

**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 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 and 30-31-7(a)

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: 4

TITLE OF RULE BEING PROPOSED: Restricted Practice Licensure for Addictions Counselors

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

\$480

West Virginia Board of Examiners in Counseling

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

Restricted Practice Licensure for Addictions Counselors, Series 4

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



Robert L. Rubenstein, Chair

West Virginia Board of Examiners in Counseling

At Marshall University Graduate College
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South Charleston, West Virginia 25303-1600
Phone: (304) 746-2512 Fax: (304) 746-1942

Brief Summary of Proposed Rule Restricted Practice Licensure for Addictions Counselors Title 27 Series 4

House Bill 4061 was passed in the most recent legislative session. Sections two (2) and seven (7) in article thirty-one (31) were amended to authorize a restricted practice licensure for addiction counselors. This rule establishes a timeline and guidelines for the educational requirements, supervisory requirements and monitoring this specific group of counselors.

The major component of this rule is that it allows the addiction counselor that is current holding a current certification as a certified addictions counselor (CAC) to enroll in an educational program what would, within seven years of the date of application, lead to the award of a master's degree in counseling or a field closely related to counseling. This process will be monitored annually and is conditioned upon continued approved supervision, continued educational progress which must include a minimum the successful completion of six (6) hours of approve graduate coursework per year.

West Virginia Board of Examiners in Counseling

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Statement of Circumstances

This rule, Restricted practice Licensure for Addictions Counselors, is a result of House Bill 4061 passed during the most recent legislative session.

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: August 28, 2000

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: *(Agency Name, Address & Phone No.)* West Virginia Board of Examiners in Counseling
100 Angus E. Peyton Drive
South Charleston, WV 25303-1600

304-746-2512 or 800-520-3852

LEGISLATIVE RULE TITLE: Restricted Practice Licensure for Addictions Counselors

1. Authorizing statute(s) citation 30-31-5 and 30-31-7(a)

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:
July 3, 2000

b. What other notice, including advertising, did you give of the hearing?
Mailed out a summary of the rule and gave information
on how to obtain a copy of the proposed rule to each LPC, US mail. Sent copy to
West Virginia Counseling Association and West Virginia Licensed Professional
Counselor Association. Sent copy to graduate counseling program chairs at
Marshall, MUGC and WVU. Posted copy on our website.

c. Date of Public Hearing(s) *or* Public Comment Period ended:
August 15, 2000

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)

N/A

- 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

- 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:

N/A

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

N/A

d. Attach findings and determinations and reasons:

Attached N/A

□
APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Restricted Practice Licensure for Addictions Counselors

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:

Robert L. Gulevich

TITLE 27
LEGISLATIVE RULE
BOARD OF EXAMINERS IN COUNSELING

AUG 28 4 15 PM '00

SERIES 4
RESTRICTED PRACTICE LICENSURE FOR ADDICTIONS COUNSELORS

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

§27-4-1. General.

1.1. Scope. -- This rule establishes requirements related to the practice of substance abuse counseling procedures or addictions counseling procedures under supervision in a supervised setting, as required by W. Va. Code §30-31-7a.

1.2. Authority. -- W. Va. Code §§30-31-5 and 30-31-7a.

1.3. Filing Date. --

1.4. Effective Date. --

§27-4-2. Definitions.

2.1. Approved graduate coursework. -- Coursework from an accredited institution offering a master's or doctoral degree in counseling shall be accepted. Accreditation through 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 shall be accepted. Acceptable graduate degrees include a specialization in community agency counseling, mental health counseling, and addictions or substance abuse counseling. Similar degrees that include the word "counseling" and include the core of coursework representative of professional counseling programs at the time of its completion may be accepted but will be subject to review.

