

HB 4133

2010 MAR 16 PM 2:41

OFFICE OF THE CLERK
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2010



ENROLLED

**COMMITTEE SUBSTITUTE
FOR
House Bill No. 4133**

(By Delegates Morgan, Stephens,
Martin and Swartzmiller)



Passed March 9, 2010

In Effect From Passage

ENROLLED

FILED
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COMMITTEE SUBSTITUTE

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H. B. 4133

(BY DELEGATES MORGAN, STEPHENS,
MARTIN AND SWARTZMILLER)

[Passed March 9, 2010; in effect from passage]

AN ACT to amend and reenact §30-31-9 of the Code of West Virginia, 1931, as amended, relating to the practice of marriage and family therapy; and revising the licensing and eligibility requirements for the practice of marriage and family therapy.

Be it enacted by the Legislature of West Virginia:

That §30-31-9 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 31. LICENSED PROFESSIONAL COUNSELORS.

§30-31-9. Requirements for a license to practice marriage and family therapy.

- 1 (a) To be eligible for a license to practice marriage and
- 2 family therapy, an applicant must:
- 3 (1) Be of good moral character;

4 (2) Be at least eighteen years of age;

5 (3) Be a citizen of the United States or be eligible for
6 employment in the United States;

7 (4) Pay the applicable fee;

8 (5)(A)(i) Have earned a master's degree in marriage and
9 family therapy from a program accredited by the Commission
10 on Accreditation for Marriage and Family Therapy
11 Education, the Council for Accreditation of Counseling and
12 Related Education Programs, or a comparable accrediting
13 body as approved by the board, or in a field closely related to
14 an accredited marriage and family therapy program as
15 determined by the board, or have received training equivalent
16 to such degree as may be determined by the board; and

17 (ii) Have at least two years of supervised professional
18 experience in marriage and family therapy of such a nature as
19 is designated by the board after earning a master's degree or
20 equivalent; or

21 (B) (i) Have earned a doctorate degree in marriage and
22 family therapy from a program accredited by the Commission
23 on Accreditation for Marriage and Family Therapy Education,
24 the Council for Accreditation of Counseling and Related
25 Education Programs, or a comparable accrediting body as
26 approved by the board, or in a field closely related to an
27 accredited marriage and family therapy program as
28 determined by the board, or have received training equivalent
29 to such degree as may be determined by the board; and

30 (ii) Have at least one year of supervised professional
31 experience in marriage and family therapy of such a nature as
32 is designated by the board after earning a doctorate degree or
33 equivalent;

34 (6) Have passed a standardized national certification
35 examination in marriage and family therapy as approved by
36 the board;

37 (7) Not have been convicted of a felony or crime
38 involving moral turpitude under the laws of any jurisdiction:

39 (A) If the applicant has never been convicted of a felony
40 or a crime involving moral turpitude, the applicant shall
41 submit letters of recommendation from three persons not
42 related to the applicant and a sworn statement from the
43 applicant stating that he or she has never been convicted of a
44 felony or a crime involving moral turpitude; or

45 (B) If the applicant has been convicted of a felony or a
46 crime involving moral turpitude, it is a rebuttable presumption
47 that the applicant is unfit for licensure unless he or she
48 submits competent evidence of sufficient rehabilitation and
49 present fitness to perform the duties of a person licensed to
50 practice marriage and family therapy as may be established
51 by the production of:

52 (i) Documentary evidence including a copy of the
53 relevant release or discharge order, evidence showing
54 compliance with all conditions of probation or parole,
55 evidence showing that at least one year has elapsed since
56 release or discharge without subsequent conviction, and
57 letters of reference from three persons who have been in
58 contact with the applicant since his or her release or
59 discharge; and

60 (ii) Any collateral evidence and testimony as may be
61 requested by the board which shows the nature and
62 seriousness of the crime, the circumstances relative to the
63 crime or crimes committed and any mitigating circumstances
64 or social conditions surrounding the crime or crimes, and any

65 other evidence necessary for the board to judge present
66 fitness for licensure or whether licensure will enhance the
67 likelihood that the applicant will commit the same or similar
68 offenses;

69 (8) Not be an alcohol or drug abuser as these terms are
70 defined in section eleven, article one-a, chapter twenty-seven
71 of this code: *Provided*, That an applicant who has had at
72 least two continuous years of uninterrupted sobriety in an
73 active recovery process, which may, in the discretion of the
74 board, be evidenced by participation in a twelve-step
75 program or other similar group or process, may be
76 considered; and

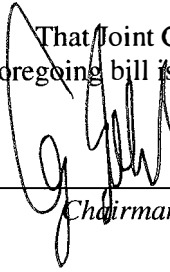
77 (9) Has fulfilled any other requirement specified by the
78 board.

79 (b) A person who holds a license or other authorization
80 to practice marriage and family therapy issued by another
81 state, the qualifications for which license or other authorization
82 are determined by the board to be at least substantially
83 equivalent to the license requirements in this article, is
84 eligible for licensure.

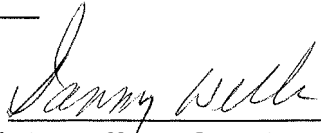
85 (c) A person seeking licensure under the provisions of
86 this section shall submit an application on a form prescribed
87 by the board and pay all applicable fees.

88 (d) A person who is licensed for five years as of July 1,
89 2010, and has substantially similar qualifications as required
90 by subdivision (1), (2), (3), (4), (5)(A)(i) or (5)(B)(i), (7) and
91 (8) of subsection (a) of this section is eligible for a license to
92 practice marriage and family therapy until July 1, 2012, and
93 is eligible for renewal under section ten.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.



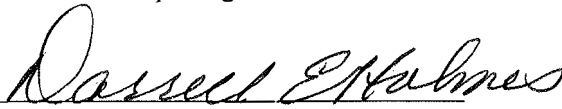
Chairman Senate Committee



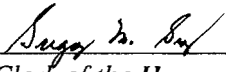
Chairman House Committee

Originating in the House.

In effect from passage.



Clerk of the Senate



Clerk of the House of Delegates

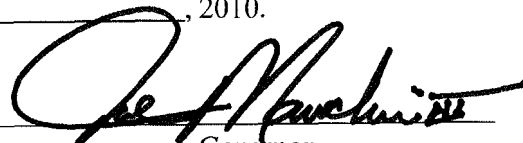


Clerk of the Senate



Speaker of the House of Delegates

The within is approved this the 16th
day of March, 2010.



Governor

PRESENTED TO THE
GOVERNOR

MAR 13 2010

Time 11:40am