

**WEST VIRGINIA
SECRETARY OF STATE
BETTY IRELAND
ADMINISTRATIVE LAW DIVISION**

Form #3

Do Not Mark In This Box

FILED

2006 JUL 27 P 12:04

OFFICE 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

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 3

TITLE OF RULE BEING AMENDED: License Renewal and Continuing Education
Requirements

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

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

Post Office Box 129

Ona, West Virginia 25545

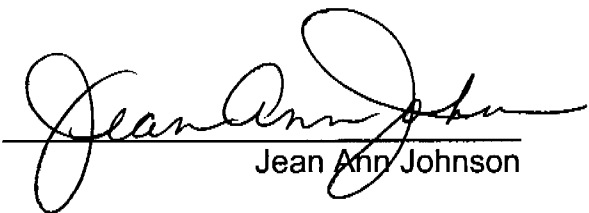
800-520-3852

www.wvbec.org

counselingboard@msn.com

Approval of Filing

During the July 21, 2006 Board meeting, the Board agreed that the proposed rule change for Series 3 should be filed.



Jean Ann Johnson

QUESTIONNAIRE

(Please include a copy of this form with each filing of your rule: Notice of Public Hearing or Comment Period; Proposed Rule, and if needed, Emergency and Modified Rule.)

DATE: 07/27/06

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency Name, Address & Phone No.) West Virginia Board of Examiners in Counseling
Post Office Box 129, Ona, West Virginia 25545
800-520-3852

LEGISLATIVE RULE TITLE: ~~License Renewal and Continuing Education Requirements~~

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

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:
06/27/06

b. What other notice, including advertising, did you give of the hearing?
N/A

c. Date of Public Hearing(s) *or* Public Comment Period ended:
Noon 07/27/06

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

Attached _____ No comments received X

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

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 Director, Post Office Box 129, Ona, West Virginia
25545 800-520-3852
304-733-4172 Fax

counselingboard@msn.com

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)

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

b. Date of hearing or comment period:

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

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Brief Summary and Statement of Circumstances **Series 3**

The proposed rule changes some of the renewal requirements for Licensed Professional Counselors (LPC). Changes are:

- First time preparation and presentation of an in-service can be used as contact hours to renew up to 10 contact hours.
 - The same presentations were being used several times in the same renewal cycle.
- At least twenty (20) of the required forty (40) hours shall be obtained from attendance in offerings other than those taught, conducted, produced or presented by the licensee.
 - Some licensees were completing all their contact hours by presenting the same seminars and classes over and over.
- Wording was added to clarify joint authorship of counseling related books.
- Currently a professor employed to teach counseling graduate classes can count teaching those classes as contact hours towards renewal. The proposed wording allows the contact hours to be awarded to LPC that teach as long as the teaching is outside the licensee's regular employment duties.
- The proposed rule states that the LPC must obtain the 3 hour ethical requirement in a formal program on their first renewal cycle. Thereafter, the ethical requirement can be fulfilled through a formal program, home study or online program.

The other changes in the rule were simply moving one section to another section to make the rule read more logically.

The Board feels that these changes will help the Licensed Professional Counselor benefit more from the required continuing education and in turn perhaps better protect the citizens of West Virginia.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: License Renewal and Continuing Professional Education Requirements
 Type of Rule: Legislative Interpretive Procedural
 Agency: West Virginia Board of Examiners in Counseling
 Address: Post Office Box 129, Ona, West Virginia 25545

 Phone Number: 800-520-3852 Email: counselingboard@msn.com

Fiscal Note Summary

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

This proposed rule will not have any effect on costs and revenues of state government.

Fiscal Note Detail

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use "-")	Next Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost			
Personal Services			
Current Expenses			
Repairs & Alterations			
Assets			
Other			
2. Estimated Total Revenues			

Rule Title: _____

Rule Title: License Renewal and Continuing Professional Education Requirements

3. **Explanation of above estimates (including long-range effect):**
Please include any increase or decrease in fees in your estimated total revenues.

