

**WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION**

Form #2

Do Not Mark In This Box

FILED

2009 JUN 16 PM 3:56

OFFICE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

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

RULE TYPE: Legislative CITE AUTHORITY: 30-31-5, 30-31-6 and 30-31-8

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: 8

TITLE OF RULE BEING PROPOSED: Marriage and family therapists licensing rule

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON July 17, 2009 AT 5:00 PM ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

WVBEC, Post Office Box 129, Ona, West Virginia 25545

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.


Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

West Virginia Board of Examiners in Counseling

Post Office Box 129

Ona, West Virginia 25545

800-520-3852

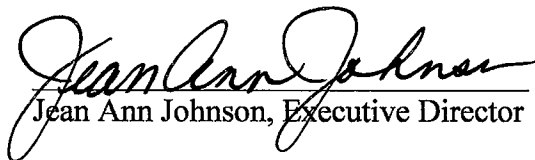
www.wvbec.org

counselingboard@msn.com

Approval of Filing

Marriage and Family therapists Licensing Rule, Series 8

During the May 22, 2009 board meeting, members voted unanimously to approve and file this proposed legislative rule.



Jean Ann Johnson, Executive Director

West Virginia Board of Examiners in Counseling

Post Office Box 129

Ona, West Virginia 25545

800-520-3852

www.wvbec.org

counselingboard@msn.com

Statement of Circumstances

Marriage and Family Therapists (MFT) Licensing Rule Series 8

The 2009 legislature passed HB 2532 which allows the licensing of Marriage and Family therapists by the Board of Counseling.

Brief Summary

- This new rule will establish the requirements for applying, qualifying, and maintaining licensure as a MFT. Included but not limited to:
 - Educational requirements
 - Application processes
 - Provisional licensee standards and requirements
 - Supervision requirements
 - Responsibilities of licensees
 - Professional Disclosure requirements

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Title 27 Series 8 Marriage and Family Therapist Licensing Rule

Type of Rule: Legislative Interpretive Procedural

Agency: West Virginia Board of Examiners in Counseling

Address: Post Office Box 129, Ona, West Virginia 25545

Jean Ann Johnson

Phone Number: 304-733-5494 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.

No impact on state government as the Board of Counseling is a non-appropriated board. This board operates solely on the fees generated thru the collection of counseling/marriage and family licensure fees.

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	0.00	0.00	0.00

Rule Title: _____

Rule Title: Title 27 Series 8 Marriage and Family Therapist Licensing Rule

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 rule is establishing the licensing requirements for marriage and family therapist. This bill does not have any fiscal impact.

Date: 06/16/09

Signature of Agency Head or Authorized Representative

Jean Ann Johnson

**TITLE 27
LEGISLATIVE RULE
BOARD OF EXAMINERS IN COUNSELING**

FILED

**SERIES 8
MARRIAGE AND FAMILY THERAPIST
LICENSING RULE**

2009 JUN 16 PM 3:56

CAPITOL WEST VIRGINIA
SECRETARY OF STATE

§27-8-1. General.

1.1. Scope. -- This rule establishes standards for marriage and family therapist to follow in applying, qualifying, and maintaining licensure as a marriage and family therapist.

1.2. Authority. -- W. Va. Code §§30-31-5, 30-31-6 and 30-31-8.

1.3. Filing Date. -- June 16, 2009

1.4 Effective Date. --

§27-8-2. Definitions.

2.1. The following definitions 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. "Application" means an official written application, providing all required information on forms provided by the Board, including all supporting documentation and the fee, and filed with the Board secretary.

2.3. "Marriage and family therapy" means the diagnosis and treatment of mental and emotional disorders whether cognitive, affective or behavioral, specifically within the context of marriage and family systems, that involve the professional application of theories and techniques to individuals, couples and families, singly or in groups.

2.4. "Marriage and family therapy work experience" means the applicant's primary professional responsibility that was in direct provision of marriage and family therapy services or such indirect services, including direct or indirect marriage and family therapist supervision, as may be approved by the Board.

2.5. "Direct supervision" means face to face or interactive contact such as telephone, video, email, or other contact that clearly addresses the required specialty areas as cited in subsection 6.1.a. of this rule.

2.6. "Indirect supervision" means review of written reports, case notes, test data and/or any review of representation of supervised marriage and family therapist's work.

§27-8-3. Requirements for Application.

