

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

Form #3

Do Not Mark In This Box

FILED

2009 JUL 31 PM 12:18

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, 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

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**

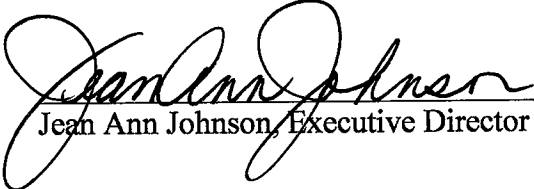
---

Post Office Box 129  
Ona, West Virginia 25545  
800-520-3852  
[www.wvbec.org](http://www.wvbec.org)  
[counselingboard@msn.com](mailto:counselingboard@msn.com)

### Approval of Filing

#### Marriage and Family Therapists Licensing Rule, Series 8

During the July 24, 2009 board meeting, members voted unanimously to approve and file this proposed legislative rule.



Jean Ann Johnson, Executive Director

**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: 07/29/09

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  
304-733-5494

LEGISLATIVE RULE TITLE: Licensed Professional Counselor license renewal and continuing education rule, Series 3

1. Authorizing statute(s) citation 30-31-5, 30-31-6 and 30-31-8

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:  
June 16, 2009 Public Comment Period

b. What other notice, including advertising, did you give of the hearing?  
\_\_\_\_\_  
\_\_\_\_\_

c. Date of Public Hearing(s) *or* Public Comment Period ended:  
July 17, 2009

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.  
Attached 3 No comments received \_\_\_\_\_

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, WV 25545  
Phone 304-733-5494 Fax 304-733-4172 email 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.

---

---

---

DID NOT INCLUDE PAGE 3 AS IT WAS BLANK

---

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

---

Post Office Box 129

Ona, West Virginia 25545

800-520-3852

[www.wvbec.org](http://www.wvbec.org)

[counselingboard@msn.com](mailto: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.

<b>FISCAL YEAR</b>			
Effect of Proposal	Current Increase/Decrease (use "-")	Next Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
<b>1. Estimated Total Cost</b>			
Personal Services			
Current Expenses			
Repairs & Alterations			
Assets			
Other			
<b>2. Estimated Total Revenues</b>	0.00	0.00	0.00

Rule Title: \_\_\_\_\_

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

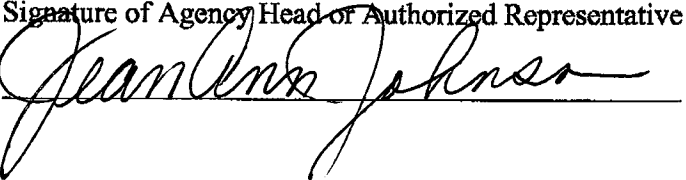
3. **Explanation of above estimates (including long-range effect):**  
Please include any increase or decrease in fees in your estimated total revenues.

**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  


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

**FILED**

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

2009 JUL 31 PM 12: 18

OFFICE 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; and,

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.

3.2. For applicants who have passed an examination, verification of a successful score on a certification examination in marriage and family therapy approved by the Board. A passing score is valid for five (5) years from the date of examination. An applicant may submit a licensure application prior to obtaining a passing score on certification exam.

3.3. For applicants who have not passed an examination, a completed licensure packet must be filed with the Board office prior to taking the Board-approved exam. The exam may be taken only after Board determination that the applicant is otherwise eligible for licensure.

3.4. 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 and examination failure.**

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) or an exam approved by the Board.

4.2. An applicant may sit for an approved examination within an eighteen (18) month period of the date of the first failed examination without filing a new licensure application and without presenting evidence of additional education or experience

4.3. 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.

#### **§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. The national certification examination may be waived. 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 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; 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 for 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: includes individual and family differences, methods of data gathering and interpretation, individual, family and group testing, and case study;

(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 subsections 6.1.a(3) and 6.1.a(4) of this rule 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 subsections 6.1.a(3) and 6.1.a(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 subsections 6.1.a(3) and 6.1.a(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 marriage and family board member may attend credentialing committee meetings at their discretion. 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 5 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 master's level marriage and family therapy work experience shall be obtained in not less than two years and the doctoral degree marriage and family therapy work experience shall be obtained in not less than one year.

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 marriage and family therapists. 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 6.1.a. through 6.1.a.(3)(h), 6.1.a(4) and 6.1.a(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 for Marriage and Family Therapy'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 for Marriage and Family Therapy 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 nor 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 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 for Marriage and Family Therapy'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.

