



WEST VIRGINIA SECRETARY OF STATE
KRIS WARNER
ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

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

AGENCY: Human Services TITLE-SERIES: 78-29
RULE TYPE: Legislative Amendment to Existing Rule: No Repeal of existing rule: No
RULE NAME: 78-29 Licensure and Certification of Alcohol and Drug Counselors

PRIMARY CONTACT

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CITE STATUTORY AUTHORITY: W. Va. Code §16-68-23.

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

The legislative rule implements the provisions of §16-68-1 et seq (Article 68. Licensure and Certification of Alcohol and Drug Counselors) by establishing standards, procedures, and requirements necessary to effectuate the article. It applies to applicants for, and holders of, licensure as a Licensed Advanced Alcohol and Drug Counselor and certification as a Certified Alcohol and Drug Counselor.

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? No

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? No

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 7/1/2026

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/31/2026

COMMENTS RECEIVED: Yes

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

N/A

SUMMARY OF THE CONTENT OF THE LEGISLATIVE RULE, AND A DETAILED DESCRIPTION OF THE RULE'S PURPOSE AND ALL PROPOSED CHANGES TO THE RULE:

This legislative rule is required to implement and effectuate the newly enacted W. Va. Code §16-68-1 et seq. (Article 68. Licensure and Certification of Alcohol and Drug Counselors). The statute mandates that the Department of Human Services, Bureau for Behavioral Health, promulgate rules to regulate the profession. This rule is necessary to protect the public health, safety, and welfare of West Virginia citizens by ensuring that individuals providing alcohol and drug counseling services meet uniform standards.

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE RULE:

See above.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED LEGISLATIVE RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

The operational and administrative functions for this program will be fully sustained on a self-supporting basis through the collection of the fees established within this legislative rule.

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

N/A

C. ECONOMIC IMPACT OF THE LEGISLATIVE RULE ON THE STATE OR ITS RESIDENTS:

There will be a financial impact on licensees. Under W. Va. Code §16-68-23 and the legislative rule, there will be a fee schedule.

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2026 Increase/Decrease (use "-")	2027 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost			
Personal Services			
Current Expenses			
Repairs and Alterations			
Assets			
Other			
2. Estimated Total Revenues			

E. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

N/A

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Lauren Withers -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

TITLE 78
LEGISLATIVE RULE
DEPARTMENT OF HUMAN SERVICES

SERIES 29
LICENSURE AND CERTIFICATION OF
ALCOHOL AND DRUG COUNSELORS

§78-29-1. General.

1.1. Scope. -- This legislative rule implements the provisions of §16-68-1 *et seq* (Article 68. Licensure and Certification of Alcohol and Drug Counselors) by establishing standards, procedures, and requirements necessary to effectuate the article. It applies to all Applicants for, and holders of: (a) licensure as a Licensed Advanced Alcohol and Drug Counselor; and (b) certification as a Certified Alcohol and Drug Counselor, under the provisions of this article.

1.2. Authority. -- W. Va. Code §16-68-23.

1.3. Filing Date. --

1.4. Effective Date. --

1.5. Sunset Date. -- This rule shall terminate and have no further force or effect on August 1, 2031.

1.6. Purpose. -- To protect the public health, safety, and welfare by implementing minimum standards for the licensure and certification of alcohol and drug counselors.

§78-29-2. Definitions.

The definitions set forth in W. Va. Code §16-68-1 apply to this rule and have the same meanings when used herein unless the context clearly indicates otherwise. For purposes of this rule, the following additional terms have the meanings as described below:

2.1. “Applicant” means any individual who has submitted an application for licensure or certification under this rule and whose eligibility is being reviewed by the Commissioner of the West Virginia Department of Human Services, Bureau for Behavioral Health.

2.2. “Approved examination” or “Department-prescribed examination” means a psychometrically valid and reliable examination aligned with the knowledge and skill base associated with the practice of alcohol and drug counseling that satisfies the requirements of section 4 of this rule and that may be administered by a third-party administrator under contract pursuant to W. Va. Code §16-68-11.

2.3. “Approved program” “approved education” means an education or training program that meets the criteria in section 3 of this rule and satisfies the educational requirements of W. Va. Code §16-68-5 or equivalent provisions.

2.4. “Certification” means a credential recognizing competency to practice alcohol and drug counseling under supervision and within the scope established by this rule and W. Va. Code §16-68-1 *et seq*.