3.1. The applicant shall submit, in a format designated by the Board, a licensure packet containing all of the following information before the Board will consider the applicant for licensure:

3.1.a. A completed application form;

3.1.b. A notarized affidavit;

3.1.c. A non-refundable application fee by check or money order payable to WV Board of Examiners in Counseling (WVBEC);

3.1.d. Official graduate transcripts sent directly from a college or university;

3.1.e. Two completed professional recommendation forms from individuals licensed as marriage and family therapists, professional counselors, psychologists, social workers, or psychiatrists on a form provided by the Board. Persons with a temporary license cannot complete the recommendation form;

3.1.f. Three personal reference letters to satisfy the Board that the applicant is of good moral character and merits public trust. The letters' author may not be the same person completing a recommendation form. The Board does not provide a form for this purpose;

3.1.g. A supervisor's registration submitted on a form provided by the Board. The proposed professional supervisor must meet the requirements of section 6.2.f. of this rule;

3.1.h. Verification of supervision forms. These forms shall document the supervised therapy experience, including quarterly reports and a final supervisor's verification and assessment form. These forms are provided by the Board; and,

3.1.i. Verification of a passing score on the Marital and Family Therapy exam.

3.2. Applications will be retained for 18 months from the date of receipt by the Board. Applications which remain incomplete and/or inactive 18 months after initial receipt will be invalid, and individuals seeking licensure will be required to re-apply.

§27-8-4. Requirements for examination.

4.1. The examination required for licensure as a marriage and family therapist is the "Examination in Marital and Family therapy" offered by the "Association of Marital and Family Therapy Regulatory Boards" (AMFTRB).

4.2. Only applicants who are approved by the board may sit for the examination. Approval to sit for the examination will be granted after a completed licensure packet is filed with the Board and a review of the applicant's educational records establishes that the educational requirements for licensure are met.

4.3. An applicant who is approved for the examination shall be sent an approval letter/email from the board.

4.4. The minimum score for passage of the examination is the passing score as determined by the “Professional Examination Services”.

4.5. An applicant who fails the initial examination and fails 2 subsequent examinations is disqualified from retaking the examination until satisfactory documentation of additional education and experience as determined by the Board, has been received and approved by the Board.

4.6. Applicants who have passed the “Examination in Marital and Family Therapy” shall provide official verification of a successful score to the Board. A passing score is valid for 5 years from the date of examination.

§27-8-5. Requirements for Reciprocity Review.

5.1. An individual may apply for reciprocity review if the individual is currently licensed in another state whose licensing requirements are greater than or equal to the requirements in this rule as determined by the Board. It is the applicant’s responsibility to provide the documentation necessary for the Board to make an appropriate decision on reciprocity.

5.2. The following documentation is required for the Board to review for reciprocity:

5.2.a. A completed West Virginia application form;

5.2.b. Copies of graduate transcripts from the issuing institutions;

5.2.c. A certified copy, including exam results, of the applicant’s file from the jurisdiction where currently licensed;

5.2.d. Two (2) completed professional recommendation forms from individuals licensed as marriage and family therapist, professional counselors, psychologists, social workers or psychiatrists on a form provided by the Board. Persons with a temporary license cannot complete the recommendation form; and,

5.2.e. The appropriate fee.

§27-8-6. Qualifications of Applicants.

6.1. Education: The education requirements for the licensure of applicants are set forth in W. Va. Code §30-31-9. To meet those requirements, an applicant shall have one of the following degrees:

6.1.a. A master's or doctoral degree from an institution with a program accredited by the Commission On Accreditation Of Marriage And Family Therapy Education (COAMFTE), Council on Accreditation of Counseling and Related Educational Programs (CACREP), the North Central Association of Colleges and Schools (NCACS), the Southern Association of Colleges and Schools (SACS), or a comparable accrediting body as determined by the Board. Applicants must complete a minimum of 60 semester hours or 90 quarter hours of graduate course work inclusive of a masters or doctoral degree in marriage and family therapy. Pertaining to the educational requirements, a degree in marriage and family therapy must meet all of the following criteria, as determined by the Board:

(1) The program or concentration must clearly be identified as marriage and family therapy. Such a program must specify in pertinent institutional catalogues and brochures its intent to educate and train marriage and family therapists.

(2) The marriage and family therapy curriculum must stand as a recognized entity within the institution and have a marriage and family therapy faculty.

