WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2000

ENROLLED

House Bill No. 4061
(By Delegates Douglas, Kuhn, Perdue, Hatfield, Caputo, L. Smith and Willison)

Passed February 29, 2000
In Effect Ninety Days from Passage
AN ACT to amend and reenact sections two and seven, article thirty-one, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to further amend said article by adding thereto a new section, designated section seven-a, relating to authorizing the West Virginia board of examiners in counseling to propose legislative rules for restricted practice licensure of addictions counselors.

Be it enacted by the Legislature of West Virginia:

That sections two and seven, article thirty-one, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that said article be further amended by adding thereto a new section, designated section seven-a, all to read as follows:

§30-31-2. Definitions.

1. As used in this article:

2. (1) “Applicant” means any person making an application for an original or renewal license under the provisions of this article;
(2) "Board" means the West Virginia board of examiners in counseling established by this article;

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

(4) "Counselor" means one who holds himself or herself out to the public as engaged in the practice of counseling as defined herein, and, in so doing, represents that he or she has the knowledge, training, expertise and ethical standards necessary to engage in such practice;

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

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

(7) "Substance abuse counseling procedures" or "addictions counseling procedures" include, but are not restricted to, informing, motivating, guiding and assisting those persons affected either directly or indirectly by problems related to the misuse of alcohol and/or other drugs, or by problems related to addictions.
“Supervised setting” means an institution, clinic or other health care facility employing a counselor holding a restricted practice license under section seven-a of this article, where one or more health care professionals fully licensed under this chapter, which may include persons other than the approved professional supervisor, are generally available on the premises.

“Supervision” means individual control or direction over the services of a counselor holding a restricted practice license under section seven-a of this article, by an approved professional supervisor as defined by the board by rule. Continual and uninterrupted physical presence of the approved professional supervisor is not required so long as he or she is available for telephone consultation, and meets the requirement for one (1) hour of direct individual supervision for every twenty (20) hours of services provided by the counselor holding a restricted practice license as provided in section seven-a of this article.

§30-31-7. Qualifications of applicants for license; application fee.

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

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

(2) Satisfy the board that he or she is of good moral character and merits the public trust, which shall be evidenced as follows:

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

(B) If the applicant has been convicted of a felony or a crime involving moral turpitude, it is a rebuttable presumption that the applicant is unfit for licensure unless he or she submits
competent evidence of sufficient rehabilitation and present fitness to perform the duties of a licensed professional counselor as may be established by the production of: (i) Documentary evidence including a copy of the relevant release or discharge order, evidence showing compliance with all conditions of probation or parole, evidence showing that at least one year has elapsed since release or discharge without subsequent conviction, and letters of reference from three persons who have been in contact with the applicant since his or her release or discharge; and (ii) any collateral evidence and testimony as may be requested by the board which shows the nature and seriousness of the crime, the circumstances relative to the crime or crimes committed and any mitigating circumstances or social conditions surrounding the crime or crimes and any other evidence necessary for the board to judge present fitness for licensure or whether licensure will enhance the likelihood that the applicant will commit the same or similar offenses;

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

(4) Have earned a master's degree in an accredited counseling program or in a field closely related to an accredited counseling program as determined by the board, or have received training equivalent to such degree as may be determined by the board, and have at least two years of supervised professional experience in counseling of such a nature as shall be designated by the board, including at least one year's experience after earning an aforementioned master's degree or equivalent; or have earned a doctorate degree in an accredited counseling program or in a field closely related to an accredited counseling program as determined by the board, or have received training equivalent to such degree as may be determined by the board, and have at least one year of supervised
professional experience in counseling of such a nature as shall be designated by the board after earning an aforementioned doctorate degree or equivalent; and

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

(b) Any person who holds a license or certificate to engage in the practice of counseling issued by any other state, the qualifications for which license or certificate are determined by the board to be at least as great as those provided in this article, is eligible for licensure.

(c) Every applicant must submit an application for a license to practice counseling to the secretary of the board in such manner, on such forms and containing such information as the board may prescribe and pay to the board a nonrefundable application fee as established by the board.

(d) Any person who has been continually licensed under this article since the year one thousand nine hundred eighty-seven, pursuant to prior enactments permitting waiver of certain examination and other requirements, is eligible for renewal of licensure.

§30-31-7a. Restricted practice license for addictions counselors.

(a) On or before the first day of July, two thousand, the board shall propose rules for legislative approval in accordance with the provisions of article three, chapter twenty-nine-a of this code, authorizing restricted practice licensure for addictions counselors who meet all of the requirements for licensure set forth in section seven of this article, other than the requirement that the applicant hold a master’s or doctorate degree, and who make application to the board within two years of the date of passage of the rule. The rule shall set forth requirements related to the practice of substance abuse counseling procedures or addictions counseling procedures under supervision in a supervised setting.
(b) Rules pursuant to this section shall require that applicants for restricted practice licensure:

(1) Hold current certification as a certified addictions counselor (CAC) by the international certification reciprocity consortium/alcohol and other drugs of abuse (ICRC/AODA) or its successor organization and be in good standing with the West Virginia certification board for addictions professionals or its successor organization;

(2) Hold a baccalaureate degree which would meet the qualifications for admission to an accredited graduate degree program in counseling;

(3) Document acceptance to and enrollment in an educational program that would, within seven years of the date of application, lead to:

(A) The award of a master's degree in an accredited counseling program or in a field closely related to an accredited counseling program as determined by the board, or training equivalent to an accredited counseling program or in a field closely related to a master's degree in an accredited counseling program as determined by the board, and at least two years of supervised professional experience, at least one year of which must be attained after earning the master's degree, all as approved by the board; or

(B) The award of a doctorate degree in an accredited counseling program or in a field closely related to an accredited counseling program as approved by the board, or training equivalent to a doctorate degree in an accredited counseling program or in a field closely related to an accredited counseling program as approved by the board, and at least one year of supervised professional experience which must be attained after earning the doctorate degree, all as approved by the board;

(4) Submit a written job description or summary outlining the duties of the applicant's current or proposed employment working with addicted persons or their families;
(5) Submit a description of the institution, clinic or other setting where services to addicted persons or their families are being or will be provided;

(6) Submit the curriculum vitae of an approved professional supervisor as defined by the board by rule, together with a letter signed by that individual agreeing to supervise the applicant’s practice under the restricted practice license; and

(7) Submit other information that the board may reasonably require.

(c) The rules related to supervision of counselors holding a restricted practice license under this section shall require a minimum of one (1) hour of direct individual supervision by the approved professional supervisor for every twenty (20) hours of counseling services provided by the counselor holding a restricted practice license. The direct individual supervision shall include examination of selected patient or client records of sufficient number to assure adequate review of the scope of practice of the counselor holding a restricted practice license, and periodic, at least monthly, education and review sessions discussing specific problems, therapeutic approaches, procedures and specific patients or clients.

(d) The board shall review, at least annually, the educational progress of each person holding a restricted practice license under this article, to verify that his or her progress is sufficient to meet the requirements of the board and of this article. Annual renewal of the restricted practice license is conditioned upon continued approved supervision, continued educational progress which must include at a minimum the successful completion of six (6) hours of approved graduate coursework per year, and compliance with the requirements of rules promulgated pursuant to this section.
That Joint Committee on Enrolled Bills hereby certifies that the
foregoing bill is correctly enrolled.

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originating in the House.

In effect ninety days from passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker of the House of Delegates

The within __ approved this the 9th
day of __, 2000.

[Signature]
Governor