2.1.a. Coursework from an accredited institution offering a master's or doctoral degree in a field closely related to

counseling shall be accepted. The accepted accrediting bodies are cited in subsection 2.1 of this rule. The graduate degree shall include graduate core coursework, either as part of the degree or after the award of the degree, in each of the following areas or their equivalent, as determined by the Board:

(1). Counseling theories: includes a study of basic theories and principles of counseling and philosophic basis of the helping relationship;

(2). Counseling techniques: includes individual counseling practices, methods, facilitative skills, and the application of these skills;

(3). Human growth and development: includes the nature and needs of individuals at all developmental levels, following psychological, sociological and physiological approaches. Also includes human behavior (normal and abnormal), personality theory, learning theory, dynamics of stress, and medical/functional implications of disability;

(4). Social and cultural foundations: includes studies of social change, ethnic groups, subcultures, mores, urban and rural societies, population patterns, use of leisure time, work, and differing life patterns;

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

(6). Professional responsibilities: includes goals and objectives of professional counseling organizations, codes of ethics, legal considerations, standards of

preparation, certification and licensing, advocacy, confidentiality, and the role identity of counselors;

(7). Supervised practicum: includes the provision of counseling to bona fide clients and groups seeking services from counselors under the direction of a graduate faculty member who is a licensed professional counselor or related mental health professional, and must include critiquing of counseling either observed or recorded on audio or video tape; and,

(8). Supervised internship: includes actual on-the-job experience in professional counseling under the tutelage of an on-site supervisor who is a licensed professional counselor or related mental health professional.

2.1.b. In addition to subdivision 2.1.a. of this rule, an applicant working towards a master's or doctoral degree in a field closely related to counseling must present at least one graduate course in five of the following eight areas:

(1). Addictions counseling;

(2). Crisis intervention;

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

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

(5). Marriage, couples, and/or family counseling/therapy;

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

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

(8). Community resources and rehabilitation services; includes development and implementation of community resource references and materials for client referral.

2.2. Approved professional supervisor. -- A professional supervisor is any Licensed Professional Counselor, or other qualified supervisor, as determined by the Board, who has been licensed for two (2) years and who has five years counseling experience and documents to the Board that he or she has completed training in counseling supervision that included content and experiences relevant to the supervision of counselors. The supervisor shall provide the Board a statement detailing the person's supervision, philosophy, orientation, and experience. Supervisor shall demonstrate skills necessary to address the core areas of practice such as counseling theories, counseling techniques, human growth and development, social and cultural foundations, individual appraisal, professional and ethical responsibilities.

2.3. Certified addictions counselor. -- A person who has met the work experience requirements, has attained a passing score, and has been certified as an addictions counselor by the International Certification Reciprocity Consortium/Alcohol and Other Drug Abuse (ICRC/AODA) or its successor organization.

2.4. Restricted practice license. -- A license issued to a person who has met all of the requirements for licensure set forth in W. Va. Code §30-31-7, other than the requirement of holding a master's or doctorate degree, and who has met all of the requirements of this rule. A person practicing under a restricted practice license may practice only under supervision in a supervised setting, as set forth in this rule.

2.5. Substance abuse counseling procedures or addictions counseling procedures. -- Procedures which include, but are not

restricted to, informing, motivating, guiding and assisting those persons affected either directly or indirectly by problems related to the misuse of alcohol and/or other drugs, or by problems related to addictions.

2.6. Supervised professional experience. -- Providing counseling services, in an appropriate setting, under the direction of an approved supervisor. The supervised experience will include, but is not limited to, demonstration of counseling skills, management skills, high professional and ethical standards, and personal characteristics appropriate to the counseling relationship.

2.7. Supervised setting. -- An institution, clinic or other health care facility employing a counselor holding a restricted practice license, where one or more licensed professional counselors are generally available on the premises.

2.8. Supervision. -- Individual control or direction over the services of a counselor holding a restricted practice license, by an approved professional supervisor. Continual and uninterrupted physical presence of the approved professional supervisor is not required so long as he or she is available for telephone consultation, and meets the requirement for one (1) hour of direct individual supervision for every twenty (20) hours of services provided by the counselor holding a restricted practice license.

§27-4-3. Application of Rule.

This legislative rule applies to all persons practicing or making application to practice as addictions counselors under a restricted practice license.

§27-4-4. Requirements for Application to Practice Under a Restricted Practice License.

