WEST VIRGINIA CODE CHAPTER 16 ARTICLE 68

WV Legislature

§16-68-1. Definitions.

For purposes of this article:

"Certified alcohol and drug counselor" means a person certified under the provisions of this article;

"Commissioner" means the Commissioner of the Bureau for Behavioral Health;

"Co-occurring disorder" means the presence of a concurrent psychiatric or medical disorder in combination with a substance use disorder;

"Department" means the West Virginia Department of Human Services;

"Licensed alcohol and drug counselor" means a person licensed under the provisions of this article;

"Practice of alcohol and drug counseling" means:

(1) The clinical evaluation by a licensed alcohol and drug counselor of substance use disorders and co-occurring disorders, including screening, assessment and diagnosis, treatment planning, counseling, therapy, trauma-informed care and psychoeducation with individuals, families, and groups in the areas of substance use disorders and co-occurring disorders, and may include, as appropriate:

(A) Conducting a substance use disorder screening or psychosocial history evaluation of an individual to document the individual's use of drugs prescribed for pain, other prescribed drugs, illegal drugs, and alcohol to determine the individual's risk for substance abuse;

(B) Developing a preliminary diagnosis for the individual based on such screening or evaluation;

(C) Determining the individual's risk for abuse of drugs prescribed for pain, other prescribed drugs, illegal drugs and alcohol;

(D) Developing a treatment plan and referral options for the individual to ensure the individual's recovery support needs are met; and

(E) Developing and submitting an opioid use consultation report to an individual's primary care provider to be reviewed by the primary care provider and included in the individual's medical record; or

(F) The professional application by a certified alcohol and drug counselor of methods that assist an individual, family, or group to develop an understanding of alcohol and drug dependency problems, define goals and plan action reflecting the individual's or group's interest, abilities and needs as affected by alcohol and drug dependency problems;

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"Private practice of alcohol and drug counseling" means the independent practice of alcohol and drug counseling by a licensed or certified alcohol and drug counselor who is self-employed on a full-time or part-time basis and who is responsible for that independent practice;

"Self-help group" means a voluntary group of persons who offer peer support to each other in recovering from an addiction;

"Substance use disorder" means the recurrent use of alcohol or drugs that leads to clinically and functionally significant impairment, including, but not limited to, health problems, disability and failure to meet major responsibilities at work, school or home; and

"Supervision" means the regular on-site observation, by a licensed alcohol and drug counselor or other licensed behavioral health professional whose scope of practice includes the screening, assessment, diagnosis and treatment of substance use disorders and co-occurring disorders, of the functions and activities of an alcohol and drug counselor in the performance of his or her duties and responsibilities to include a review of the records, reports, treatment plans or recommendations with respect to an individual or group.

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§16-68-2. Eligibility for licensure or certification.

Except as provided in §16-68-18 through §16-68-22, inclusive, of this code, no person shall engage in the practice of alcohol and drug counseling unless licensed as a licensed alcohol and drug counselor pursuant to §16-68-4 of this code or certified as an alcohol and drug counselor pursuant to §16-68-5 of this code.

WV Legislature

§16-68-3. Private practice restricted.

Except as provided in §16-68-18 through §16-68-22, inclusive, of this code, no person shall engage in the private practice of alcohol and drug counseling unless:

(1) The individual is licensed as a licensed alcohol and drug counselor pursuant to §16-68-4 of this code; or

(2) Certified as an alcohol and drug counselor pursuant to §16-68-5 of this code and practicing under the supervision of a licensed alcohol and drug counselor.

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§16-68-4. Licensure eligibility requirements.

To be eligible for licensure as a licensed alcohol and drug counselor, an applicant shall:

(1) Have attained a master's degree from an accredited institution of higher education in social work, marriage and family therapy, counseling, psychology or a related field approved by the commissioner that included a minimum of 18 graduate semester hours in counseling or counseling-related subjects, except applicants holding certified clinical supervisor status by the West Virginia Certification Board for Addiction and Prevention Professionals as of July 1, 2027, may substitute such certification in lieu of the master's degree requirement; and

(2) Have completed the certification eligibility requirements described in §16-68-5 of this code.

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§16-68-5. Certification eligibility requirements.

