

710: 1346

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1986

— ● —

## ENROLLED

HOUSE BILL No. 1346

(By ☒ Delegate Minard + Delegate Hatfield

— ● —

Passed March 8, 1986

In Effect Ninety days from Passage

**ENROLLED**  
**H. B. 1346**

(By DELEGATE MINARD and DELEGATE HATFIELD)

---

[Passed March 8, 1986; in effect ninety days from passage.]

---

AN ACT to amend chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article thirty-one, relating to licensing of professional counselors; legislative purpose; definitions; exemption of certain activities and persons from licensure; creating the West Virginia board of examiners in counseling; qualifications, composition and appointment of members of board; powers and duties of board; prohibiting the practice of counseling without a license; qualifications required of applicants for a license to practice counseling; license application fees; issuance of licenses by the board; renewal of licenses required biennially; license renewal fees; grounds for suspension or revocation of license; providing procedures for hearing upon denial, suspension or revocation of a license; hearings to be governed by the administrative procedures act; judicial review of decisions of the board to be governed by the administrative procedures act; criminal penalties; and authorizing action to enjoin violations.

*Be it enacted by the Legislature of West Virginia:*

That chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article thirty-one, to read as follows:

**ARTICLE 31. LICENSED PROFESSIONAL COUNSELORS.**

**§30-31-1. Legislative purpose.**

1 The Legislature hereby finds that in the public  
2 interest, persons should not engage in the practice of  
3 counseling or therapy in this state without the requisite  
4 experience and training; and that there is presently no  
5 adequate means to protect the interests of the citizens  
6 of this state from the unauthorized, unqualified and  
7 unprofessional practice of counseling. It is therefore  
8 declared to be the public policy of this state that the  
9 practice of counseling affects the general welfare and  
10 public interest of the state and its citizens; that persons  
11 without the necessary qualifications, training, educa-  
12 tion, experience and persons not of good character  
13 should not engage in the practice of counseling; that the  
14 unauthorized, unqualified and unprofessional practice of  
15 counseling may be best prevented, and the interest of  
16 the public best served, by regulating and controlling  
17 such practice as provided in this article; and that this  
18 article should be liberally construed to effect such  
19 objects and purposes.

**§30-31-2. Definitions.**

1 As used in this article:

2 (1) "Applicant" means any person making an applica-  
3 tion for an original or renewal license under the  
4 provisions of this article;

5 (2) "Board" means the West Virginia board of exa-  
6 miners in counseling established by this article;

7 (3) "Counseling" means rendering, offering to render  
8 or supervising those who render any service for  
9 compensation or other personal gain involving the  
10 application of mental health counseling procedures to  
11 help in learning how to solve problems or make  
12 decisions related to careers, personal growth, marriage,  
13 family or other interpersonal or intrapersonal concerns;

14 (4) "Counselor" means one who holds himself or  
15 herself out to the public as engaged in the practice of  
16 counseling as defined herein, and, in so doing, repres-  
17 ents that he or she has the knowledge, training,  
18 expertise and ethical standards necessary to engage in

19 such practice;

20 (5) "Licensed professional counselor" means a counse-  
21 lor as defined herein who holds a valid license to  
22 practice counseling issued pursuant to this article; and

23 (6) "Mental health counseling procedures" include,  
24 but are not restricted to, the use of methods and  
25 techniques which contribute to self-understanding,  
26 desired personal behavior change or more effective  
27 interpersonal behavior; assessment techniques useful in  
28 appraising aptitudes, abilities, achievements, interest or  
29 attitudes; informational and community resources for  
30 career, personal or social development; individual and  
31 group techniques which facilitate problem-solving  
32 behavior or decision making; and supervision, referral  
33 and placement techniques and methods which serve to  
34 further the goals of counseling.