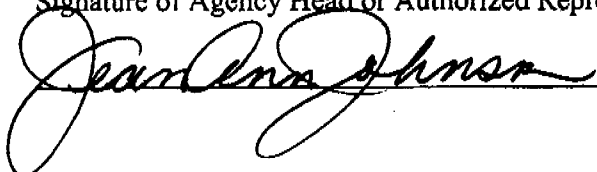
MEMORANDUM

Please identify any areas of vagueness, technical defects, reasons the proposed rule would not have a fiscal impact, and/or any special issues not captured elsewhere on this form.

This proposed rule does not have any impact on costs or revenue as it is mainly changing some of the requirements for licensees renewing their LPC and moving some items already in the rule to a different location in the rule for easier reading by the licensee and the public.

Date: 06/27/06

Signature of Agency Head or Authorized Representative



TITLE 27
LEGISLATIVE RULE
BOARD OF EXAMINERS IN COUNSELING

FILED

2006 JUL 27 P 12: 04

SERIES 3
LICENSE RENEWAL AND CONTINUING PROFESSIONAL EDUCATION REQUIREMENTS
OFFICE WEST VIRGINIA
SECRETARY OF STATE

§27-3-1. General.

1.1. Scope. -- This rule establishes standards for license renewal requirements, continuing professional education requirements, and the sanctions to be imposed for failure to comply with the requirements.

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

1.3. Filing Date. --

1.4. Effective Date. --

§27-3-2. Definitions.

2.1. "Approved program of continuing professional education" means a formally organized educational program sponsored by an approved provider and offered in the form of a class, course, workshop, seminar, staff development or training activity, or formally structured discussion. Programs shall be designed to enhance counseling skills, values, knowledge, and/or ethical considerations in the counseling practice.

2.2. "Approved provider" means an agency, organization, person, institution, or professional association or its local affiliates which has applied to and received approval by the Board to provide approved programs of continuing professional education under its own auspices, and which remains approved by complying with the provisions of subdivision 6.2.b. of this rule.

2.3. "Biennium" means the two-year reporting period beginning July 1, 2001 and ending June 30, 2003 and every two-year period thereafter.

2.4. "Contact hour" means one-hour (60 minutes) spent in an approved program offered by an approved provider. Contact hours exclude travel time, meeting time devoted to business, refreshment breaks, receptions and other social gatherings and meals that do not include an acceptable program.

2.5. "Continuing professional education" means a program to enable the licensee to maintain and/or expand professional expertise, to become more aware of new professional developments and to provide responsible and quality service to clients and the community including, but not limited to, educational programs in the following areas: Counseling theories; counseling techniques; human growth and development; social and cultural foundations; supervised practicum; supervised internship additions; crisis intervention; group dynamics, processes, counseling and consulting; life-style and career development; marriage and/or family therapy; research and evaluation; principles of etiology, diagnosis, treatment planning, prevention of mental and emotional disorders and dysfunctional behavior; and community resources and rehabilitation services.

§27-3-3. Application of Rule.

This legislative rule applies to all licensed professional counselors who are renewing their counseling license.

§27-3-4. Renewal of license

4.1. A licensee shall renew his or her license biennially on or before July 1, every odd number year.

4.2. A licensee shall file the required licensure renewal forms in the manner prescribed by the Board and shall pay the appropriate renewal fee.

4.3. The licensee shall demonstrate in the manner prescribed by the Board that the applicant has met the continuing professional education requirements set forth in Section 5 and Section 7 of this rule. The licensee shall have acquired the continuing education required for renewal during the time his or her license was in effect.

4.4. The licensee shall deliver the continuing professional education forms to the Board no later than the May 15th prior to the expiration of a license on July 1, every odd numbered year.