To be eligible for certification by the Bureau for Behavioral Health as a certified alcohol and drug counselor, an applicant shall have:

(1) Completed 300 hours of supervised practical training in alcohol and drug counseling that the commissioner deems acceptable;

(2) Completed three years of supervised paid work experience or unpaid internship that the commissioner deems acceptable that entailed working directly with alcohol and drug clients, except that a master's degree may be substituted for one year of such experience;

(3) Completed 360 hours of commissioner-approved education, at least 240 hours of which relates to the knowledge and skill base associated with the practice of alcohol and drug counseling; and

(4) Successfully completed a department-prescribed examination.

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§16-68-6. Alternative certification eligibility requirements prior to July 1, 2027.

For individuals applying for certification as an alcohol and drug counselor by the Bureau for Behavioral Health prior to July 1, 2027, current certification by the West Virginia Certification Board for Addiction and Prevention Professionals may be substituted for the certification requirements of §16-68-5 of this code.

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§16-68-7. Application for licensure; fee.

The commissioner shall grant a license as an alcohol and drug counselor to any applicant who furnishes satisfactory evidence that such applicant has met the requirements of §16-68-4 or §16-68-15 of this code. The commissioner shall develop and provide application forms and a fee schedule pursuant to §16-68-23 of this code.

WV Legislature

§16-68-8. Renewal of license; fee.

A license as an alcohol and drug counselor shall be renewed in accordance with the provisions of this article for a fee set forth pursuant to §16-68-23 of this code.

WV Legislature

§16-68-9. Application for certification; fee.

The commissioner shall grant certification as a certified alcohol and drug counselor to any applicant who furnishes satisfactory evidence that such applicant has met the requirements of §16-68-4 or §16-68-15 of this code. The commissioner shall develop and provide application forms as well as a fee schedule pursuant to §16-68-23 of this code.

WV Legislature

§16-68-10. Renewal of certification; fee.

A certificate as an alcohol and drug counselor may be renewed in accordance with the provisions of this article for a fee set forth pursuant to §16-68-23 of this code.

WV Legislature

§16-68-11. Commissioner may contract out credential information.

The commissioner may contract with a qualified private organization for services that include:

(1) Providing verification that applicants for licensure or certification have met the education, training, and work experience requirements under this article; and

(2) Any other services that the commissioner may deem necessary.

WV Legislature

§16-68-12. Grandfathering of licensed alcohol and drug counselors based on master's degree and former substance abuse certification; license renewal; fee.

Any person who has attained a master's level degree and is certified by the West Virginia Certification Board for Addiction and Prevention Professionals as a substance abuse counselor on or before July 1, 2027, shall be deemed a licensed alcohol and drug counselor: Provided, That individuals currently certified by the West Virginia Certification Board for Addiction and Prevention Professionals must have credentials in good standing at the time of application for licensure or certification under this article. Any person so deemed shall renew such person's license pursuant to this article for a fee set forth pursuant to §16-68-23 of this code.

WV Legislature

§16-68-13. Grandfathering of certified alcohol and drug counselors based on former substance abuse certification without master's degree; certification renewal; fee.

Any person who has not attained a master's level degree and is certified by the West Virginia Certification Board for Addiction and Prevention Professionals as a substance abuse counselor on or before July 1, 2027, shall be deemed a certified alcohol and drug counselor: Provided, That individuals currently certified by the West Virginia Certification Board for Addiction and Prevention Professionals must have credentials in good standing at the time of application for licensure or certification under this article. Any person so deemed shall renew such person's certification pursuant to this article for a fee set forth pursuant to §16-68-23 of this code.

WV Legislature

§16-68-14. Grandfathering of certified alcohol and drug counselors based on work experience and examination; certification renewal; fee.

Any person who is not certified by the West Virginia Certification Board for Addiction and Prevention Professionals as a substance abuse counselor on or before July 1, 2027, who: (1) Documents to the department that such person has a minimum of five years full-time or eight years part-time paid work experience, under supervision, as an alcohol and drug counselor; and (2) successfully passes a commissioner-approved examination no later than July 1, 2027, shall be deemed a certified alcohol and drug counselor. Any person so deemed shall renew such person's certification pursuant to this article for a fee set forth pursuant to §16-68-23 of this code.

WV Legislature

§16-68-15. Licensure, certification, and endorsement.