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

---

Post Office Box 129

Ona, West Virginia 25545

800-520-3852

[www.wvbec.org](http://www.wvbec.org)

[counselingboard@msn.com](mailto:counselingboard@msn.com)

### **Response to Comments**

#### **Marriage and Family Therapist (MFT) Licensure Rule Series 8**

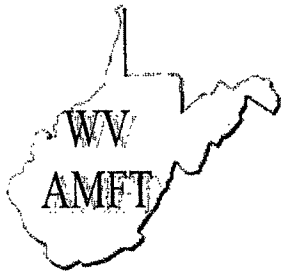
The board received three comments concerning the MFT licensure rule.

- Comments
  1. Add alternative MFT examination
  2. Section on examination was confusing
  3. Reciprocity review to add the exam may be waived to reflect the same language as the LPC rule.
  4. Qualifications of applicants
    - a) Removal of section stating that the marriage and family therapy curriculum stand as a recognized entity within an accredited institution
    - b) Removal of similar language found in course content
    - c) Add MFT member to credentialing committee
    - d) Add language to the section considered to be the “grandfathering” section

The board reviewed all the comments and made changes to 1, 2 and 3 in the comment listed above. There was lengthy discussion on the qualifications of applicants (4 listed above) and board made the changes they believed would preserve the goal of protecting the public.

The Board received the MFT member. Her participation in the meeting and voting on the proposed rules was a fantastic addition.

The changes that were made to the MFT licensing rule added clarification and made the licensing rule more consistent with the LPC licensing rule.



# West Virginia Association for Marriage and Family Therapy

PO Box 9213, Huntington, WV 25704-0213

---

13 July 2009

WVBEC

815 Quarrier St., Suite 212  
Charleston, WV 25310

Dear Members of the Board:

Pursuant to the comment period on the proposed rules for the License in Marriage and Family Therapy, the WVAMFT held a general membership meeting on 8 July 2009. This letter should serve as that body's official response. The WVAMFT is comprised primarily of Clinical Members of the American Association of Marriage and Family Therapy. Most of us have been practicing marriage and family therapy for more than 15 years. As the profession has evolved since the 1950's, we all come from various clinical backgrounds, which provide us with a diversity of experience from which to draw our responses. Some of us have been involved in licensure and legislative issues in other states as well. As we have reviewed the rules, we are pleased that they contain many good provisions. However, there are some concerns as noted in the following comments.

## **Examination (Series 8, Sections 3 & 4):**

The examination required under this section is the standard examination as set by the Association of Marriage and Family Therapy Regulatory Boards. Some individuals have been licensed as marriage and family therapists in states that required their own examination (it has been fairly recently that all states have become members of the AMFTRB). ***We believe that the board should have authority to accept other equivalent examinations.***

Some of the examination provisions conflict with each other. Subsection 3.1.i. requires applicants to verify a passing score on the MFT exam before the Board considers the application. However, section 4.2 states that only "applicants who are approved by the board may sit for the examination." An applicant cannot comply with both requirements. ***We recommend that the board delete these two conflicting provisions, and instead incorporate the language from sections 4.2 and 4.3 of the counseling licensure rule (Series 1) into Series 8.*** This change would allow both applicants who have taken and have not taken the exam to file an application with the board. This change will make section 4.6 of the MFT licensing rule unnecessary.

### **Reciprocity Review (Series 8, Section 5):**

Section 5.1 of Series 8 contains the standards for reciprocity review that are nearly identical to section 5.1 in the counseling licensure rule. However, the MFT rule does not include a section that allows the board to waive the certification examination requirement. The board should have the ability to waive the examination requirement for MFT applicants licensed in other states with similar or greater requirements for licensure. *Besides the fact that there is no reason for the unequal treatment between qualified MFT and counselor out-of-state applicants, the lack of an examination waiver would serve as a barrier for experienced out-of-state applicants who wish to practice as a licensed MFT in West Virginia. WVAMFT recommends adopting examination waiver language that is equal to the language found in Section 5.1 of the counseling licensure rule.*

### **Qualification of Applicants (Series 8, Section 6):**

Under subsection 6.1.a.1 & 2, applicants are required to have their degree or concentration specifically identified as a course of study in marriage and family therapy and must have a stand-alone faculty in marriage and family therapy. This is actually backwards from the OH rules, which it appears were used as a template for the WV rules. In OH, in order to be licensed as an LPCC (the equivalent of WV's LPC) the person's degree must be specifically in counseling. This rule also reflects discrimination towards those who were trained in religious institutions, seminaries and other institutions that prefer to use the term "counseling" but provide an educational program that is still distinctly marriage and family therapy. This is especially true of the older, more experienced therapists, as educational institutions have more clearly defined their programs over the last 15 years. This rule would limit the licensing of appropriately trained and experienced marriage and family therapists. *The WVAMFT recommends the deletion of these two rules (6.1.a.1 and 6.1.a.2) or altering the language to states, "unless the degree was granted prior to December 31, 2001" (a date which would permit those more seasoned therapists who graduated from older programs with a different label, but that were still distinctly MFT programs, to be licensed). At the very least, licensure as an MFT in another state and/or Clinical Membership in AAMFT should be accepted in lieu of these two requirements.*

