

710: 1346

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1986

— ● —

ENROLLED

HOUSE BILL No. 1346

(By Delegate M. Ward + 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 lors 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 lors 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 practic-
9 ing 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 E. Koff

Clerk of the House of Delegates

Sam Tomlin

President of the Senate

Joseph P. Albright

Speaker of the House of Delegates

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

Archie Shivers

Governor

PRESENTED TO THE
GOVERNOR

Date 3/20/86

Time 2:50 p.m.

RECORDED

1993 MAR 23 AM 11:01

SECRETARIAT OF STATE

FILED IN THE OFFICE OF
SECRETARY OF STATE OF
WEST VIRGINIA

THIS DATE 3/26/86