NEW RULE BEING PROPOSED: 2

TITLE OF RULE BEING PROPOSED: Advanced Practice

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.

4.80

# *West Virginia Board of Examiners in Counseling*

at West Virginia Graduate College

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

(304) 746-2512 • 1-800-520-3852 • FAX: (304) 746-1942

August 1, 1997

RECEIVED

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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

To Whom It May Concern;

Please find enclosed 15 copies of the document package filed with the Secretary of States office regarding the proposed changes for the West Virginia Board of Examiners in Counseling. Also enclosed is a summary of the comments received during the comment period and our response to those comments. Please feel free to call me at 348-7720 during the day or 342-3779 in the evening. Jean Ann Johnson, Program Specialist for the Board, can also be reached at 746-2512.

Sincerely,



William E. Mullett, Ed.D.  
Chair, Board of Examiners in Counseling

#### *Board Members*

John Charonko • Jeffrey Messing • Arthur Slonaker • Gerald Wilhelm • Annette Zavareei

William Mullett, *Chairman* • Patricia Posey, *Secretary*

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Comments directed to the Board of Examiners in Counseling regarding the proposed legislative licensure rule changes and proposed advanced practice endorsement.

The Board received six written comments. All but one comment were related to Series 2, Advanced Practice. The following were issues:

- The nomenclature of Advanced Practice is not in keeping with national certifying bodies and does not promote a recognized title, such as Licensed Professional Clinical Counselor.
- The educational requirements in Series 2, Advanced Practice would require that veteran counselors, who have earned advanced degrees and are already recognized clinically competent, would have to pursue additional education to meet the advanced practice criteria.
- Series 2., Advanced Practice proposes a "two tier" licensure which will reduce the importance of the licensed professional counselor title.

The one comment related to Series 1, Licensing Rule, was related to the change in requirements for qualified supervisor. The individual making the comment felt the supervision requirements should reflect national standards. (The individual making the comment was of the opinion that the Series 1 supervision section felt short of the national certification standards.)

The Board's response to these comments are as follows:

- The Board has been in dialogue with the various constituency groups over several years and the proposed rules reflect the best thinking of those constituents. Efforts will continue with these groups to clarify the Board's position regarding the changes.
- Overall, the Board believes that there is agreement in the end result designed to promote better service to the public. The Board believes that an educational effort is needed to help counselors better understand the Board's position.

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## **Summary**

The proposed Series 2 Advanced Practice will allow Licensed Professional Counselors to earn an endorsement for the Professional Counselor License for gaining advanced professional development and training in the field of counseling. This proposed endorsement specifically addressed professional development in the mental health field and will be affixed to the professional license.

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 Peyton Drive  
Charleston, WV WV 25303-1600

1. Effect of Proposed Rule

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	1981	HEREAFTER
<u>ESTIMATED TOTAL COST</u>	\$	\$	\$	\$	\$
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: 6/30/97

Signature of Agency Head or Authorized Representative

William E. Marshall



DATE: 8-1-97

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: West Virginia Board of Examiners in Counseling

LEGISLATIVE RULE TITLE: 27

1. Authorizing statute(s) citation 30-31-5(a)(2)

2. a. Date filed in State Register with Notice of Hearing 8-1-97

b. What other notice, including advertising, did you give of the hearing?  
NONE

c. Date of Hearing(s) July 31, 1997

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.  
Attached  No comments received

e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)  
8-1-97

f. Name and phone number(s) of agency person(s) to contact for additional information:  
William E. Mullett, Chair  
Jan Ann Johnson, Program Spec.

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.

June 30, 1997

b. Date of hearing: July 31, 1997

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

\_\_\_\_\_

d. Attach findings and determinations and reasons:

Attached \_\_\_\_\_

PROPOSED RULE - DRAFT - LICENSED PROFESSIONAL COUNSELOR  
ADVANCED PRACTICE

TITLE 27  
PROPOSED LEGISLATIVE RULE  
BOARD OF EXAMINERS IN COUNSELING

SERIES 2  
ADVANCED PRACTICE

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

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27.2.1. General

1.1. Scope. - To allow for advanced professional development, to give focus to continuing education and provide for greater specificity, this Legislative Rule establishes standards for endorsement by the Board of Examiners in Counseling for the designation of Licensed Professional Counselor Advanced Practice.

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

1.3. Filing Date. - June 30, 1997

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 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 set forth for each under W. Va. Code Section 30-31-2.

2.3. The term "Endorsement" means a West Virginia Licensed Professional Counselor who has met the requirements of this rule, Series 27-2 as set forth in this document.

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

2.5 "Advanced Practice" means completion of prescribed courses and three year's post-master's or two years post-doctoral experience in direct counseling service.