(3) The marriage and family therapy coursework completed must be an organized course of study that includes at least one three hour graduate course in each of these eight areas of marriage and family therapy:

(a) Marriage and family studies: Courses in this area should present a fundamental introduction to marriage and family studies. The student should learn to think across a wide variety of family structures and a diverse range of issues (i.e. gender, culture, and substance abuse). Topic areas may include but not limited to: family development, subsystems, blended families, gender issues in families, cultural issues in families;

(b) Systems theory: Courses in this area should address the historical development, theoretical and empirical foundations, and contemporary conceptual directions of the field of marriage and family therapy;

(c) Research: Courses in this area should assist the student in understanding and performing research. Topic areas may include: research methodology, qualitative and quantitative methods, and statistics;

(d) Professional ethics: Courses in this area must include the "American Association for Marriage and Family Therapy" (AAMFT) code of ethics, confidentiality and liabilities of clinical practice and research, professional ethics as a marriage and family therapist, professional socialization and the role of the professional organization, licensure or certification legislation, independent practice and inter professional cooperation. Religious ethics courses and moral theology courses do not meet this requirement;

(e) Human growth and development: Courses in this area should provide knowledge of personality development and its normal and abnormal manifestations. The student should have relevant coursework in human development across the lifespan, which includes special issues that should be integrated with systems concepts. Topic areas may include but are not limited to: human development, psychopathology, personality theory, human sexuality. Test and measurement courses do not meet this requirement;

(f) Appraisal of individuals and families: Courses in this area shall include the framework for understanding the individual, couple and family group, psychological and educational testing, and the study of ethnic, cultural and gender factors. Course content will address from a relational/systemic perspective, psychopharmacology, physical health and illness, traditional psycho diagnostic categories, and the assessment and treatment of major mental and emotional disorders;

(g) Principles of etiology, assessment, diagnosis, treatment planning, and prevention of mental and emotional disorders and dysfunctional behavior; and,

(h) Practicum: Includes a supervised training experience consisting of the provision of marriage and family therapy to clients and is acceptable to the Board;

(i) Minimum twelve months, supervised clinical practicum with three hundred hours of direct contact with individuals, couples, and families;

(ii) Fifty percent of the three hundred hours must be with couples and families present.

(4) The marriage and family therapy coursework completed must include four courses in marriage and family therapy. Courses in this area should have a major focus on advanced marital or family systems and systemic therapeutic interventions. This area is intended to provide a substantive understanding of the major theories of systems change and the applied practices evolving from each theoretical orientation. Major theoretical approaches include but are not limited to: strategic, structural, object relations, behavioral, intergenerational, and systemic sex therapy.

(5). Additional or advanced courses in any required curriculum category listed in section (a) through (h) and section (4) in this section or sufficient semester credit hour courses that are marriage and family related elective subjects to equal the semester credit hour course requirements as outlined in 6.1.a. thru 6.1.h and section (4) of this rule.

6.1.b. Applicants with other graduate degrees in a mental health field that contain sixty semester hours or ninety quarter hours must submit written evidence that the degree program and any additional coursework meet standards that are equivalent to a graduate degree in marriage and family therapy set forth in sections 6.1.a. thru 6.1.h and section (4) of this rule

6.1.c. The credentialing committee, composed of the two counselor educators on the Board, shall review all matters regarding education requirements. The credentialing committee may make a final determination regarding the sufficiency of the applicant's education or may refer the matter to the entire Board for determination. Any determination made by the committee or Board may be appealed in accordance with the procedures set forth in Series 11 of the Board's rules.

6.2 Supervised post-graduate work experience: The applicant shall have a minimum of 3000 hours of supervised marriage and family therapy experience, after earning a master's degree in marriage and family therapy or its equivalent as determined by the Board; or have earned a doctoral degree in marriage and family therapy or its equivalent as determined by the Board and have a minimum of 1500 hours of supervised marriage and family therapy experience after earning the degree.

6.2.a. The marriage and family therapy work experience shall be obtained over not less than two years.

6.2.b. The Board will not credit an applicant with more than 1500 hours of experience in any twelve-month period.

6.2. c. At least 50% of the supervised marriage and family therapy experience must be in the direct provision of therapy to individuals, couples or families.

6.2.c.1. Applicants should apply systemic theories and treatment with all clients and make every effort to work with as many couples and families as possible. At least 50% of the 1500 hours in 6.2.c. must be with couples and families present.

6.2.d. The applicant shall remain under professional supervision satisfactory to the Board, and may not be called a licensed marriage and family therapist, or in any way be represented as a licensed marriage and family therapist, until the applicant is duly licensed by the Board.

6.2.e. The professional supervisor shall determine the applicant's activities. A minimum of 1 hour of direct individual supervision is required for every 20 hours of practice unless the professional supervisor deems additional supervision is necessary. When the professional supervisor is not a full-time employee of the same firm or agency as the applicant, this supervision shall occur at least twice in each calendar month unless the professional supervisor deems additional supervision is necessary. The supervisor shall be reasonably available to the applicant for telephone consultation. An approved professional supervisor may not supervise more than 4 individual applicants.