**§30-31-3. Activities exempted; persons exempted from  
licensing; limitations on licensed professional  
counselors.**

1 (a) Nothing in this article applies to the following  
2 activities:

3 (1) Teaching, lecturing or engaging in research in  
4 counseling so long as such activities do not otherwise  
5 involve the practice of counseling directly affecting the  
6 welfare of the person counseled;

7 (2) The official duties of persons employed as counse-  
8 lers by the state of West Virginia, any of its depart-  
9 ments, agencies, divisions, bureaus, political subdivi-  
10 sions, counties, county boards of education, regional  
11 education service agencies, municipalities or any other  
12 facilities or programs established, supported or funded,  
13 in whole or in part, by any such governmental entity;

14 (3) The official duties of persons employed as counse-  
15 lers by any department, agency, division or bureau of  
16 the United States of America;

17 (4) The official duties of persons serving as counselors,  
18 whether as volunteers or for compensation or other  
19 personal gain, in any public or private nonprofit

20 corporations, organizations, associations or charities;

21 (5) The official duties of persons who are employed by  
22 a licensed professional counselor, whose duties are  
23 supervised by a licensed professional counselor and who  
24 represent themselves by a title such as "counselor  
25 trainee," "counselor intern," "counselor assistant" or  
26 other reasonable facsimile of such title, and do not  
27 represent themselves as licensed professional counselors  
28 as defined by section two of this article;

29 (6) The activities of a student of counseling which are  
30 part of the prescribed course of study at an accredited  
31 educational institution and are supervised by a licensed  
32 professional counselor or by a teacher, instructor or  
33 professor of counseling acting within the official duties  
34 or scope of activities exempted by this section; or

35 (7) The activities and services of qualified members  
36 of other recognized professions such as physicians,  
37 psychologists, psychoanalysts, social workers, lawyers,  
38 nurses, teachers and clergymen performing counseling  
39 consistent with the laws of this state, their training and  
40 any code of ethics of their professions so long as such  
41 persons do not represent themselves as licensed profes-  
42 sional counselors as defined by section two of this article.

43 (b) Nothing in the article requires licensing of the  
44 following persons pursuant to this article:

45 (1) A school counselor who holds a school counseling  
46 certificate issued by the West Virginia department of  
47 education and who is engaged in counseling solely  
48 within the scope of his or her employment with such  
49 department, a county board of education or a regional  
50 education service agency; or

51 (2) A nonresident counselor who holds a license or  
52 certificate to engage in the practice of counseling issued  
53 by another state, the qualifications for which in the  
54 opinion of the board are at least as stringent as those  
55 provided in section seven of this article, and who renders  
56 counseling services in this state for no more than thirty  
57 days in any calendar year.

58 (c) Nothing in this article permits licensed profes-

59 sional counselors to administer or prescribe drugs or  
60 otherwise engage in the practice of medicine as defined  
61 by this code.

**§30-31-4. Board of examiners in counseling; appointment  
and qualifications of members.**

1 (a) There is hereby created a West Virginia board of  
2 examiners in counseling, consisting of seven members  
3 who shall be appointed by the governor by and with the  
4 advise and consent of the Senate, subject to the following  
5 provisions:

6 (1) The board shall be composed of two counselor  
7 educators engaged in the teaching of counseling at an  
8 accredited institution of higher education, three practicing  
9 counselors and two persons chosen from the general  
10 public. The five members of the board who are counselor  
11 educators and practicing counselors must be licensed  
12 pursuant to this article and have a minimum of three  
13 years of experience except for the initial appointees who  
14 must meet the qualifications provided in subdivision (2)  
15 of this subsection.

16 (2) The initial appointees who are practicing counse-  
17 lers must be persons who have been rendering counsel-  
18 ing services for at least three years. The initial  
19 appointees who are counselor educators must be persons  
20 who have been teaching counseling at an accredited  
21 institution of higher education for at least three years.  
22 Each initial appointee shall commence serving a term  
23 on the board on the first day of July, one thousand nine  
24 hundred eighty-six. One initial appointee who is a  
25 practicing counselor and one initial appointee who is  
26 chosen from the general public shall serve terms of one  
27 year; one initial appointee who is a practicing counselor  
28 and one initial appointee who is a counselor educator  
29 shall serve terms of two years; and the remaining initial  
30 appointees shall serve terms of three years. Each  
31 subsequent appointee shall commence serving a term of  
32 five years on the board beginning on the first day of July  
33 in the year of his or her appointment. No board member  
34 may serve more than two consecutive full five-year  
35 terms.

