WEST VIRGINIA CODE: §30-31A-2

§30-31A-2. Definitions.

As used in this compact, and except as otherwise provided, the following definitions shall apply:

(1) “Active-duty military” means full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active-duty orders pursuant to 10 U.S.C. Chapter 1209 and 10 U.S.C. 1211;

(2) “Adverse action” means any administrative, civil, equitable, or criminal action permitted by a state’s laws which is imposed by a licensing board or other authority against a licensed professional counselor, including actions against an individual’s license or privilege to practice such as revocation, suspension, probation, monitoring of the licensee, limitation on the licensee’s practice, or any other encumbrance on licensure affecting a licensed professional counselor’s authorization to practice, including issuance of a cease and desist action;

(3) “Alternative program” means a nondisciplinary monitoring or practice remediation process approved by a professional counseling licensing board to address impaired practitioners;

(4) “Continuing competence or education” means a requirement, as a condition of license, renewal, to provide evidence of participation in, or completion of, educational and professional activities relevant to practice or area of work;

(5) ”Counseling Compact Commission” or “Commission” means the national administrative body whose membership consists of all states that have enacted the compact;

(6) “Current significant investigative information” means:

(A) Investigative information that a licensing board has reason to believe is not groundless, after a preliminary inquiry that includes notification and an opportunity for the licensed professional counselor to respond, if required by state law; and, if proved true, would indicate more than a minor infraction; or

(B) Investigative information that indicates the licensed professional counselor represents an immediate threat to public health and safety, regardless of whether the licensed professional counselor has been notified and had an opportunity to respond;

(7) “Data system” means a repository of information about licensees, including, but not limited to, continuing education, examination, licensure, investigative, privilege to practice, and adverse action information;

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(8) “Encumbered license” means a license in which an adverse action restricts the practice of licensed professional counseling by the licensee and said adverse action has been reported to the National Practitioners Data Bank (NPDB);

(9) “Encumbrance” means a revocation or suspension of, or any limitation on, the full and unrestricted practice of licensed professional counseling by a licensing board;

(10) “Executive committee” means a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the commission;

(11) “Home state” means the member state that is the licensee’s primary state of residence;

(12) “Impaired practitioner” means an individual who has a condition or conditions that may impair his or her ability to practice as a licensed professional counselor without some type of intervention and may include, but are not limited to, alcohol and drug dependence, mental health impairment, and neurological or physical impairment;

(13) “Investigative information” means information, records, and documents received or generated by a professional counseling licensing board pursuant to an investigation;

(14) “Jurisprudence requirement” if required by the member state, means the assessment of an individual’s knowledge of the laws and rules governing the practice of professional counseling in a state;

(15) “Licensed professional counselor” means a counselor licensed by a member state, regardless of the title used by that state, to independently assess, diagnose, and treat behavioral health conditions;

(16) “Licensee” means an individual who currently holds an authorization from the state to practice as a licensed professional counselor;

(17) “Licensing board” means the agency of a state, or equivalent, that is responsible for the licensing and regulation of licensed professional counselors;

(18) “Member state” means a state that has enacted the compact;

(19) “Privilege to practice” means a legal authorization, which is equivalent to a license, permitting the practice of professional counseling in a remote state;

(20) “Professional counseling” means the assessment, diagnosis, and treatment of behavioral health conditions by a licensed professional counselor;

(21) “Remote state” means a member state other than the home state, where a licensee is exercising or seeking to exercise the privilege to practice;

(22) “Rule” means a regulation promulgated by the commission that has the force of law;

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(23) “Single-state license” means a licensed professional counselor license issued by a member state that authorizes practice only within the issuing state and does not include a privilege to practice in any other member state;

(24) “State” means any state, commonwealth, district, or territory of the United States of America that regulates the practice of professional counseling;

(25) “Telehealth” means the application of telecommunication technology to deliver professional counseling services remotely to assess, diagnose, and treat behavioral health conditions; and

(26) “Unencumbered license” means a license that authorizes a licensed professional counselor to engage in the full and unrestricted practice of professional counseling.

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