4.5. A licensee who does not earn the required number of contact hours may, no later than the due date specified in subsection 4.4. of this rule, petition the Board in writing to extend the time necessary to earn the required number of contact hours. Each petition shall indicate:

4.5.a. The number of contact hours earned to date;

4.5.b. The licensee's detailed plan to insure he or she shall, if granted the opportunity by the Board, earn the remainder of the mandatory contact hours. The detailed plan shall include the date, time and name of the offering to be attended;

4.5.c. The nature of any extenuating circumstances which may have prevented the licensee from earning the required contact hours during the current or previous two (2) year period; and,

4.5.d. Written supportive documentation to any claim of extenuating circumstances, including but not limited to, a statement by an employer or health practitioner as may be required by the Board.

4.6. A licensee shall notify the Board, in writing, of a change of address within thirty (30) days. Failure to receive a renewal notice from the Board shall not relieve the licensee from the renewal requirement.

4.7. A licensee shall submit the renewal application and documentation of continuing education according to the instructions in the application provided by the Board at the time of renewal. The Board shall return the licensee's renewal application for, but not limited to, improper documentation and/or inappropriate continuing education. An incomplete or incorrect renewal application returned to the licensee by the Board or its designee for the third time shall be subject to an additional fee equal to the original renewal fee.

§27-3-5. Continuing Professional Education

5.1. A licensee shall obtain forty (40) continuing education contact hours of approved continuing professional education within the two year renewal period.

5.1.a. At least three (3) of the forty (40) contact hours shall be in counselor related ethics. The program in ethics shall follow the adopted ethical code of this rule. The three (3) contact hours in ethics shall be earned in a formal program with an approved presenter on the first renewal cycle of a licensee. The three (3) contact hours in ethics in the subsequent renewals can be obtained through ACA home studies, ACA online programs or a formal program.

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

5.2.a. The Board shall grant fifteen (15) contact hours for one (1) academic graduate semester hour. The Board shall grant ten (10) contact hours for one (1) academic graduate quarter hour.

5.3. The Board shall grant ten (10) contact hours for a journal article directly related to the counseling profession published during the renewal period in a professional journal related to the counseling profession. Articles having joint authorship shall be divided equally among the authors.

5.4. The Board shall grant thirty (30) contact hours for a book that is published during the renewal period and is directly related to the counseling profession. Books having joint authorship shall be divided equally among the authors. Chapters authored by licensees in books acceptable under this rule shall be treated as journal articles.

5.5. The Board shall grant a maximum of fifteen (15) contact hours for continuing education presented by the licensee's employing agency personnel. The agency personnel shall meet the presenter qualifications as cited in paragraph ~~6.2.a.2.A.~~ 7.2.a.2.A. of this rule. The continuing education programs shall be directly related to the counseling profession.

5.5.a. A licensee attending a continuing education program delivered in the licensee's employing agency by an out-of-agency presenter shall not be counted in the fifteen (15) contact hours described in subsection 5.5. of this rule.

5.6. The Board shall grant ten (10) contact hours to a presenter of an approved three (3) hour graduate college course related to the counseling profession, up to ~~twenty (20)~~ ten (10) contact hours per renewal period, if such teaching or instruction is outside the licensee's regular employment duties or if the licensee can document such teaching activity or instruction was newly developed and presented for the first time.

~~5.7. The Board shall grant one half (1/2) the total number of contact hours assigned to an approved program to an approved presenter of the program, up to ten (10) contact hours per renewal period. The Board shall grant contact hours to licensees who conduct presentations on~~

subjects related to counseling which meets the following requirement:

5.7.a. Credit, up to 10 contact hours, per renewal shall be granted for first time preparation and presentation of an in-service training workshop, a seminar or a conference presentation which is related to the enhancement of counseling practices, values, skills or knowledge;

5.7.b. A given presentation can be counted once per renewal cycle.