36 (3) On or before the first day of July, one thousand  
37 nine hundred eighty-seven, and each year thereafter in  
38 which the term of a member is to expire, the governor  
39 shall appoint a qualified candidate for each vacancy on  
40 the board occurring by reason of the expiration of a  
41 term.

42 (4) Within sixty days of the occurrence of a vacancy  
43 on the board which occurs for any reason other than the  
44 expiration of a term, the governor shall appoint a  
45 qualified candidate to serve the unexpired term of the  
46 member whom he or she succeeds.

47 (c) Before entering upon the performance of his or her  
48 duties, each member of the board shall take the oath  
49 required by section five, article IV of the constitution  
50 of this state. No member of the board may be removed  
51 from office by the governor except for official miscon-  
52 duct, malfeasance in office, incompetence, neglect of  
53 duty or gross immorality, and then only in the manner  
54 prescribed by law for the removal by the governor of  
55 state elective officers.

56 (d) On the second Monday in July, one thousand nine  
57 hundred eighty-six, the board shall hold its first annual  
58 business meeting to elect a chairperson and secretary  
59 from its membership, organize the affairs of the board  
60 and transact such other business as may come before it.  
61 Such meeting shall be called at a time and place in this  
62 state designated by an appointee named by the governor  
63 as a temporary chairperson to serve until a chairperson  
64 is elected. The board shall hold an annual business  
65 meeting at the call of the chairperson in July, one  
66 thousand nine hundred eighty-seven, and in each year  
67 thereafter, to elect a chairperson and secretary and  
68 transact such other business as may come before it.  
69 Additional meetings may be held at the call of the  
70 chairperson or at the written request of any three  
71 members. Four members of the board constitute a  
72 quorum. Each member of the board shall receive per  
73 diem compensation of fifty dollars for each day actually  
74 engaged in the duties of his or her office and reimbur-  
75 sement for all reasonable and necessary expenses  
76 actually incurred in the performance of his or her duties

77 as a member of the board.

**§30-31-5. Powers and duties of board; disposition of board funds.**

1 (a) In addition to the duties set forth elsewhere in this  
2 article, the board shall:

3 (1) Issue, renew, deny, suspend or revoke licenses to  
4 engage in the practice of counseling and place a licensed  
5 counselor on probation in accordance with the provisions  
6 of this article and, in accordance with the administra-  
7 tive procedures hereinafter provided, may review,  
8 affirm, reverse, vacate or modify its order with respect  
9 to any such denial, suspension or revocation;

10 (2) Promulgate reasonable rules pursuant to article  
11 three, chapter twenty-nine-a of this code, implementing  
12 the provisions of this article and the powers and duties  
13 conferred upon the board hereby including, but not  
14 limited to, rules setting forth:

15 (i) Any and all specific master's and doctoral degree  
16 programs considered to be equivalent to a master's or  
17 doctoral degree program in counseling for purposes of  
18 licensure under subdivision (4), subsection (a), section  
19 seven of this article;

20 (ii) The nature of supervised professional experience  
21 approved by the board for the purposes of licensure  
22 under subdivision (4), subsection (a), section seven of this  
23 article;

24 (iii) A code of ethics for licensed counselors patterned  
25 after the codes of ethics of related professional groups;  
26 and

27 (iv) Forms for license applications and license rene-  
28 wal applications;

29 (3) Keep accurate and complete records of its proceed-  
30 ings, certify the same as may be appropriate and submit  
31 an annual report to the governor and the Legislature in  
32 such form as the governor may require;

33 (4) Adopt an official seal to be affixed to all licenses  
34 issued by board;



35 (5) Appoint an examiner to determine the eligibility  
36 of applicants for a license to engage in the practice of  
37 counseling;

38 (6) Employ, direct, discharge and define the duties of  
39 any and all professional, clerical or other personnel  
40 necessary to effectuate the provisions of this article;

41 (7) Take any other actions as may be reasonably  
42 necessary to effectuate the provisions of this article; and

43 (8) Accept gifts, grants and donations from any source  
44 for the purposes of or incidental to this article.