Under subsection 6.1.c., the credentialing committee that will examine the MFT education requirements is "composed of the two counselor educators who are members of the board. AAMFT believes that the MFT board member should serve on this credentialing committee. Since this committee will be reviewing the educational requirements of each MFT applicant, it is important to have the MFT board member serve on this committee. The MFT board member will bring an understanding of the MFT educational requirements that other board members will not have. Additionally, MFT applicants deserve to have their applications reviewed by a person who has gone through the MFT educational process themselves and has extensive knowledge of the educational requirements. *Therefore, WVAMFT recommends the addition of the MFT board member to the credentialing committee.*

Section 6.2 correctly states that applicants with a master's degree in marriage and family therapy shall have a minimum of 3000 hours of supervised marriage and family therapy experience, and applicants who have earned a doctoral degree shall have a minimum of 1500

hours of supervised marriage and family therapy experience. However, subsection 6.2.a., which states that the "marriage and family work experience shall be obtained over not less than two years," conflicts with House Bill 2532, which allows an applicant with a doctoral degree to have a minimum one year of supervised experience in marriage and family therapy. ***Subsection 6.2.a. should be removed because it conflicts with the statute. Subsection 6.2.b. is not necessary, and it is not found in the counselor rules. We suggest that the board not include subsection 6.2.b. in the final rule.***

In term of the requirements for professional supervisors, subsection 6.2.f. is similar to 6.2.c. of the counseling licensure rule. However, the MFT rule contains the additional requirements found in subsections 6.2.f.1 and 6.2.f.2. These subsections are not replicated in the counseling rules. Additionally, these subsections could limit the number of available supervisors for MFT graduates. ***The WVAMFT recommends deleting 6.2.f.1 and 6.2.f.2.***

Section 6.4 of Series 8 is similar to the language found in section 9(c) of HB 2532. However, the statute states that this section will expire in 2013, not in 2012 as indicated in the rules. The rule should reflect the correct expiration date. It appears that section 9(c) of HB 2532 was intended by the legislature to allow MFT licensure for experienced professionals who have substantially similar qualifications as required by the statute.

Section 6.4 of Series 8 provides for a grandfathering period, as per the statute in HB 2532. However, the rule states that the person must meet all requirements as though they were not being grandfathered into licensure. ***The WVAMFT recommends changing the wording of this rule to: "A person who is licensed as an independent mental health professional for five years prior to the effective date of this rule and can demonstrate qualifications in the provision of marriage and family therapy as evidenced by either a masters degree or above in marriage in family therapy, independently licensed in another state as a marriage and family therapist or clinical membership in the American Association of Marriage and Family Therapy (AAMFT) is eligible for a license to practice marriage and family therapy. This rule expires on July 1, 2013."***

#### **Fees (Series 9):**

There is a great discrepancy between the fees established for the LPC and the fees established for the LMFT. These include a \$30.00 difference in the initial application fee, and even a \$5.00 difference in bounced check fees. It should be noted that most states require a cashier's check or money order for fee payment. ***The WVAMFT recommends that the fees for each license be identical.***

#### **Professional Education Requirements (Series 10):**

Series 10 will establish the standards for MFT licensure renewal and continuing education. Series 10 is very similar to the Series 3 standards for counselors. We noticed some differences, such as a definition of "continuing professional education." The MFT definition of "continuing professional education" does not contain any specific program areas. ***The WVAMFT recommends that at least 3 hours of CE be required in multicultural issues, and in ethics.***

**Jean Ann Johnson**

---

**From:** "larry mcneely" <mcneelymft@gmail.com>  
**Date:** Friday, July 17, 2009 11:57 AM  
**To:** <rclay27@msn.com>; <counselingboard@msn.com>  
**Cc:** "me" <mcneelymft@gmail.com>  
**Subject:** MFT Comment  
Marriage and Family Therapist Licensing Rule Comment

I started counseling in 1972 and family therapy in 1973 after my first year of doctoral study. I am honored to provide family therapy to children, adolescents, and the parents or caregivers as I have found that family therapy is the most effective method of change. Family therapy helps a child, adolescent, and the family identify and then together to change coping strategies.