5.8. A licensee with approved professional supervisor counselor status, shall complete three (3) of the forty (40) contact hours in clinical counseling supervision.

5.9. The Board shall grant a maximum of twenty (20) contact hours within each renewal period for home study programs;

5.9.1. Only home study programs pre-approved by the National Board for Certified Counselors (NBCC) and the American Counseling Association (ACA) are granted program home study approval.

5.10. Any out-of-state counseling related continuing education programs or conferences pre-approved by the National Board for Certified Counselors and/or the American Counseling Association are automatically granted approval by the board.

5.11. At least 20 contact hours shall be obtained from attendance in offerings other than those taught, conducted, produced, or presented by the licensee.

§27-3-6. Documentation of continuing professional education required for renewal of a license.

6.1. Each licensee shall provide, in a manner prescribed by the Board, evidence that the licensee has satisfied the continuing professional education requirements for renewal of a license. The Board shall accept the following as evidence:

6.1.a. Transcripts shall verify courses taken for credit at accredited educational institutions. Completion of non-credit and audited courses shall be verified by certificates of completion or by signed statements from instructors;

6.1.b. Presenters of approved graduate college courses shall submit a letter from the institution including: the date the course was taught; the course number; the course description; and the signature of the department chair;

6.1.c. Copies of publications presented for continuing professional education shall be furnished to the Board. In the case of journal articles, a copy of the journal's page showing the names of its editorial review Board shall be included to document that the journal is referred; and,

6.1.d. A copy of the certificate of completion furnished by the provider shall document all other continuing professional education. The certificates shall contain the information cited in paragraph 7.2.a.2.L. of this rule. In addition, the licensee shall record his or her license number in the appropriate place on the certificate of completion.

§27-3-7. Approved programs of continuing professional education.

7.1. The goal of the Board's continuing professional education requirements are to: enable licensees to maintain and/or expand professional expertise; become aware of new professional developments; provide responsible and quality service to clients and community; and continue to conduct professional practice in an ethical and appropriate manner. The Board will not grant credit for continuing education to promote personal growth of the licensee.

7.2. A licensee may obtain continuing education credits in five (5) ways: Programs

offered by approved providers; approved programs of continuing professional education; post-approved programs; home study programs and publications and presentations as cited in subsections 5.3. and 5.4. of this rule. The Board or its designee shall approve providers, programs, and home study programs and offer post-program approval according to the following guidelines:

7.2.a. Guidelines for program approval:

(1). Academic course offered in accredited education institutions by counseling degree programs are automatically granted program approval; and

(2). Approved programs may be sponsored by departments of accredited educational institutions; national, regional, state, or local professional organizations or associations; public or private human service agencies or organization; private consultants; or individuals. The organization or individual shall make application for approval on a form designated by the Board and pay the appropriate fee. In order to obtain approved status from the Board, a program shall meet the following requirements:

(A). Competent individuals as documented by appropriate academic training, master's level or above and professionally recognized experience shall present the program. Presenters should have an identifiable involvement with human services. In approving a particular presenter, the Board shall be guided by the following range of presenter qualifications:

(1). Counselors with appropriate credentials and appropriate expertise in the content area shall clearly be accepted;

(2). A related presenter with the ability to connect content to counseling practice shall usually be accepted;

(3). Expert presenters with no apparent link to counseling may or may

not be acceptable based upon the content to be presented and intended audience;

(4). A presenter with no apparent professional qualifications nor link to counseling or human services shall not be accepted; and

(5). A presenter providing training in a practice area that would require licensure shall show evidence of current licensure in West Virginia or another state.