45 (b) All moneys paid to the board shall be accepted by  
46 a person designated by the board and deposited by him  
47 or her with the treasurer of the state and credited to  
48 an account to be known as the "Board of Examiners in  
49 Counseling Fund." The compensation and expenses of  
50 members of the board and all other costs and expenses  
51 incurred by the board in the administration of this  
52 article shall be paid from the fund, and no part of the  
53 state's general revenue fund may be expended for such  
54 purpose.

**§30-31-6. License required.**

1 Beginning on the first day of July, one thousand nine  
2 hundred eighty-seven, and thereafter, no person may  
3 engage in, offer to engage in or hold himself or herself  
4 out to the public as being engaged in the practice of  
5 counseling unless such person is licensed or exempted  
6 from licensing pursuant to this article.

**§30-31-7. Qualifications of applicants for license; applica-  
tion fee.**

1 (a) To be eligible for a license to engage in the  
2 practice of counseling, an applicant must:

3 (1) Be a legal resident of the state of West Virginia;

4 (2) Satisfy the board that he or she is of good moral  
5 character and merits the public trust, as evidenced:

6 (i) If the applicant has never been convicted of a  
7 felony or a crime involving moral turpitude, by submit-  
8 ting letters of recommendation from three persons not

9 related to the applicant and a sworn statement from the  
10 applicant stating that he or she has never been convicted  
11 of a felony or a crime involving moral turpitude; or

12 (ii) If the applicant has been convicted of a felony or  
13 a crime involving moral turpitude, it is a rebuttable  
14 presumption that the applicant is unfit for licensure  
15 unless he or she submits competent evidence of suffi-  
16 cient rehabilitation and present fitness to perform the  
17 duties of a licensed professional counselor as may be  
18 established by the production of (a) documentary  
19 evidence including a copy of the relevant release or  
20 discharge order, evidence showing compliance with all  
21 conditions of probation or parole, evidence showing that  
22 at least one year has elapsed since release or discharge  
23 without subsequent conviction, and letters of reference  
24 from three persons who have been in contact with the  
25 applicant since his or her release or discharge, and (b)  
26 any collateral evidence and testimony as may be  
27 requested by the board which shows the nature and  
28 seriousness of the crime, the circumstances relative to  
29 the crime or crimes committed and any mitigating  
30 circumstances or social conditions surrounding the  
31 crime or crimes and any other evidence necessary for  
32 the board to judge present fitness for licensure or  
33 whether licensure will enhance the likelihood that the  
34 applicant will commit the same or similar offenses;

35 (3) Not be an alcohol or drug abuser as these terms  
36 are defined in section eleven, article one-a, chapter  
37 twenty-seven of this code;

38 (4) Have earned a master's degree in an accredited  
39 counseling program or in a field closely related to an  
40 accredited counseling program as determined by the  
41 board, or have received training equivalent to such  
42 degree as may be determined by the board, and have  
43 at least two years of supervised professional experience  
44 in counseling of such a nature as shall be designated by  
45 the board, including at least one year's experience after  
46 earning an aforementioned master's degree or equival-  
47 ent; or have earned a doctorate degree in an accredited  
48 counseling program or in a field closely related to an  
49 accredited counseling program as determined by the

50 board, or have received training equivalent to such  
51 degree as may be determined by the board, and have  
52 at least one year of supervised professional experience  
53 in counseling of such a nature as shall be designated by  
54 the board after earning an aforementioned doctorate  
55 degree or equivalent; and

56 (5) Have passed a standardized national certification  
57 examination in counseling approved by the board.

