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OFFICE OF THE SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE  
Legislative Rule-Making Review Committee

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September 12, 2000

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

TO: Ken Hechler, Secretary of State, State Register

TO: Jean Ann Johnson  
Counseling, WV Board of Examiners in  
100 Angus E. Peyton Drive  
South Charleston, WV 25303

FROM: Legislative Rule-Making Review Committee

Proposed Rule: **Restricted Practice Licensure for Addictions Counselors, 27CSR4**

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

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 Recommends that the Legislative rule be withdrawn; a statement of reasons for such recommendation is attached.

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ANALYSIS OF PROPOSED LEGISLATIVE RULES 00 SEP -1 AM 9:32

Agency: West Virginia Board of Examiners in Counseling  
Subject: Restricted Practice Licensure for Addictions Counselors,  
27CSR4

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

PERTINENT DATES

Filed for public comment: July 3, 2000  
Public comment period ended: August 15, 2000  
Filed following public comment period: August 28, 2000  
Filed LRMRC: August 28, 2000  
Filed as emergency:

Fiscal Impact: None

ABSTRACT

The proposed rule is new. The following is a section-by-section synopsis of the proposed rule.

Section 1 is the standard general section, setting forth the scope, authority, filing date and effective date of the proposed rule.

Section 2 defines terms.

Section 3 states that the rule applies to all persons practicing or making application to practice as addictions counselors under a restricted practice license.

Section 4 requires persons desiring to practice under a restricted license to make application to the Board within two years after the passage date of the rule. It also sets forth statutory requirements for a restricted practice license.

Section 5 requires addictions counselors practicing under a restricted practice license to be supervised by an approved professional supervisor. It sets forth records which the addictions counselor is required to maintain. It also requires the

addictions counselor to complete a minimum of six hours of approved graduate course work per year and to submit transcripts of completed course work to the Board during the counselor's annual review and at other times upon request.

#### AUTHORITY

Statutory authority: W.Va. Code, §30-31-7a, which provides, in part, as follows:

(a) On or before the first day of July, two thousand, the board shall propose rules for legislative approval in accordance with the provisions of article three, chapter twenty-nine-a of this code, authorizing restricted practice licensure for addictions counselors who meet all of the requirements for licensure set forth in section seven of this article, other than the requirement that the applicant hold a master's or doctorate degree, and who make application to the board within two years of the date of passage of the rule. The rule shall set forth requirements related to the practice of substance abuse counseling procedures or addictions counseling procedures under supervision in a supervised setting...

#### ANALYSIS

I. HAS THE AGENCY EXCEEDED THE SCOPE OF ITS STATUTORY AUTHORITY IN APPROVING THE PROPOSED LEGISLATIVE RULE?

No.

II. IS THE PROPOSED LEGISLATIVE RULE IN CONFORMITY WITH THE INTENT OF THE STATUTE WHICH THE RULE IS INTENDED TO IMPLEMENT, EXTEND, APPLY, INTERPRET OR MAKE SPECIFIC?

Yes.

III. DOES THE PROPOSED LEGISLATIVE RULE CONFLICT WITH OTHER CODE PROVISIONS OR WITH ANY OTHER RULE ADOPTED BY THE SAME OR A DIFFERENT AGENCY?

Yes. The proposed rule limits application for a restricted practice license to two years from the passage date of the rule. W.Va. Code §30-31-7a does not contain a similar limitation.

IV. IS THE PROPOSED LEGISLATIVE RULE NECESSARY TO FULLY ACCOMPLISH THE OBJECTIVES OF THE STATUTE UNDER WHICH THE PROPOSED RULE WAS PROMULGATED?

Yes.

V. IS THE PROPOSED LEGISLATIVE RULE REASONABLE, ESPECIALLY AS IT AFFECTS THE CONVENIENCE OF THE GENERAL PUBLIC OR OF PERSONS AFFECTED BY IT?

Yes.

VI. CAN THE PROPOSED LEGISLATIVE RULE BE MADE LESS COMPLEX OR MORE READILY UNDERSTANDABLE BY THE GENERAL PUBLIC?

No.

VII. WAS THE PROPOSED LEGISLATIVE RULE PROMULGATED IN COMPLIANCE WITH THE REQUIREMENTS OF CHAPTER 29A, ARTICLE 3 AND WITH ANY REQUIREMENTS IMPOSED BY ANY OTHER PROVISIONS OF THE CODE?

Yes.

VIII. OTHER

Counsel has technical modifications to suggest.