(B). The program shall meet the professional needs of the intended clientele, which shall include counselors;

(C). The program shall have a minimum duration of one (1) contact hour;

(D). The program shall have written goals and objectives that are responsive to the needs of prospective counselor attendees;

(E). The program shall have an agenda, clearly listing the time and date of the program, including starting and ending times and refreshment and meal breaks;

(F). The program shall be related to counselor content areas as cited in subsection 2.5. in this rule;

(G). The program shall be disseminated via appropriate instructional methods, such as lecture, group discussion, video, film, or interactive teleconferencing;

(H). The program shall include an evaluation component directly related to its stated goals and objectives;

(I). The program shall be offered in a site that shall be accessible under the provisions of the American's With Disabilities Act;

(J). The organization or individual shall submit their program approval request for review, on a form designated by the

Board, at least sixty (60) days prior to the scheduled program date;

(K). The program's promotional information shall state that program approval has either been applied for or has been granted; and,

(L). The provider of the program shall provide program participants certificates of completion, which contain the following information:

(1). The title and dates of the program and the Board's program approval number;

(2). The name of the sponsoring agency or organization;

(3). The name of the participant and the number of contact hours of continuing professional education earned by the participant;

(4). The presenters name and his or her credentials; and,

(5). The signature of the presenter and/or the official representative of the sponsoring organization.

7.2.b. Guidelines for provider approval:

(1). The Board shall grant approved provider status for newly approved providers for a two-year period and is subject to renewal if the provider meets the requirements of this rule;

(2). The Board shall refuse to renew the approved status of any provider who fails to comply with the requirements of this rule. The Board shall withdraw approved provider status for cause.

(3). Programs offered by a provider while that provider does not have approved status shall not be accepted by the Board toward fulfillment of license renewal

requirements unless program approval for the programs were obtained as set forth in this rule;

(4). Provider status is automatically accorded to counseling degree programs, as cited in subsection 2.5. of this rule, in accredited educational institutions. Transcripts or grade cards shall serve as evidence of completed coursework. If the licensee audits an approved course, a letter from the professor is required to verify actual number of hours of attendance, which is used to determine hours of continuing education credit granted;

(5). The Board may grant approved status to providers not automatically approved in paragraph 7.2.b.4. of this rule. The providers shall include but are not limited to: National, regional, state, or local professional organizations, public or private human service agencies, private consultants or individuals. The applicant for approved provider status shall:

(A). Make application for approval status on a form provided by the Board and pay the appropriate fee, at least two (2) months prior to the date of the first scheduled program offering. A list of proposed programs and program goals shall be included with the application;

(B). Submit to the Board, no later than two (2) months before the end of the probationary period, a synopsis of all programs during the previous ten (10) months;

(C). Apply for renewal of approved provider status two (2) months prior to the desired two-year period and pay the appropriate fee;

(D). Provide or arrange for appropriate educational facilities, instructional aids, and offer programs and facilities that are accessible under the provisions of the American's With Disabilities Act;

(E). Have program presenters who have professionally recognized

skills to conduct the programs being offered in accordance with subdivision ~~6.2.a.~~ 7.2.a. of this rule;

(F). Conduct programs that satisfy one or more of the program areas in counseling as cited in subsection 2.5. of this rule;

(G). Include an evaluation component in all programs offered;

(H). Maintains records of program content, presenter qualifications and individual participation, and a summary of evaluations forms for five years and make the records available if requested by the Board; and,

(I). Furnish to each participant a certificate of completion that includes the following information:

(1). The title and date of the program and the Board's program approval number;

(2). The name of the sponsoring agency or organization;

(3). The name of the participant and the number of contact hours earned by the participant;

(4). The presenters names and their credentials;

(5). The signature of the presenter and/or the official representative of the sponsoring organization; and

(6). An approved provider that offers a program on counseling ethics shall incorporate the Code of Ethics of the American Counseling Association as a substantial part of the program.

7.2.c. Post program approval:

(1). A licensee shall apply on a form prescribed by the Board for post-approval

of counseling programs which they attended, for relevant out of state continuing professional education programs and for relevant graduate coursework in related disciplines.

(A). A licensee shall apply for post-program approval, on a form designated by the Board, within ninety (90) days of completing program.