58 (b) The following persons are eligible for a license to  
59 engage in the practice of counseling without having  
60 passed a standardized national certification examination  
61 in counseling:

62 (1) Any person who meets the qualifications set forth  
63 in subdivisions (1) through (4), subsection (a) of this  
64 section, and who makes an application to the board for  
65 a license before the first day of July, one thousand nine  
66 hundred eighty-seven;

67 (2) Any person who:

68 (i) Is a resident of or employed in this state on the  
69 effective date of this article;

70 (ii) Makes an application for a license within twelve  
71 months after the date all initial appointees to the board  
72 commence serving their terms;

73 (iii) Meets the qualifications set forth in subdivisions  
74 (1) through (3), subsection (a) of this section; and

75 (iv) Was in the practice of counseling for two years  
76 of the five calendar years next preceding the effective  
77 date of this article; or

78 (3) Any person who holds a license or certificate to  
79 engage in the practice of counseling issued by any other  
80 state, the qualifications for which license or certificate  
81 are determined by the board to be at least as great as  
82 those provided in this article.

83 (c) Every applicant must submit an application for a  
84 license to practice counseling to the secretary of the  
85 board in such manner, on such forms and containing  
86 such information as the board may prescribe and pay

87 to the board a nonrefundable application fee of fifty  
88 dollars.

**§30-31-8. Issuance of license; renewal of license; renewal fee; information required in application for renewal.**

1 (a) Whenever the board finds that an applicant meets  
2 all of the qualifications of this article for a license to  
3 engage in the practice of counseling, it shall forthwith  
4 issue a license to the applicant. The board shall deny a  
5 license to any applicant who does not meet all of the  
6 qualifications.

7 (b) Every license to engage in the practice of counsel-  
8 ing must be renewed biennially during the month of  
9 July. To renew a license, a licensed professional  
10 counselor must submit an application for renewal to the  
11 secretary of the board on such forms as the board may  
12 prescribe and pay to the board a renewal fee of twenty-  
13 five dollars. Any license which is not so renewed shall  
14 automatically lapse. Any license which has lapsed may  
15 be renewed within two years of its expiration date by  
16 payment to the board of the appropriate renewal fee for  
17 each period or part thereof during which the license was  
18 not renewed.

19 (c) Each application to renew a license shall contain  
20 or be accompanied by evidence of continued professional  
21 development in the practice of counseling as determined  
22 by the board by rule promulgated in accordance with  
23 the provisions of chapter twenty-nine-a of this code and  
24 any such other reasonable information as the board may  
25 consider appropriate.

**§30-31-9. Suspension or revocation of license.**

1 (a) The board may at any time upon its own motion,  
2 and shall upon the written complaint of any person,  
3 conduct an investigation to determine whether there are  
4 any grounds for placing a licensed professional counse-  
5 lor on probation or for the suspension or revocation of  
6 a license issued under the provisions of this article.

7 (b) The board, upon the affirmative vote of at least  
8 five of its members, shall place a licensed professional

9 counselor on probation, or suspend or revoke any license  
10 when it finds that the holder thereof:

11 (1) Has been convicted of a felony or a crime involving  
12 moral turpitude;

13 (2) Has used narcotic drugs, other controlled substan-  
14 ces or alcohol to the extent that it affects his or her  
15 professional competency;

16 (3) Is under a declaration of mental incompetence;

17 (4) Has obtained or attempted to obtain a license  
18 issued under the provisions of this article by fraud, deceit  
19 or willful misrepresentation;

20 (5) Has failed or refused to comply with the provisions  
21 of this article or any rule promulgated by the board  
22 hereunder or any order or final decision of the board;

23 (6) Has violated the current code of ethics adopted by  
24 the board;

25 (7) Has impersonated another licensed professional  
26 counselor; or

27 (8) Has allowed his or her name or license issued  
28 under the provisions of this article to be used by or  
29 transferred to any other person or persons to perform  
30 counseling services.

31 (c) Any licensed professional counselor whose license  
32 has been suspended or revoked or who has been placed  
33 on probation pursuant to board action under the  
34 provisions of subdivisions (1) or (2) of this subsection  
35 may be reinstated upon a showing of competent evidence  
36 of sufficient rehabilitation and present fitness to  
37 perform the duties of a licensed professional counselor  
38 as determined by the board.

