WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2010

ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 4133

(By Delegates Morgan, Stephens, Martin and Swartzmiller)

Passed March 9, 2010
In Effect From Passage
AN ACT to amend and reenact §30-31-9 of the Code of West Virginia, 1931, as amended, relating to the practice of marriage and family therapy; and revising the licensing and eligibility requirements for the practice of marriage and family therapy.

Be it enacted by the Legislature of West Virginia:

That §30-31-9 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 31. LICENSED PROFESSIONAL COUNSELORS.

§30-31-9. Requirements for a license to practice marriage and family therapy.

(a) To be eligible for a license to practice marriage and family therapy, an applicant must:

(1) Be of good moral character;
4 (2) Be at least eighteen years of age;

5 (3) Be a citizen of the United States or be eligible for employment in the United States;

7 (4) Pay the applicable fee;

8 (5)(A)(i) Have earned a master's degree in marriage and family therapy from a program accredited by the Commission on Accreditation for Marriage and Family Therapy Education, the Council for Accreditation of Counseling and Related Education Programs, or a comparable accrediting body as approved by the board, or in a field closely related to an accredited marriage and family therapy program as determined by the board, or have received training equivalent to such degree as may be determined by the board; and

(ii) Have at least two years of supervised professional experience in marriage and family therapy of such a nature as is designated by the board after earning a master’s degree or equivalent; or

(B) (i) Have earned a doctorate degree in marriage and family therapy from a program accredited by the Commission on Accreditation for Marriage and Family Therapy Education, the Council for Accreditation of Counseling and Related Education Programs, or a comparable accrediting body as approved by the board, or in a field closely related to an accredited marriage and family therapy program as determined by the board, or have received training equivalent to such degree as may be determined by the board; and

(ii) Have at least one year of supervised professional experience in marriage and family therapy of such a nature as is designated by the board after earning a doctorate degree or equivalent;
(6) Have passed a standardized national certification examination in marriage and family therapy as approved by the board;

(7) Not have been convicted of a felony or crime involving moral turpitude under the laws of any jurisdiction:

(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 person licensed to practice marriage and family therapy 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;

(8) 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; and

(9) Has fulfilled any other requirement specified by the
board.

(b) A person who holds a license or other authorization
to practice marriage and family therapy issued by another
state, the qualifications for which license or other authorization
are determined by the board to be at least substantially
equivalent to the license requirements in this article, is
eligible for licensure.

(c) A person seeking licensure under the provisions of
this section shall submit an application on a form prescribed
by the board and pay all applicable fees.

(d) A person who is licensed for five years as of July 1,
2010, and has substantially similar qualifications as required
by subdivision (1), (2), (3), (4), (5)(A)(i) or (5)(B)(i), (7) and
(8) of subsection (a) of this section is eligible for a license to
practice marriage and family therapy until July 1, 2012, and
is eligible for renewal under section ten.
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 from passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
Speaker of the House of Delegates

The within was approved this the 16th
day of March, 2010.

[Signature]
Governor