6.2.f. The professional supervisor shall be pre-approved by the Board and shall provide post-graduate degree supervision for applicants provided he/she is a marriage and family therapist, licensed professional counselor, or other qualified supervisor as determined by the Board. At a minimum, the professional supervisor shall have been licensed for a period of 2 years and shall have 5 years therapy/counseling experience. The professional supervisor shall document to the Board that he or she has a current license and has completed training in therapy/counseling supervision that includes content and experiences relevant to the professional and clinical supervision of counselors. The professional supervisor shall provide the Board with a statement detailing his or her therapy philosophy, supervision experience and therapy experience. The professional supervisor shall demonstrate skills necessary to address core areas of practice as outlined in 6.1.a of this rule.

6.2.f.1. The training in therapy/counseling supervision in 6.2.f. shall be one of the following:

6.2.f.1.a. Successful completion of a one-semester graduate course in marriage and family therapy clinical supervision from an accredited institution; or

6.2.f.1.b. A 30 hour continuing education course in clinical supervision offered by a board approved provider.

6.2.f.2. In lieu of meeting the qualifications set forth in 6.2.f. of this rule, a licensed mental health professional is an acceptable professional supervisor if the licensed mental health professional has been designated as an approved supervisor by the American Association for Marriage and Family Therapy (AAMFT) before the licensed mental health professional provides any supervision.

6.2.g. The applicant shall provide the Board with verification of completion of supervised marriage and family therapy experience on forms provided by the Board.

6.3. Standardized certification examination in marriage and family therapy: The applicant shall provide the Board with verification that he or she has attained a successful score on a

certification examination in marriage and family therapy approved by the Board. The successful score is valid for 5 years from the date of examination.

6.4. A person who is licensed for the 5 years prior to the effective date of this rule and has substantially similar qualifications as required by section 6.1.a. thru 6.1.h and section (4) and (5) of this rule is eligible for a license to practice marriage and family therapy. This provision expires on July 1, 2012.

§27-8-7. Provisional License

7.1. An applicant must obtain a provisional license before the applicant begins their supervisory experience. Hours obtained by an unlicensed person in any setting shall not count toward the supervised experience requirements.

7.2. The Board will issue a provisional license to an applicant who:

7.2.a. has filed a licensure packet in accordance with section 3.1 of this rule; and

7.2.b. has met all the licensure requirements, including the academic requirements in section 6 of this rule; and the required examination in section 6.3 of this rule;

7.3. Supervision during the provisional licensing period must be continuous, and any interruption in supervision of more than six weeks must be reported to the Board, in writing, within the first month of the interruption. Interruptions not reported in a timely manner may result in termination of the provisional license or other disciplinary action or sanctions as deemed appropriate by the Board.

7.4. Any change in the supervisory agreement, including the approved supervisor, must be reported to the Board, in writing, prior to the change and approved by the Board. Changes not reported to and approved by the Board in a timely manner may result in termination of the provisional license or other disciplinary action or sanctions as deemed appropriate by the Board.

7.5. Provisionally licensed marriage and family therapist are not permitted to operate their own private practice and may practice only as part of his or her licensure supervisory requirement as outlined in section 6.2 of this rule.

7.6. A provisional license is valid for 36 months. A provisional licensee who does not complete the supervised therapy experience during the 36-month licensure period may renew his or her provisional license once for an additional 24 months by written request and payment of a fee equal to the current initial application fee.

§27-8-8. Issuance of License.

8.1. A license authorizing the holder to engage in the practice of marriage and family therapy shall be issued by the Board to each successful applicant for licensure as a marriage and family therapist.

8.2. Each license issued by the Board shall contain the licensee's name, license number, the date of issuance and the expiration date.

8.3. Official licenses shall be signed, in person or electronically, by the Chairperson and Secretary of the Board, and be affixed with the official seal of the Board.

8.4. All licenses issued by the Board remain the property of the Board and shall be surrendered on demand.

8.5. Once all requirements for licensure have been determined, the Board shall mail notification of the license to the applicant's last known physical address or email address.

8.6. The Board shall replace a license that is lost, damaged, or is in need of revision upon written request from the licensee and payment of the license replacement fee.

§27-8-9. Professional Disclosure

9.1. A licensee shall display a professional disclosure statement at the place where he/she performs services and make a copy of the statement available to clients upon request. The Board shall provide the professional disclosure statement form when a license is originally issued. A licensee may obtain additional forms through the Board office or website.