#### **§30-31-10. Procedures for hearing.**

1 (a) Whenever the board denies an application for any  
2 license or renewal of any license or suspends or revokes  
3 any license or places any licensed professional counselor  
4 on probation, it shall make and enter an order to that  
5 effect and serve a copy thereof on the applicant or  
6 licensed professional counselor, as the case may be, at

7 his or her last known address, by certified mail, return  
8 receipt requested. The order shall state the grounds for  
9 the action taken and shall require that any license  
10 suspended or revoked thereby shall be returned to the  
11 board by the holder within twenty days after receipt of  
12 the copy of the order.

13 (b) Any person adversely affected by any such order  
14 is entitled to a hearing thereon (as to all issues not  
15 excluded from the definition of a "contested case" as set  
16 forth in section one, article one, chapter twenty-nine-a  
17 of this code) if, within twenty days after receipt of a copy  
18 thereof, he or she files with the board a written demand  
19 for a hearing. A demand for hearing shall operate  
20 automatically to stay or suspend the execution of any  
21 order placing a licensed professional counselor on  
22 probation, suspending or revoking a license or denying  
23 an application for a renewal license. The board may  
24 require the person demanding the hearing to give  
25 reasonable security for the costs thereof and if the  
26 person does not substantially prevail at the hearing,  
27 such security shall be forfeited or the costs shall be  
28 assessed against him or her and may be collected by an  
29 action at law or other proper remedy.

30 (c) Upon receipt of a written demand for a hearing,  
31 the board shall set a time and place therefor not less  
32 than ten and not more than thirty days thereafter. Any  
33 scheduled hearing may be continued by the board upon  
34 its own motion or for good cause shown by the person  
35 demanding the hearing.

36 (d) All of the pertinent provisions of article five,  
37 chapter twenty-nine-a of this code apply to and govern  
38 the hearing and the administrative procedures in  
39 connection with and following the hearing, with like  
40 effect as if the provisions of said article five were set  
41 forth in this section.

42 (e) Any such hearing shall be conducted by a quorum  
43 of the board. For the purpose of conducting any such  
44 hearing, any member of the board has the power and  
45 authority to issue subpoenas and subpoenas duces tecum  
46 which shall be issued and served within the time, for

47 the fees and shall be enforced, as specified in section one,  
48 article five, chapter twenty-nine-a of this code and all  
49 of the provisions of said section one dealing with  
50 subpoenas and subpoenas duces tecum apply to subpo-  
51 enas and subpoenas duces tecum issued for the purpose  
52 of a hearing hereunder.

53 (f) At any such hearing the person who demanded the  
54 same may represent himself or herself or be represented  
55 by an attorney licensed to practice law in this state.  
56 Upon request by the board, it shall be represented at  
57 any such hearing by the attorney general or his or her  
58 assistants without additional compensation.

59 (g) After any such hearing and consideration of all of  
60 the testimony, evidence and record in the case, the board  
61 shall render its decision in writing. The written decision  
62 of the board shall be accompanied by findings of fact  
63 and conclusions of law as specified in section three,  
64 article five, chapter twenty-nine-a of this code. A copy  
65 of the decision and accompanying findings and conclu-  
66 sions shall be served by certified mail, return receipt  
67 requested, upon the person demanding the hearing, and  
68 his or her attorney of record, if any.

69 (h) The decision of the board is final unless reversed,  
70 vacated or modified upon judicial review thereof in  
71 accordance with the provisions of section eleven of this  
72 article.

**§30-31-11. Judicial review; appeal to supreme court of  
appeals; legal representation for board.**

1 Any person adversely affected by a decision of the  
2 board rendered after a hearing held in accordance with  
3 the provisions of section ten of this article is entitled to  
4 judicial review thereof. All of the pertinent provisions  
5 of section four, article five, chapter twenty-nine-a of this  
6 code apply to and govern such judicial review with the  
7 effect as if the provisions of said section four were set  
8 forth in this section.

9 The judgment of the circuit court is final unless  
10 reversed, vacated or modified on appeal to the supreme  
11 court of appeals in accordance with the provisions of

12 section one, article six, chapter twenty-nine-a of this  
13 code.