2.5. “Certified Alcohol and Drug Counselor (CADC)” means an entry-level or mid-level credentialed professional practicing under appropriate supervision pursuant to this rule.

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2.6. "Commissioner" means the Commissioner of the Bureau for Behavioral Health, or the Commissioner's designee, which includes any staff member of the Department of Human Services, Bureau for Behavioral Health, or any contractor or third-party administrator engaged by the Commissioner pursuant to W. Va. Code §16-68-11 to perform functions under W. Va. Code §16-68-1 *et seq.* or this rule.

2.7. "Licensed Advanced Alcohol and Drug Counselor (LAADC)" means an individual meeting graduate-level education, supervised experience, examination, and licensure requirements established by W. Va. Code §16-68-1 *et seq.* and this rule.

§78-29-3. Educational and Experience Requirements; Approval of Programs; Nature of Supervised Professional Experience; Equivalent Degree Programs.

3.1. The Commissioner shall approve education, training, and supervised professional experience that satisfy the requirements for licensure or certification.

3.2. Commissioner-Approved Education.

3.2.1. Approved education must address competency in the practice of alcohol and drug counseling, including, but not limited to, the following topics:

3.2.1.a. Screening, assessment, and engagement;

3.2.1.b. Treatment planning, collaboration, and referral;

3.2.1.c. Individual or group counseling, whether in person or virtually; 3.2.1.d.

Professional and ethical responsibilities; and

3.2.1.e. Identifying and addressing co-occurring disorders.

3.2.2. A course will only be approved if:

3.2.2.a. It is provided by a regionally accredited institution of higher education, or a national or state organization or association that is widely recognized for its competency and expertise in counseling;

3.2.2.b. It is a structured training program relating to an approved topic;

3.2.2.c. The Commissioner has been provided with sufficient documentation demonstrating the relevance and value of the content, the qualifications of the instructor, and the number of instructional hours which will be provided;

3.2.2.d. The Commissioner has been provided with any other documentation which the Commissioner determines necessary and relevant to confirm the accuracy of the program, including, but not limited to, an advanced copy of the training program or presentation, and any associated handouts, materials, or interactive activity.

3.2.3. The Commissioner maintains full discretion in determining whether an approved program may be conducted virtually.

3.2.4. When the Commissioner approves a course, the Commissioner shall also identify whether the program qualifies as relating to the knowledge and skill base associated with the practice of alcohol and drug counseling, which must account for at least 240 hours of the total 360 hours of education for a Certified Alcohol and Drug Counselor.

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3.2.5. The Commissioner may maintain a non-exhaustive list of pre-approved providers or programs, or may approve individual programs upon the individual merits.

3.3. Nature of Supervised Professional Experience and Practical Training.

3.3.1. Supervised professional experience and the 300 hours of supervised practical training shall consist of supervised activities directly related to the practice of alcohol and drug counseling.

3.3.2. To establish that the qualifications have been met, documentation shall be provided which includes the following:

3.3.2.a. Signed logs of hours and activities;

3.3.2.b. Supervisor evaluations of the Applicant's competency and development, which shall be performed contemporaneously to the Applicant meeting the 150-hour mark and the Applicant meeting the 300-hour mark;

3.3.2.c. Supervisor recommendation as to whether the Applicant has demonstrated competency in alcohol and drug counseling;

3.3.2.d. Qualifications and practice experience of the supervisor; and

3.3.2.e. Any other records or information which the Commissioner deems necessary and relevant to establishing the practical training of the Applicant.

3.3.3. An Applicant may satisfy this requirement through other means.

3.3.3.a. The Commissioner may approve experience or training obtained in other jurisdictions or settings if substantially equivalent in nature, quality, and documentation.

3.3.3.b. A master's degree substitutes for one year of the supervised paid work experience or unpaid internship, as provided in statute.

3.3.3.c. Independently licensed professionals, such as licensed professional counselors, licensed independent clinical social workers, psychologists, and physicians, who have undergone previous supervision may use completed supervision under their professional license to satisfy the supervised training requirement set forth herein.

3.4. Equivalent Degree Programs.

3.4.1. The Commissioner shall consider a degree program equivalent to those listed if it: 3.4.1.a.

Is from a regionally accredited institution;

3.4.1.b. Is in a behavioral health or human services field; and

3.4.1.c. Contains a minimum of 18 graduate semester hours (or equivalent) in counseling or counseling-related subjects.

3.4.2. Applicants seeking equivalence determination shall submit transcripts, course descriptions, and any other documentation requested by the Commissioner.