9.2. The following information shall be included on the professional disclosure statement:

9.2.a. The name, title, business address, and business phone number of the licensee performing the service; and,

9.2.b. The formal professional education of the licensee, including academic degrees, the institutions awarding those degrees and the dates they were received;

(1) Formal professional education means the licensee's academic training related to marriage and family therapy which meets the educational requirements for licensure as a marriage and family therapist; and,

(2) Academic degrees that do not meet the requirements for licensure are not formal professional education as defined in this Rule and shall not be listed.

9.2.c. The licensee's areas of competence in marriage and family and the services they provide, as follows, as is appropriate: The practice of marriage and family therapy and the delivery of those services are defined in sections 27-8-2.3. and 27-8-6.1.a. of this rule. The marriage and family therapist areas of competence and services are required to be listed on the professional statement; and

9.2.d. The Board's name, current address and toll-free telephone number. The following statement shall appear just above the Board's information: Any questions, concerns or complaints relating to the delivery of service by the marriage and family therapist listed above, may be directed to.

9.3. The following legal and ethical principles apply to the licensee in providing this disclosure statement:

9.3.a. The provision of the professional disclosure statement is the sole responsibility of the licensee. The licensee shall submit a copy of the professional disclosure statement to the Board;

9.3.b. The purpose of professional disclosure is to provide sufficient information to aid the consumer public in making informed judgments and choices on matters that concern it; and,

9.3.c. Areas of competence and provided services listed on the professional disclosure statement shall not exceed those professional qualifications possessed.

9.4. In listing areas of competence and services provided on the professional disclosure statement, the licensee shall adhere to the scope of practice of marriage and family therapy and delivery of services as defined in W. Va. Code §30-31-3(g), and as cited in Section 9 of this rule.

§27-8-10. Code of Ethics.

10.1. The Board adopts the American Association of Marriage and Family Therapist's Code of Ethics as part of this rule and all provisions of the Code of Ethics have the effect as if it were a specifically promulgated rule of the Board.

10.2. The Board may take disciplinary action against a licensee who fails to comply with the Code of Ethics cited in subsection 10.1. of this rule.

§27-8-11. Responsibilities of Licensees.

11.1. Licensees are responsible for familiarizing themselves with the most current provisions of the W. Va. Code 30-31-9, the Code of Ethics of the American Association of Marriage and Family and for practicing therapy in accordance with the law and all rules promulgated by the Board.

11.2. A licensee shall notify the Board within 30 days of any change of his or her legal name, primary address, telephone number, email address or similar change of location or status.

11.3. A licensee shall notify the Board within 30 days of witnessing what may constitute, in his or her best judgment, professional misconduct by another marriage and family therapist.

§27-8-12. Expired License.

A person whose license has expired and who continues to hold himself or herself out as marriage and family therapist or who engages in marriage and family therapy without a license is in violation of W. Va. Code 30-31-9.

§27-8-13. Relations with the Public and Other Professions.

13.1. A licensee shall neither misrepresent not accept the misrepresentation by other persons of the efficacy of their professional services.

13.2. A licensee shall not, under normal circumstances, offer professional services to clients receiving services from another professional except with the knowledge of the other professional.

13.3. A licensee shall not distribute advertisements, announcements, or information that is false, inaccurate, misleading, partial, out of context, or deceptive.

13.4. A licensee shall clearly state their licensure status by the use of the title “Licensed Marriage and Family Therapist or “LMFT” in all professional correspondence, documents, advertisements and announcements.

13.5. A licensee shall display their original current license certificate and disclosure statement in a prominent place in the primary location of their practice.

13.6. A licensee shall distinguish between public statements made as a private citizen and those made as a representative of the profession, and be aware that any statement they make may be interpreted as being representative of their profession.

13.7. A licensee shall not give or accept a commission, rebate, or other form of remuneration for referral of clients for professional services.

§27-8-14. Violations of Child Support.

14.1. The Board shall revoke or suspend the license of a licensee or impose other sanctions against a licensee, or refuse to renew a license or approve an application for license, after receiving a valid circuit court order indicating that the licensee has violated a child support ruling and, as a result, has endangered his or her professional license.

14.2. The Board shall reinstate, remove sanctions against or allow renewal of or application for a license after receiving a valid circuit court order to reinstate or renew a license previously suspended, revoked or sanctioned as a result of a similar order of the court.

§27-8-15. Retirement Status

15.1. Shall only work in a voluntary position.

15.2. Shall complete 20 contact hours each renewal cycle instead of the required 40 contact hours as set forth in Series 10 of the rules of this Board.

15.3. Shall complete 3 of the 20 contact hours in ethics based on the American Association of Marriage and Family Therapist’s Code of Ethics.

15.4. May complete all 20 contact hours in home study including the ethics.

15.5. Shall pay a renewal fee of one-half of the current required renewal fee.