**27-8-6** I respectfully appeal to the Board for consideration to include alternative qualifications for MFT licensure in addition to the degree in MFT as stated in the proposed rules.

I am an ALPS for the Board as well as a clinical member and approved supervisor for the American Association of Marital and Family Therapy. As a native West Virginian, my career has been helping others through counseling which is often family therapy.

I completed 100 hours of individual and 100 hours of group family therapy supervision as well as numerous didactic studies in Family Therapy. I have 42 hours of supervision of supervision. I traveled 300-500 miles each time for this supervision. I did not complete my Counselor Education doctorate, however, I have many hours past my Masters in Counseling.

I hope the Board can include an alternative means for me to meet qualification as an applicant as stated in 27-8-6 so that I could apply. At my age, I can not see the efficacy in completing a second Masters. I continue to read Family Therapy journals, attend Family Therapy conferences and work in my field of family therapy.

Respectfully submitted for consideration,

Larry C. McNeely  
LPC 961  
M. Ed.

Submitted by E-mail and Fax (304) 558-5496



American Association for  
Marriage and Family Therapy

Advancing the Professional Interests  
of Marriage and Family Therapists

112 South Alfred Street  
Alexandria, VA 22314  
Telephone: (703) 838-9808  
Fax: (703) 838-9805  
Website: www.aamft.org

---

July 14, 2009

West Virginia Board of Examiners in Counseling  
Post Office Box 129  
Ona, WV 25545

Re: Comments on MFT Licensing, Fee, and Continuing Education Rules

Dear Chairperson Frost:

I am writing on behalf of the American Association for Marriage and Family Therapy (AAMFT). AAMFT is the national professional association that represents the interests of more than 50,000 Marriage and Family Therapists (MFTs). AAMFT is affiliated with the West Virginia Association for Marriage and Family Therapy (WVAMFT). The WVAMFT is the division of the AAMFT that represents the professional interests of MFTs in West Virginia.

I am writing in relation to the three MFT rules proposed by the Board of Examiners. We reviewed these proposed rules. These three rules pertaining to MFT Licensing (Series 8), Fees (Series 9), and Continuing Education (Series 10) contain several good provisions that will help facilitate the licensure of MFTs and protect the public. However, we would like to comment on sections within these proposed rules that are unnecessary, redundant, or inconsistent. We have included some recommendations that would alleviate these concerns.

**Examination (Series 8, Sections 3 and 4):**

The examination required under section 4.1 is the "Examination in Marital and Family Therapy" offered by the Association of Marital and Family Therapy Regulatory Boards (AMFTRB). However, many MFT applicants are or were licensed in states that required an alternative MFT examination. Therefore, we believe that the Board should have the authority under section 4.1 to recognize other MFT exams as approved by the Board.

In reviewing the remaining examination sections, it appears that some of the examination provisions conflict with each other. Subsection 3.1.i., which requires verification of a passing score on the MFT exam before the Board considers the application, conflicts with section 4.2, which requires the submission of a completed application packet and board approval of the applicant's education requirements before an applicant may sit for the examination. The relevant examination sections in the counselor licensure rule as found in Series 1 are more straightforward and do not conflict with each other. Therefore, we recommend that the board delete subsection 3.1.i. and section 4.2 and replace these two provisions with the language from sections 4.2 and 4.3 of the counseling licensure rule.

### **Reciprocity Review (Series 8, Section 5):**

Section 5 outlines the requirements for reciprocity for MFTs currently licensed in another state. Section 5.1 contains standards for reciprocity review that are almost identical to section 5.1 in the counseling licensure rule. However, unlike the existing counseling rule, the MFT proposed rule does not include a provision allowing the board to waive the MFT certification examination requirement. The lack of an examination waiver would serve as a barrier for experienced out-of-state MFT applicants who apply to practice as a licensed MFT in West Virginia. This important language should be included in the final rule so that the board will have the ability to waive the exam requirement for out-of-state applicants. AAMFT strongly recommends adopting examination waiver language it is very similar to the language found in Section 5.1 of Series 1 of the counseling licensure rule.

### **Qualification of Applicants (Series 8, Section 6):**

Section 6 contains the qualifications of MFT applicants. Subsection 6.1.a.(1) requires that each program must be clearly identified as marriage and family therapy. Subsection 6.1.a.(2) requires that the marriage and family therapy curriculum stand as a recognized entity within an accredited institution. We believe that a strict interpretation of these subsections could harm applicants who were trained many years ago or who were trained in religious institutions and other institutions that do not have programs specifically identified as marriage and family therapy or have the curriculum as a recognized entity, but that clearly provide an educational program that distinctly a marriage and family therapy program. We recommend either the deletion of these two minor provisions, or amending the language to allow Clinical Membership in AAMFT or a related standard in place of the strict requirements of subsections 6.1.a.(1) and 6.1.a.(2).