4.1. Persons desiring to practice under a restricted practice license must make application to the board, on forms supplied by the board, within two years of the date of passage of this rule.

4.2 Applicants must submit the completed application form to the board, together with written documentation of the following:

4.2.a. Current certification as a Certified Addictions Counselor (CAC) by the International Certification Reciprocity Consortium/Alcohol and Other Drugs of Abuse (ICRC/AODA) or its successor organization;

4.2.b. Membership in good standing with the West Virginia Certification Board for Addictions Professionals or its successor organization;

4.2.c. A baccalaureate degree that would meet the qualifications for admission to an accredited graduate degree program in counseling;

4.2.d. Acceptance to and enrollment in an educational program that would, within seven years of the date of application, lead to:

(1). A master's degree in an accredited counseling program, or in a field closely related to an accredited counseling program and approved by the board, and at least two years of supervised professional experience, at least one year of which must be attained after earning the master's degree; or,

(2). Training determined by the board to be equivalent to a master's degree in an accredited counseling program, or in a field closely related to an accredited counseling program and approved by the board, and at least two years of supervised professional experience, at least one of which must be attained after completing the training determined by the board to be equivalent to a master's degree; or,

(3). A doctorate degree in an accredited counseling program, or in a field closely related to an accredited counseling program and approved by the board, and at least one year of supervised professional experience,

which must be attained after earning the doctorate degree; or,

(4). Training determined by the board to be equivalent to a doctorate degree in an accredited counseling program, or in a field closely related to an accredited counseling program and approved by the board, and at least one year of supervised professional experience, which must be attained after earning the doctorate degree;

4.2.e. A job description or summary outlining the duties of the applicant's current or proposed employment working with addicted persons or their families;

4.2.f. A description of the institution, clinic or other setting where services to addicted persons or their families are being or will be provided;

4.2.g. The curriculum vitae of an approved professional supervisor;

4.2.h. A letter signed by the approved professional supervisor agreeing to supervise the applicant's practice under the restricted practice license, in accordance with the supervision provisions set forth in this rule; and,

4.2.i. Other information that the board may reasonably require.

§27-4-5. Supervision, Education and Review.

5.1. Addiction counselors practicing under a restricted practice license shall be supervised by an approved professional supervisor who is approved by and registered with the board prior to the filing of the application for the restricted practice license.

5.2. The approved professional supervisor shall be available, either on the premises or by telephone, at all times during which the addictions counselor practicing under a restricted practice license is counseling a client or clients.

5.3. The addictions counselor practicing under a restricted practice license shall spend a minimum of one hour in direct, individual, face-to-face supervision with the approved professional supervisor for every twenty hours of counseling services provided by the addictions counselor.

5.4. The direct individual supervision shall include examination of selected client records of sufficient number to assure adequate review of the scope of practice of the addictions counselor practicing under a restricted practice license, and periodic, at least monthly, education and review sessions discussing specific problems, therapeutic approaches, procedure and specific clients.

5.5. The addictions counselor practicing under a restricted practice license must maintain a record of the hours spent in supervision, on a form provided by the board, and must indicate the number of hours spent in examination of selected client records and the number of hours spent in education and review sessions. The supervision record must be made available to the board during the counselor's annual review and at any other time the board may request.

5.6. The addictions counselor practicing under a restricted practice license must complete a minimum of six hours of approved graduate coursework per year, and must submit transcripts of the completed coursework to the board during the counselor's annual review and at any other time the board may request.

5.7. The board shall review, at least annually, the educational and professional progress of each addictions counselor practicing under a restricted practice license. Annual renewal of the restricted practice license is conditioned upon continued approved supervision, continued education progress and compliance with the requirements of the board, the applicable law and this rule.

5.8. The addictions counselor practicing under a restricted practice license shall be referred to as a Restricted Practice Licensed Counselor.

West Virginia Board of Examiners in Counseling

At Marshall University Graduate College

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During the comment period, July 14, 2000 through August 15, 2000, there were no comments received by the Board pertaining to this proposed rule.