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

PROPOSED RULE - DRAFT - LICENSED PROFESSIONAL COUNSELOR  
ADVANCED PRACTICE

**27-1-3. Classification of Applicants.**

**3.1** An applicant for Licensed Professional Counselor Advanced Practice must hold the license to practice professional counseling and be designated as a Licensed Professional Counselor in West Virginia.

**3.2** An applicant for Licensed Professional Counselor Advanced Practice must demonstrate on a form prescribed by the Board that the applicant has completed, either as part of the applicant's master's or doctoral degree or after the award of the degree, a minimum of thirty (30) quarter hours or twenty (20) semester hours of instruction acceptable to the Board and verification of completion of three (3) years post-master's or two (2) years post-doctoral experience in direct counseling services.

**27-1-4. Qualification of Applicants.**

**1.4. Education:** The education requirements for Licensed Professional Counselor Advanced Practice is represented by at least one three hour graduate course from an accredited counseling program in each of the following areas:

**4.1.1. Clinical psychopathology, personality, and abnormal behavior:** includes studies that provide a broad understanding of abnormal behavior. Emphasis is placed on psychopathological conditions related to children, adolescents, youth, middle and older adults.

**4.1.2. Evaluation of mental and emotional status:** includes use of assessment procedures in diagnosis and treatment planning. Emphasis is placed on methods of administering and interpreting individual and group standardized tests of mental ability; interest, aptitude, personality, and achievement.

**4.1.3. Diagnosis of mental and emotional disorders:** includes the development of a framework for identifying the signs and symptoms of psychosis, personality disorders, and neuroses. It also includes using the current editions of either the "Diagnostic and Statistical Manual for Mental Disorders" or the International Classification of Diseases" and conducting mental status examinations. Studies of the behaviors, etiology and psychodynamics of special problems such as mental retardation, psychosexual disorders, substance abuse, and addiction are also considered.

**4.1.4. Methods of intervention and prevention of mental and emotional disorders:** includes studies of the psychological methods of intervention such as client-centered, psychoanalytic, hypnotherapy, and psychotherapy. Also included are the educational methods of intervention such as rational-emotive therapy, reality therapy, and

PROPOSED RULE - DRAFT - LICENSED PROFESSIONAL COUNSELOR  
ADVANCED PRACTICE

psycho-social rehabilitation. Specialized intervention techniques used with diverse populations such as minorities, children, substance abusers, physically or mentally disabled clients, and the terminally ill are also considered, as well as intervention strategies used in different situations such as marriage and family problems, crisis situations, rehabilitation and child abuse.

4.1.5. Treatment of mental and emotional disorders: includes developing and implementing a treatment plan, reporting and assessing progress of treatment, appropriate referral procedures, and knowing the effect of client behavior of mood altering chemical agents in the treatment of mental and emotional disorders.

4.1.6. Supervision: includes the theory and practice of supervision with experiential components. The study of supervision includes core areas of personal traits and knowledge and competencies that are characteristic of effective supervisors. The level of preparation and experience of the counselor, the particular work setting of the supervisor and counselor and client variables will influence the relative emphasis of each competency in practice.

27-1-5. Experience

5.1 The experience requirements for licensure as a Licensed Professional Counselor Advanced Practice shall apply to applicants who meet the requirements for licensure set forth in rule 27-1-1. except that:

A. This experience must have included within its scope of practice the diagnosis and treatment of mental and emotional disorders; and

B. Elementary or secondary schools and college university academic advising, admissions, and placement centers are not a clinical or private setting where diagnosis and treatment and emotional disorders are routinely within the scope of practice; and

C. Applicants may apply the supervised experience they completed to qualify for the Licensed Professional Counselor license to satisfy the experience requirement for Licensed Professional Counselor Advanced Practice, if this experience meets the additional standards set forth in this rule.

5.2. The applicant for Licensed Professional Counselor Advanced Practice must pass a field evaluation prescribed by the Board to evaluate the applicant's competence in diagnosing and treating mental and emotional disorders.

5.2.1. The field evaluation must contain documented evidence of the quality, scope and nature of the applicant's experience

PROPOSED RULE - DRAFT - LICENSED PROFESSIONAL COUNSELOR  
ADVANCED PRACTICE

and competence in diagnosis and treating mental and emotional disorders.

5.2.2. The field evaluation must be completed by the individual registered with the Board as the applicant's training supervisor.

27.6. Fees.

6.1. The fee for the endorsement of the Licensed Professional Counselor Advanced Practice as set by the Board shall be \$100.00.

27.7. Endorsement

7.1. An endorsement authorizing the holder to engage in the advanced practice of counseling shall be issued by the Board to each successful applicant for endorsement as a Licensed Professional Counselor Advanced Practitioner and shall be affixed to the license of the Licensed Professional Counselor.