§78-29-4. Examinations and Third-Party Administration; Passing Grade; Reexaminations.

4.1. The Department-prescribed examination required under W. Va. Code §16-68-5(4) and for

grandfathering under W. Va. Code §16-68-14 may be satisfied by successful completion of a qualified third-party examination (such as an International Certification & Reciprocity Consortium (IC&RC) Advanced Alcohol and Drug Counselor or Alcohol and Drug Counselor examination) that is psychometrically valid and reliable and aligned with the knowledge and skill base associated with the practice of alcohol and drug counseling. Applicants seeking licensure or certification via grandfathering shall submit the standard application and fee as outlined in Section 5 of this rule, accompanied by the documentation required for the specific grandfathering pathway under W. Va. Code §§16-68-12, 16-68-13, or 16-68-14, prior to the statutory deadline. The Commissioner may contract with a qualified third-party administrator pursuant to W. Va. Code §16-68-11 and §16-68-23(3) to prepare or administer the examination and reexaminations.

4.2. The passing grade shall be the scaled passing score or minimum percentage established by the Approved Examination provider and approved by the Commissioner as appropriate for the examination's psychometric properties.

4.3. An Applicant who fails the examination may apply to retake it in accordance with the policies of the examination provider and any reasonable requirements (including but not limited to waiting periods or remediation after multiple failures) established by the Commissioner. Reexamination fees, if any, shall be set in the fee schedule.

§78-29-5. Procedures for Issuance and Renewal of Licenses and Certifications; Fee Schedule.

5.1. To obtain initial licensure or certification, an Applicant shall submit to the Commissioner a completed application on forms prescribed by the Commissioner, the applicable non-refundable fee, satisfactory evidence of meeting all statutory eligibility requirements (W. Va. Code §§16-68-4, 16-68-5, or 16-68-6 as applicable) and rule requirements (including education, experience documentation, and examination), and any other information reasonably requested. The Commissioner shall issue the license or certification to qualified Applicants.

5.2. Licenses and certifications shall be renewed biennially (or on such other schedule as the Commissioner may establish consistent with statute) upon timely submission of a renewal application, the applicable fee, documentation of required continuing education, and attestation of continued compliance with all applicable requirements. The Commissioner may conduct random audits of continuing education documentation.

5.3. Fee Schedule. The following fees are established pursuant to W. Va. Code §16-68-23(8). Fees are non-refundable except as determined by the Commissioner in cases of administrative error.

<u>Fee Category</u>	<u>Amount</u>	<u>Notes</u>
<u>Initial Application: Certified Alcohol and Drug Counselor or Licensed Advanced Alcohol and Drug Counselor</u>	<u>\$125</u>	<u>Includes processing; examination fees paid separately to provider</u>
<u>Biennial Renewal: License</u>	<u>\$250</u>	<u>Due on or before expiration date</u>
<u>Biennial Renewal: Certification</u>	<u>\$250</u>	<u>Due on or before expiration date</u>

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<u>Late Renewal (within 30 days)</u>	<u>\$75 additional</u>	<u>Plus renewal fee</u>
<u>Duplicate or Replacement Credential</u>	<u>\$25</u>	
<u>Equivalency or Endorsement Review</u>	<u>\$75</u>	<u>In addition to applicable application fee</u>
<u>Clinical Supervisor (CS)</u>	<u>\$125</u>	<u>Includes processing; examination fees paid separately to provider</u>
<u>ADC to AADC Upgrade Fee:</u>	<u>\$25</u>	
<u>Certificate Replacement Fee</u>	<u>\$20</u>	
<u>Professional Upgrade (Clinical Supervisor)</u>	<u>\$75</u>	

Third-party examination and any contractor fees are separate and payable directly to the provider or contractor.

§78-29-6. Continuing Education Requirements.

6.1. As a condition of renewal under W. Va. Code §16-68-23(9), every licensed or certified individual shall complete a minimum of forty (40) clock hours of continuing education relevant to the practice of alcohol and drug counseling during each renewal period. This shall include, but is not limited to, six (6) hours of professional ethics and boundaries, inclusive of addiction-related topics, and three (3) hours from the current American Society of Addiction Medicine (ASAM) Criteria edition recognized under the federal 1115 Waiver framework.

6.2. Continuing education must be obtained from providers or programs approved by the Commissioner or from recognized national organizations (including but not limited to those aligned with IC&RC, NAADAC, or equivalent). Self-study, online courses, and conference attendance may count if verifiable and approved. The Commissioner may approve additional topics or formats as needed to effectuate the article.