14 Legal counsel and services for the board in all appeal  
15 proceedings in any circuit court and the supreme court  
16 of appeals shall be provided by the attorney general or  
17 his or her assistants and in any circuit court by the  
18 prosecuting attorney of the county as well, all without  
19 additional compensation.

**§30-31-12. Penalties.**

1 Any person who violates any of the provisions of this  
2 article, any of the reasonable rules promulgated  
3 hereunder or any order or any final decision of the board  
4 is guilty of a misdemeanor, and, upon conviction thereof,  
5 shall be fined not more than five hundred dollars, or  
6 imprisoned in the county jail not more than six months,  
7 or both fined and imprisoned.

**§30-31-13. Disclosure.**

1 All information communicated to or acquired by a  
2 licensed professional counselor while engaged in the  
3 practice of counseling with a client is privileged  
4 information and may not be disclosed by the counselor  
5 except:

6 (a) With the written consent of the client, or in the  
7 case of death or disability, with the written consent of  
8 a personal representative or other person authorized to  
9 sue or the beneficiary of any insurance policy on the  
10 client's life, health or physical condition;

11 (b) When a communication reveals the contemplation  
12 of an act dangerous to the client or others; or

13 (c) When the client, or his or her personal represen-  
14 tative, waives the privilege by bringing charges against  
15 the licensed professional counselor.

**§30-31-14. Actions to enjoin violations.**

1 Whenever it appears to the board that any person has  
2 been or is violating or is about to violate any provision  
3 of this article, any reasonable rule promulgated he-  
4 reunder or any order or final decision of the board, the



5 board may apply in the name of the state to the circuit  
6 court of the county in which the violation or violations  
7 or any part thereof has occurred, is occurring or is about  
8 to occur, or the judge thereof in vacation, for an  
9 injunction against such person and any other persons  
10 who have been, are or are about to be, involved in any  
11 practices, acts or omissions, so in violation, enjoining  
12 such person or persons from any such violation or  
13 violations. The application may be made and prosecuted  
14 to conclusion whether or not any such violation or  
15 violations have resulted or result in prosecution or  
16 conviction under the provisions of section twelve of this  
17 article.

18 Upon application by the board, the circuit courts of  
19 this state may by mandatory or prohibitory injunction  
20 compel compliance with the provisions of this article,  
21 the reasonable rules promulgated hereunder and all  
22 orders and final decisions of the board. The court may  
23 issue a temporary injunction in any case pending a  
24 decision on the merits of any applicaiton filed.

25 The judgment of the circuit court upon any applica-  
26 tion permitted by the provisions of this section shall be  
27 final unless reversed, vacated or modified on appeal to  
28 the supreme court of appeals. Any such appeal shall be  
29 sought in the manner and within the time provided by  
30 law for appeals from circuit courts in other civil actions.

31 The board shall be represented in all such proceedings  
32 by the attorney general or his or her assistants and in  
33 such proceedings in the circuit court by the prosecuting  
34 attorneys of the several counties as well, all without  
35 additional compensation.

#### **§30-31-15. Termination of board.**

1 The West Virginia board of examiners in counseling  
2 shall be terminated pursuant to the provisions of article  
3 ten, chapter four of this code on the first day of July,  
4 one thousand nine hundred ninety-two, unless sooner  
5 terminated or unless continued or reestablished pursu-  
6 ant to that article.

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

*Bruce O. Williams*

Chairman Senate Committee

*Floyd Fuller*

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

*Isid C. Wells*

Clerk of the Senate

*Donald L. Koff*

Clerk of the House of Delegates

*Samuel R. Taylor*

President of the Senate

*Joseph P. Albright*

Speaker of the House of Delegates

The within *approved* this the *26th*  
day of *March*, 1986.

*Arch A. Shivers*

Governor

PRESENTED TO THE

GOVERNOR

Date 3/20/56

Time 2:50 p.m.

RECEIVED

1988 MAR 23 AM 11:01

SECRETARY OF STATE

FILED IN THE OFFICE OF  
SECRETARY OF STATE OF  
WEST VIRGINIA

THIS DATE 3/26/86