The coursework requirements in subsection 6.1.a.(3) are very similar to the requirements found in the Ohio Administrative Code for MFTs (OCA Section 4757-25-01). It appears that subsection 6.1.a.(3)(g), which is not found in the Ohio rules, overlaps with some of the coursework requirements found in subsection 6.1.a.(3)(f). We believe that either (f) or (g) should be merged together into one requirement or the similar language found in subsection 6.1.a.(3)(f) should be removed.

Under subsection 6.1.c., the credentialing committee that will examine the MFT education requirements is composed of the two board members who are counselor educators. Since this credentialing committee will be reviewing the educational requirements of each MFT applicant, it is very important to have the MFT board member serve on this committee. The MFT board member will bring knowledge of the MFT educational requirements that other board members will lack. Additionally, MFT applicants should have their applications reviewed by at least one person who is a licensed MFT and has gone through the MFT educational process. AAMFT recommends the addition of the MFT board member to the credentialing committee.

Subsection 6.2.a. states that the "marriage and family work experience shall be obtained over not less than two years." This subsection directly conflicts with House Bill 2532, which allows an applicant who has earned a doctorate or equivalent degree to have at least one year of supervised

experience in marriage and family therapy. This subsection should be removed. Subsection 6.2.b. is not found in the existing counselor rules, and is unnecessary. We recommend that the board not include subsections 6.1.a. and 6.2.b. in the final rule.

The professional supervisor qualifications are found in subsection 6.2.f. Subsection 6.2.f. is similar to 6.2.c. of the counseling licensure rule. However, the two subparts to subsection 6.2.f. of the MFT rule, subsections 6.2.f.1. and 6.2.f.2., are not found in the counseling rule. These two subsections do not appear to be needed, and these provisions could unnecessarily limit the number of available supervisors for MFT graduates.

Section 6.4 of Series 8 is similar to the language found in section 9(c) of HB 2532. However, the statute states that this section will expire in 2013, not in 2012 as indicated in the statute. This section should be amended to reflect the correct expiration date. It appears that section 9(c) of HB 2532 was intended by the legislature to allow MFT licensure for experienced professionals who have substantially similar qualifications as required by the statute. We recommend adding language to section 6.4 that would allow applicants with a master's degree in marriage and family therapy, licensure as an MFT in another state, or Clinical Membership in AAMFT to be eligible for licensure if the applicants were licensed for the 5 years prior to the effective date of the rule.

#### **Fees (Series 9):**

Series 9 establishes the fee requirements related to the licensing of MFTs. Although we do not see a problem with many of the fees, we strongly object to the initial application fee and reciprocity application fee of \$200.00, as set forth in subsections 3.3a. and 3.3c. These fees are higher than the \$170.00 initial application fee and reciprocity application fee that a licensed professional counselor will have to pay if the proposed amendments to the counseling fee rule, Series 2, are approved. We do not see a rationale for the difference in fees between the two professions. The MFT application process will be similar to the existing counseling application process. The additional work involved in processing MFT applications should not result in the hiring of additional staff. Therefore, AAMFT recommends that the initial application fee and reciprocity application fee should be identical to the fees for counselors.

#### **Professional Education Requirements (Series 10):**

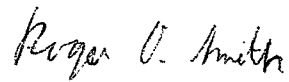
Series 10, which establishes the standards for MFT licensure renewal and continuing education, is similar to the Series 3 standards for counselors. We noticed some differences, such as a definition of "continuing professional education." In terms of licensure renewal, under section 3.1, a MFT licensee can renew his or her license "on or before the date of issuance anniversary date." However, counselors are allowed to renewal on or before July 1st of every odd numbered year. MFT applicants should have the ability to renew biennially on or before July 1st. We believe that it would save the board some time and expenses if all licensees had the same renewal date.

**Other issues:**

We noticed a few errors in the names of organizations mentioned through these proposed rules. The name for AAMFT is the "American Association for Marriage and Family Therapy." The COAMFTE is the "Commission on Accreditation for Marriage and Family Therapy Education." The proposed rules also reference the counseling profession in several sections in which the reference really should be for the MFT profession. For example, subsection 6.2.c. contains many references to the counseling profession.

In order to improve these rules, the AAMFT recommends that the board changes to the proposed regulations. Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in cursive script that reads "Roger D. Smith".

Roger D. Smith, J.D.  
Senior Attorney  
American Association for Marriage and Family Therapy