6.3. Documentation (certificates, transcripts, or attendance records) shall be retained by the individual for at least six (6) years and produced upon request during any audit by the Commissioner.

§78-29-7. Code of Ethics.

7.1. Pursuant to W. Va. Code §16-68-23(15), all persons licensed or certified under this article shall adhere to the following code of ethics.

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7.1.1. Provide services with integrity, honesty, and respect for the dignity and worth of every individual.

7.1.2. Maintain strict confidentiality of all client information in accordance with applicable state and federal law (including but not limited to 42 C.F.R. Part 2, where applicable) and obtain written releases before disclosure.

7.1.3. Practice only within the scope of licensure or certification, education, training, and demonstrated competence.

7.1.4. Avoid dual or multiple relationships, conflicts of interest, or any situation that could impair professional judgment or exploit a client.

7.1.5. Obtain informed consent from clients (or their parent, guardian, or other legal representatives) regarding the nature, purpose, risks, and alternatives of services.

7.1.6. Accurately represent professional qualifications, credentials, experience, and the nature of services offered.

7.1.7. Refrain from discrimination on the basis of race, religion, color, national origin, ancestry, sex, age, blindness, disability, or familial status.

7.1.8. Report to the Commissioner or other appropriate authority any reasonable suspicion that another licensed or certified individual has violated law or ethical standards in a manner that endangers clients or the public.

7.1.9. Maintain accurate, timely, and secure records and documentation of all professional services.

7.1.10. Engage in ongoing self-assessment and professional development to maintain and enhance competence, and refrain from practicing when impaired by physical, mental, or emotional condition or substance use.

7.2. A violation of any provision of this section constitutes grounds for disciplinary action as set forth in W. Va. Code §16-68-17 and this rule.

§78-29-8. Complaints, Investigations, and Disciplinary Procedures.

8.1. The Commissioner shall receive allegations of professional misconduct from any source. All allegations shall be reviewed promptly. If the allegation would, if true, constitute a violation warranting action, a thorough, objective, and timely investigation shall be conducted by a qualified member of the Department, or a qualified contractor. Investigation results shall be reported to the Commissioner.

8.2. Disciplinary procedures for denying, suspending, revoking, reinstating, or limiting the practice of a licensee or certificate holder shall comply with the West Virginia Administrative Procedures Act, as set forth in W. Va. Code §29A-1-1 *et seq.*, including notice and opportunity for hearing. The Commissioner may impose emergency suspension or limitation if there is imminent danger to the public health, safety, or welfare, with an appropriate post-deprivation process.

8.3. Grounds for discipline include, but are not limited to:

8.3.1. Any act, failure to act, or act of negligence which harms, endangers, or may endanger the health, welfare, or safety of any person receiving professional services from the licensee or certificate holder, or the public; or

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8.3.2. Any material failure to comply with or fulfill a requirement or obligation of the license or certificate, as set forth in W. Va. Code §16-68-1 et seq. or this rule.

§78-29-9. Reinstatement of Suspended License or Certification; Requirements to Reinstate a License.

9.1. A person whose license or certification has been suspended may petition the Commissioner for reinstatement after the period specified in the suspension order (or, if none, after at least one (1) year). The petitioner bears the burden of demonstrating, by clear and convincing evidence, that the conditions leading to suspension have been remedied, that the petitioner is fit to practice safely and competently, and that reinstatement is in the public interest.

9.2. The petition shall include, but is not limited to, evidence of rehabilitation, completion of any required continuing education or supervised practice, character references, and (if required by the Commissioner) successful completion of an Approved Examination or additional supervised experience. The Commissioner may impose reasonable conditions on reinstatement (e.g., probation, monitoring, or additional continuing education). Reinstatement is discretionary.

9.3. Revocation shall constitute permanent termination of licensure or certification unless otherwise expressly authorized by the Commissioner pursuant to a written decision.

§78-29-10. Equivalent Programs, Endorsement, and Reciprocity.

10.1. The Commissioner may grant licensure or certification by endorsement, without examination, to an Applicant who holds a current, unrestricted, and active license or certification in good standing from another state or jurisdiction whose requirements are substantially equivalent to or exceed those of W. Va. Code Article 68 and this rule, as determined by the Commissioner upon review of the Applicant's credentials and documentation. The Applicant shall pay the applicable fee and submit a completed application.