

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

Form #3

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FILED

AUG 28 4 15 PM '00

OFFICE OF THE SECRETARY OF STATE  
WEST VIRGINIA

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE  
AND  
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

AGENCY: West Virginia Board of Examiners in Counseling TITLE NUMBER: 27

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

AMENDMENT TO AN EXISTING RULE: YES  NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

TITLE OF RULE BEING AMENDED: \_\_\_\_\_

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 3

TITLE OF RULE BEING PROPOSED: License Renewal and Continuing Professional Education Requirements

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE FOR THEIR REVIEW.

  
Authorized Signature

# West Virginia Board of Examiners in Counseling

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

**August 28, 2000**

## **Approval of Filing**

### **License Renewal and Continuing Professional Education Requirements, Series 3**

**The Board of Examiners in Counseling has given their approval for the filing of this legislative rule.**



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**Robert L. Rubenstein, Chair**

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

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

## **Brief Summary of Proposed Rule License Renewal and Continuing professional Education Requirements Title 27 Series 3**

**Since July 1986, the Board of Examiners in counseling has only had one series of rules. After working with this rule for all these years and dealing with the applicants and the public, it became obvious that a clearer and more concise set of rules were needed.**

**Series 3 pertains to the renewal and continuing education requirements that all Licensed Professional Counselors are to adhere. Based on the last interview with PERD, we have included information on how a continuing education program will be approved, how an approved provider will be approved and monitored, and information on home study programs.**

**The major change in the continuing educational requirement for the LPC is that three (3) hours of the forty (40) required hours (every two years) would have to be in ethics. All other requirements for the LPC are the same as before, just spelled out more clearly.**

# West Virginia Board of Examiners in Counseling

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

## Statement of Circumstances

The Board decided to Repeal and Replace, Series 1 Licensing Rule, effective April 1, 1999 and replaces it with three (3) individual series.

Series 1, Licensing Rule. Series 2 Fees. Series 3, License Renewal and Continuing Education Requirements.

Purpose is to make the rules easier to read, update information and make some changes that are noted in the summary.



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

N/A

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- f. **Name, title, address and phone/fax/e-mail numbers** of agency person(s) to receive all *written correspondence* regarding this rule: (Please type)

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

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- g. **IF DIFFERENT FROM ITEM 'f'**, please give **Name, title, address and phone number(s)** of agency person(s) who wrote and/or has responsibility for the contents of this rule: (Please type)
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3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

- a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

N/A

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b. Date of hearing or comment period:

N/A

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

N/A

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d. Attach findings and determinations and reasons:

Attached N/A

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□  
APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: License Renewal and Continuing Professional Education Requirements

Type of Rule:  Legislative     Interpretive     Procedural

Agency: West Virginia Board of Examiners in Counseling

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

1. Effect of Proposed rule:

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
ESTIMATED TOTAL COST	n/a				
PERSONAL SERVICES	n/a				
CURRENT EXPENSE	n/a				
REPAIRS & ALTERATIONS	n/a				
EQUIPMENT	n/a				
OTHER	n/a				

2. Explanation of Above Estimates:

N/A

3. Objectives of These Rules:

N/A

4. Explanation of Overall Economic Impact of Proposed Rule:

A. Economic Impact on State Government:

N/A

B. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of Citizens: N/A

C. Economic Impact on Citizens/Public at Large.

N/A

Date: August 28, 2000

Signature of Agency Head or Authorized Representative:



FILED

ITILE 27  
LEGISLATIVE RULE  
BOARD OF EXAMINERS IN COUNSELING

AUG 28 4 15 PM '00

SERIES 3  
OFFICE OF THE ATTORNEY GENERAL  
SECRETARY OF STATE  
LICENSE RENEWAL AND CONTINUING PROFESSIONAL EDUCATION REQUIREMENTS

**§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 such 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 programs 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, 1987 and ending June 30, 1989 and every two-year period thereafter.

2.4. Contact hour is one-hour (60 minutes) spent in an approved program and offered by an approved provider. Ten (10) contact hours is the equivalent of one (1) Continuing Education Unit (CEU). 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 expertness, to become more aware of new professional developments and to provide responsible and quality service to clients and 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 renewing their counseling license.

#### **§27-3-4. Renewal of license**

4.1. Every license issued in the practice of counseling must be renewed biennially on or before July 1, every odd number year.

4.2. 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 15<sup>th</sup> 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. Licensees shall notify the Board, in writing, of a change of address with sixty (60) days. Failure to receive a renewal notice from the Board shall not relieve the licensee from the renewal requirement.

4.7. If the Board returns the licensee's renewal application for the third time for improper documentation and/or incomplete documentation, the licensee shall pay an additional fee equal to the original renewal fee.

#### **§27-3-5. Continuing Professional Education**

5.1. 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, but not limited to, three (3) contact hours in counselor related ethics are required for all licensees. The program in ethics must follow the adopted ethical code of this rule from the American Counseling Association. These three (3) contact hours must be earned in a formal program with approved presenter.

5.2. Approval shall be granted for academic graduate courses offered in accredited educational institutions by counseling degree programs.

5.2.a. Fifteen (15) contact hours shall be granted for one (1) academic graduate semester hour. Ten (10) contact hours will be granted for one (1) academic graduate quarter hour.

5.3. Ten (10) contact hours shall be granted for a journal article directly related to the counseling profession published during the renewal period in a referred professional journal related to the counseling profession. Articles

having joint authorship will be divided equally among the authors.

