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# 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

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# H. B. 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 additions 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
- 3 for an original or renewal license under the provisions of this
- 4 article;

5       (2) “Board” means the West Virginia board of examiners in  
6 counseling established by this article;

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

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

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

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

32       (7) “Substance abuse counseling procedures” or “addictions  
33 counseling procedures” include, but are not restricted to,  
34 informing, motivating, guiding and assisting those persons  
35 affected either directly or indirectly by problems related to the  
36 misuse of alcohol and/or other drugs, or by problems related to  
37 addictions.

38 (8) “Supervised setting” means an institution, clinic or other  
39 health care facility employing a counselor holding a restricted  
40 practice license under section seven-a of this article, where one  
41 or more health care professionals fully licensed under this  
42 chapter, which may include persons other than the approved  
43 professional supervisor, are generally available on the premises.

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

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

1 (a) To be eligible for a license to engage in the practice of  
2 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, which shall be evidenced  
6 as follows:

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

13 (B) If the applicant has been convicted of a felony or a  
14 crime involving moral turpitude, it is a rebuttable presumption  
15 that the applicant is unfit for licensure unless he or she submits

16 competent evidence of sufficient rehabilitation and present  
17 fitness to perform the duties of a licensed professional coun-  
18 selor as may be established by the production of: (i) Documen-  
19 tary evidence including a copy of the relevant release or  
20 discharge order, evidence showing compliance with all condi-  
21 tions of probation or parole, evidence showing that at least one  
22 year has elapsed since release or discharge without subsequent  
23 conviction, and letters of reference from three persons who  
24 have been in contact with the applicant since his or her release  
25 or discharge; and (ii) any collateral evidence and testimony as  
26 may be requested by the board which shows the nature and  
27 seriousness of the crime, the circumstances relative to the crime  
28 or crimes committed and any mitigating circumstances or social  
29 conditions surrounding the crime or crimes and any other  
30 evidence necessary for the board to judge present fitness for  
31 licensure or whether licensure will enhance the likelihood that  
32 the applicant will commit the same or similar offenses;

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

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

53 professional experience in counseling of such a nature as shall  
54 be designated by the board after earning an aforementioned  
55 doctorate degree or equivalent; and

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

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

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

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

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

1 (a) On or before the first day of July, two thousand, the  
2 board shall propose rules for legislative approval in accordance  
3 with the provisions of article three, chapter twenty-nine-a of  
4 this code, authorizing restricted practice licensure for addictions  
5 counselors who meet all of the requirements for licensure set  
6 forth in section seven of this article, other than the requirement  
7 that the applicant hold a master's or doctorate degree, and who  
8 make application to the board within two years of the date of  
9 passage of the rule. The rule shall set forth requirements related  
10 to the practice of substance abuse counseling procedures or  
11 addictions counseling procedures under supervision in a  
12 supervised setting.

13 (b) Rules pursuant to this section shall require that appli-  
14 cants for restricted practice licensure:

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

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

24 (3) Document acceptance to and enrollment in an educa-  
25 tional program that would, within seven years of the date of  
26 application, lead to:

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

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

44 (4) Submit a written job description or summary outlining  
45 the duties of the applicant's current or proposed employment  
46 working with addicted persons or their families;

47 (5) Submit a description of the institution, clinic or other  
48 setting where services to addicted persons or their families are  
49 being or will be provided;

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

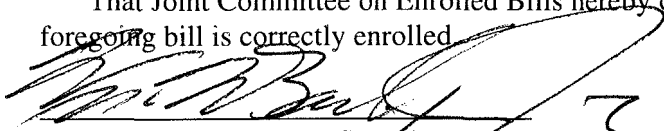
54 (7) Submit other information that the board may reasonably  
55 require.

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

68 (d) The board shall review, at least annually, the educa-  
69 tional progress of each person holding a restricted practice  
70 license under this article, to verify that his or her progress is  
71 sufficient to meet the requirements of the board and of this  
72 article. Annual renewal of the restricted practice license is  
73 conditioned upon continued approved supervision, continued  
74 educational progress which must include at a minimum the  
75 successful completion of six (6) hours of approved graduate  
76 coursework per year, and compliance with the requirements of  
77 rules promulgated pursuant to this section.



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



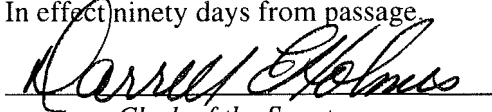
*Chairman Senate Committee*



*Chairman House Committee*

Originating in the House.

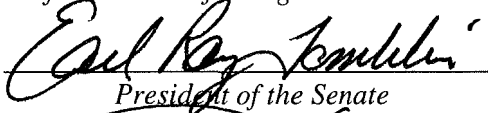
In effect ninety days from passage.



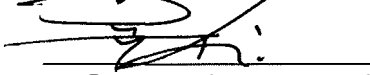
*Clerk of the Senate*



*Clerk of the House of Delegates*

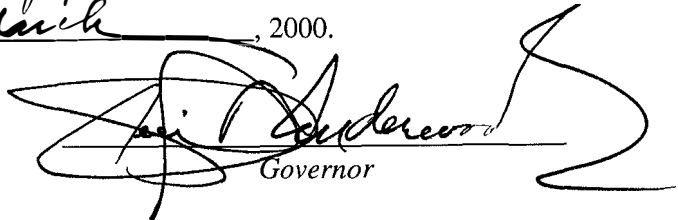


*President of the Senate*



*Speaker of the House of Delegates*

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



*Governor*

PRESENTED TO THE

GOVERNOR

Date 3/8/00

Time 9:45 am