The commissioner may license or certify without examination any applicant who, at the time of application, is licensed or certified by a governmental agency or private organization located in another state, territory or jurisdiction whose standards, in the opinion of the commissioner, are substantially similar to, or higher than, those of this state.

WV Legislature

§16-68-16. Title protection.

No person shall assume, represent himself or herself as, or use the title or designation "alcoholism counselor", "alcohol counselor", "alcohol and drug counselor", "alcoholism and drug counselor", "licensed clinical alcohol and drug counselor", "licensed alcohol and drug counselor", "licensed associate alcohol and drug counselor", "certified alcohol and drug counselor", "chemical dependency counselor", "chemical dependency supervisor", "substance abuse/substance use disorder counselor", "chemical dependency counselor", or any of the abbreviations for such titles, unless licensed or certified under §16-68-7 through §16-68-14, inclusive, of this code, and the title or designation corresponds to the license or certification held: *Provided,* That this section does not apply to a person who is licensed in this state to practice one of the professions set forth in §16-68-18 of this code.

WV Legislature

§16-68-17. Disciplinary action; grounds and penalties.

(a) The commissioner may suspend, revoke or refuse to issue a license in circumstances that have endangered or are likely to endanger the health, welfare or safety of the public.

(b) The commissioner shall develop procedures for denying, suspending, revoking, reinstating or limiting the practice of a licensee pursuant to §16-68-24 of this code.

WV Legislature

§16-68-18. Exception to licensure and certification; other health care providers.

Nothing in this article shall be construed to apply to the activities and services of a person licensed in this state to practice medicine and surgery, psychology, marital and family therapy, clinical social work, professional counseling, advanced practice registered nursing or registered nursing, or any similar healthcare profession regulated by Chapter 30 of this code.

WV Legislature

§16-68-19. Exceptions to licensure and certification; students.

Nothing in this article shall be construed to apply to the activities and services of a student intern or trainee in alcohol and drug counseling who is pursuing a course of study in an accredited institution of higher education or training course: *Provided,* That these activities are performed under supervision and constitute a part of an accredited course of study: *Provided, however,* That the person is designated as an intern or trainee or other such title indicating the training status appropriate to his or her level of training.

WV Legislature

§16-68-20. Exception to licensure and certification; state-employed rehabilitation counselors.

Nothing in this article shall apply to individuals who are, on July 1, 2027, employed by a state agency as a rehabilitation counselor who are acting in the capacity of an alcohol and drug counselor.

WV Legislature

§16-68-21. Exception to licensure and certification; supervised employees and self-help groups.

Nothing in this article shall be construed to apply to the activities and services of paid alcohol and drug counselors who are working at a licensed behavioral health center or uncompensated alcohol and drug abuse self-help groups, including, but not limited to,12-step fellowships.

WV Legislature

§16-68-22. Issuance of initial license.

No initial license to engage in the practice of alcohol and drug counseling shall be issued unless the applicant meets the requirements of this article to practice alcohol and drug counseling.

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§16-68-23. Rule-making authority.

The West Virginia Department of Human Services shall propose rules for legislative approval in accordance with the provisions of §29A-3-1 *et seq*. of this code to implement the provisions of this article, including, but not limited to, the following:

(1) Standards and requirements for licenses to practice;

(2) Procedures for examinations and reexaminations;

(3) Requirements for third parties to prepare or administer examinations and reexaminations;

(4) Educational and experience requirements;

(5) The passing grade on the examination;

(6) Standards for approval of education or training programs, or both;

(7) Procedures for the issuance and renewal of a license or permit;

(8) A fee schedule;

(9) Continuing education requirements for those licensed or certified under this article;

(10) Procedures for receiving allegations of professional misconduct, thoroughly and objectively investigating those allegations as rapidly as possible, and reporting investigation results to the commissioner or his or her designee;

(11) The procedures for denying, suspending, revoking, reinstating or limiting the practice of a licensee;

(12) Requirements to reinstate a revoked license;

(13) Specific degree programs considered to be equivalent to a program required under this article;

(14) The nature of supervised professional experience approved by the department for the purposes of licensure of this article;

(15) A code of ethics; and

(16) Any other rules necessary to effectuate the provisions of this article."

WV Legislature

§16-68-24. Implementation Date.

The Bureau for Behavioral Health shall be fully able to administer the program set forth in this article and effectuate all of its provisions by no later than July 1, 2027.

WV Legislature