5.4. Thirty (30) contact hours shall be granted for a book that is published during the renewal period and is directly related to the counseling profession.

5.5. Not more than fifteen (15) contact hours will be granted for continuing education presented by the employing agency personnel. The agency personnel must meet the presenter qualifications as cited in subparagraph 6.2.a.2.A. of this rule. The continuing education programs shall be directly related to the counseling profession.

5.5.a. Continuing education programs delivered in the employing agency by out-of-agency presenters will not be counted in the fifteen (15) contact hours described in subsection 5.5. of this rule.

5.6. Ten (10) contact hours shall be granted to a presenter of an approved three (3) hour graduate college course related to the counseling profession. No more than twenty (20) contact hours shall accepted during the two (2) year renewal period.

5.7. One-half (1/2) the total number of contact hours assigned to an approved program may be granted to an approved presenter of the program, up to ten (10) hours per renewal period.

#### **§27-3-6. Approved programs of continuing professional education.**

6.1. 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. Continuing education to promote personal growth of the licensee will not be accepted.

6.2. Continuing education credits may be obtained 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 will approve providers, programs, and home study programs and offer post-program approval to the following guidelines:

#### 6.2.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 must meet the following requirements:

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

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

(2). Related presenter with the ability to connect content to counseling practice will 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). Presenter with no apparent professional qualifications nor link to counseling or human services will not be accepted; and

(5). Presenters providing training in practice area that would require licensure must show evidence of current licensure in West Virginia or another state.

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

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

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

(E). The program must 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 must be related to counselor content areas as cited in subsection 2.2. in this rule;

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

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

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

(J). The program approval request must be submitted 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 must state that program approval has either been applied for or has been granted; and,

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

(1). The title and date (s) 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 clock hours of continuing professional education earned by the participant;

(4). The presenter (s) name and his/her credentials(s); and,

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

6.2.b. Guidelines for provider approval:

(1). Approved provider status for newly approved providers will be granted for a two-year period and is subject to renewal if the provider meets the requirements of this rule;

(2). The Board may refuse to renew the approved status of any provider who fails to comply with the requirements of this rule. Approved provider status may be withdrawn 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 such 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., in accredited educational institutions. Transcripts or grade cards will serve as evidence of completed coursework. If the licensee audits an approved course, a letter from the professor will be required to verify actual number of hours of attendance, which will be used to determine hours of continuing education credit granted;

(5). The Board may grant approved status to providers not automatically approved in paragraph 6.2.b.4. of this rule. Such providers may 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 must:

(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 must 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. 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 summary of evaluations forms for five years and make such 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 (s) 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 presenter (s) name and his/her credentials(s);

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

(6). Indicate, on any promotional literature disseminated, the provider number issued by the Board and the license(s) renewal requirements to which the program(s) will apply.

(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.

6.2.c. Post program approval:

(1). Licensees may 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). Licensees must 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 must provide the following:

(1). Documentation that the program presenter(s) met the requirements in subparagraph 6.2.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 subparagraph 6.2.a.2.B through subparagraph 6.2.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.

6.2.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 home study program must meet the following requirements:

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

(B). Home study program must 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 must 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 must include information on the ethical codes of the National Board for Certified Counselors and/or the American Counseling Association;

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

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

(1). Appropriate learning instruments such as, but not limited to, a book, tape, internet-based text, video, subscription to 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). Home study provider must 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 must be included with this application. The certificate of completion must contain all information cited in subparagraph 6.2.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). No more than twenty (20) clock hours shall be accepted during the two (2) year 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 will accept the following as such evidence:

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

7.1.b. Presenters of approved graduate college courses must submit a letter from the institution including: the date course was taught; course number; course description; and signed by the department head;

7.1.c. Copies of publications presented for continuing professional education must 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 must 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. Such certificates must contain the information cited in subparagraph 6.2.a.2.L. of this rule. In addition, the licensee shall record his/her license or certificate number in the appropriate place on the certificate of completion.

West Virginia Board of Examiners in Counseling

At Marshall University Graduate College

100 Angus E. Peyton Drive

South Charleston, WV 25303-1600

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

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**Proposed Rule: License Renewal and Continuing Professional Education Requirements, Series 3**

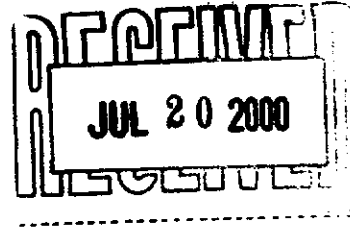
For your information: The Board has 1123 Licensed Professional Counselors.

During the comment period, July 14, 2000 through August 15, 2000, the Board received **one (1)** letter concerning this rule.

The letter was responding to the proposed change in the continuing education requirements for LPC. The rule calls for three (3) contact hours (out of the required forty hours) to be taken in ethics.

**The Board discussed this requirement at length during the time the proposed rule was constructed. The Board opts to leave the proposed rule as written.**

- Letter 1 -



HC 73, Box 11-B  
Alderson, WV 24910  
July 17, 2000

Jean Ann Johnson  
WVBEC  
Attn: Comment  
100 Angus E. Peyton Dr.  
South Charleston, WV 25303-1600

Dear Ms. Johnson,

I received your information about proposed rules for the Legislature.

Speaking as an experienced therapist who feels he has a strong ethical sense, I do not feel it is necessary to attend continuing education on ethics every two years.

Thank you for keeping us informed.

Sincerely,

Richard L. Allen

*License Renewal, Series 3*