(B). To obtain a post-program approval, the licensee shall provide the following:

(1). Documentation that the program presenters met the requirements in paragraph ~~6.2.a.2.A.~~ 7.2.a.2.A. of this rule;

(2). A copy of the program brochure and other documentation, if necessary, demonstrating that the program met the requirements of paragraph 7.2.a.2.B through paragraph 7.2.a.2.I. of this rule; and,

(3). A certificate of completion, transcript, grade card, or signed statement from the presenter to demonstrate the licensee's attendance at the program or course.

7.2.d. Home study approval:

(1). Home study programs may be sponsored by departments of accredited educational institutions; national, regional, state, or local professional organizations or associations; public or private human service agencies or organizations; private consultants; or individuals. In order to obtain approval from the Board, the sponsoring organizations of a home study program shall meet the following requirements:

(A). Home study program content shall satisfy one (1) or more of the program areas in subsection 2.5. of this rule;

(B). A home study program shall contribute to the current knowledge of master's level counselors. Program materials should not be more than six (6) years old.

Materials that are more than six (6) years old shall include a statement for review regarding the reason that the material is still relevant and valuable to the counselor;

(C). Home study programs focusing on ethics in counseling practice shall include information on the ethical codes of the American Counseling Association;

(D). Information on how the home study material may be used by the counselor with their clients shall be included either in the learning instrument or as an addendum;

(E). The home study program shall have the following components:

(1). Appropriate learning instruments such as, but not limited to, a book, tape, internet-based text, video, subscription to a professional periodical or volumes of past periodicals;

(2). An assessment component, such as, but not limited to, a quiz, test or essay;

(3). An evaluation component; and,

(4). An instruction sheet with clear information regarding how to obtain continuing education credit;

(F). A home study provider shall file with the Board the required application forms in a manner prescribed by the Board and pay the appropriate fee. A sample of the entire home study program including a sample of the certificate of completion shall be included with this application. The certificate of completion shall contain all information cited in paragraph 7.2.a.2.L. of this rule;

~~(G). All home study programs pre-approved by the National Board for Certified Counselors and the American~~

~~Counseling Association are automatically granted program home study approval; and,~~

~~_____ (H). The Board shall grant a maximum of twenty (20) contact hours within each renewal period for home study programs.~~

~~6.3. Any out of state counseling related continuing education programs pre approved by the National Board for Certified Counselors and/or the American Counseling Association are automatically granted approval by the board.~~

~~§27 3 7. Documentation of continuing professional education required for renewal of a license.~~

~~7.1. Each licensee shall provide, in a manner prescribed by the Board, evidence that the licensee has satisfied the continuing professional education requirements for renewal of a license. The Board shall accept the following as evidence:~~

~~7.1.a. Transcripts shall verify courses taken for credit at accredited educational institutions. Completion of non credit and audited courses shall be verified by certificates of completion or by signed statements from instructors;~~

~~7.1.b. Presenters of approved graduate college courses shall submit a letter from the institution including: the date the course was taught; the course number; the course description; and the signature of the department chair;~~

~~7.1.c. Copies of publications presented for continuing professional education shall be furnished to the Board. In the case of journal articles, a copy of the journal's page showing the names of its editorial review Board shall be included to document that the journal is referred; and,~~

~~7.1.d. A copy of the certificate of completion furnished by the provider shall document all other continuing professional education. The certificates shall contain the~~

~~information cited in paragraph 6.2.a.2.L. of this rule. In addition, the licensee shall record his or her license number in the appropriate place on the certificate of completion.~~

West Virginia Board of Examiners in Counseling

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July 25, 2006

To Whom It May Concern:

The Board has not received any comments on Series 3 as of this writing at 8:30 pm July 25, 2006. If a comment is received through noon July 27, 2006, they will be faxed to Judy Cooper at 1:00 pm on July 27, 2006 along with the Board's comments.