

1 **H. B. 2530**

2  
3 (By Delegates Perdue, Perry, Eldridge,  
4 Ellington, Lawrence, Morgan and Staggers)

5 [Introduced February 19, 2013; referred to the  
6 Committee on Government Organization then the Judiciary.]

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9  
10 A BILL to amend and reenact §30-21-7 of the Code of West Virginia,  
11 1931, as amended; to amend said code by adding thereto a new  
12 section, designated §30-30-30; to amend and reenact §30-31-8  
13 and §30-31-9 of said code, all relating to reciprocity for  
14 psychologists, social workers, professional counselors and  
15 marriage and family therapists; and granting those  
16 professionals licensure to practice in the state provided  
17 certain conditions are met.

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

19 That §30-21-7 of the Code of West Virginia, 1931, as amended,  
20 be amended and reenacted; that said code be amended by adding  
21 thereto a new section, designated §30-30-30; and that §30-31-8 and  
22 §30-31-9 of said code be amended and reenacted, all to read as  
23 follows:

24 **ARTICLE 21. PSYCHOLOGISTS; SCHOOL PSYCHOLOGISTS.**

1 **§30-21-7. Qualifications of applicants; exceptions; applications;**  
2 **fee.**

3 (a) To be eligible for a license to engage in the practice of  
4 psychology, the applicant ~~must~~ shall:

5 (1) Be at least eighteen years of age;

6 (2) Be of good moral character;

7 (3) Be a holder of a doctor of philosophy degree or its  
8 equivalent or a master's degree in psychology from an accredited  
9 institution of higher learning, with adequate course study at such  
10 institution in psychology, the adequacy of any such course study to  
11 be determined by the board;

12 (4) When the degree held is a doctor of philosophy degree or  
13 its equivalent, have at least one year's experience subsequent to  
14 receiving said degree in the performance of any of the  
15 psychological services described in subdivision (e), section two of  
16 this article, including those activities excluded from the  
17 definition of the term "practice of psychology" in said subdivision  
18 (e), and, when the degree held is a master's degree, have at least  
19 five years' experience subsequent to receiving said degree in the  
20 performance of any of the psychological services described in said  
21 subdivision (e), including those activities excluded from the  
22 definition of the term "practice of psychology" in said subdivision  
23 (e);

24 (5) Have passed the examination prescribed by the board, which

1 examination shall cover the basic subject matter of psychology and  
2 psychological skills and techniques;

3 (6) Not have been convicted of a felony or crime involving  
4 moral turpitude; and

5 (7) Not, within the next preceding six months, have taken and  
6 failed to pass the examination required by subdivision (5),  
7 subsection (a) of this section.

8 (b) The following persons shall be eligible for a license to  
9 engage in the practice of psychology without examination:

10 (1) Any applicant who holds a doctor of philosophy degree or  
11 its equivalent from an institution of higher learning, with  
12 adequate course study at such institution in psychology and who is  
13 a diplomate of the "American Board of Examiners in Professional  
14 Psychology"; and

15 (2) Any person who holds a license or certificate to engage in  
16 the practice of psychology ~~issued by any other state, the~~  
17 ~~requirements for which license or certificate are found by the~~  
18 ~~board to be at least as great as those provided in this article in~~  
19 another jurisdiction who has practiced psychology for a minimum of  
20 five years and who is not currently facing, nor has been subject  
21 to, disciplinary action.

22 (c) Any person who is engaged in the practice of psychology in  
23 this state, or is engaged in any of the activities described in  
24 subdivision (e), (1), (2) or (3), section two of this article, in

1 this state, on the effective date of this article and has been so  
 2 engaged for a period of two consecutive years immediately prior  
 3 thereto shall be eligible for a license to engage in the practice  
 4 of psychology without examination and without meeting the  
 5 requirements of subdivision (4), subsection (a) of this section, if  
 6 application for such license is made within six months after the  
 7 effective date of this article and if such person meets the  
 8 requirements of subdivisions (1), (2), (3) and (6), subsection (a)  
 9 of this section: *Provided*, That an equivalent of a master's degree  
 10 in psychology may be considered by the board, only for the purpose  
 11 of this subsection (c), as meeting the requirements of subdivision  
 12 (3), subsection (a) of this section.

13 (d) Any applicant for any such license shall submit an  
 14 application therefor at such time (subject to the time limitation  
 15 set forth in subsection (c) of this section), in such manner, on  
 16 such forms and containing such information as the board may from  
 17 time to time by reasonable rule and regulation prescribe, and pay  
 18 to the board an application fee.

19 **ARTICLE 30. SOCIAL WORKERS.**

20 **§30-30-30. Reciprocity for licensed social workers in other**  
 21 **states; requirements.**

22 Any person authorized to practice as an independent clinical  
 23 social worker, certified social worker, licensed graduate social

1 worker or social worker in another jurisdiction who has practiced  
2 in his or her disciplinary field for a minimum of five years and  
3 who is not currently facing, nor has been subject to, disciplinary  
4 action by a licensure board during the preceding five years shall  
5 be granted licensure in this state to practice in his or her  
6 respective field.

7 **ARTICLE 31. LICENSED PROFESSIONAL COUNSELORS.**

8 **§30-31-8. Requirements for license to practice counseling.**

9 (a) To be eligible for a license to practice professional  
10 counseling, an applicant must:

11 (1) Be of good moral character;

12 (2) Be at least eighteen years of age;

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

15 (4) Pay the applicable fee;

16 (5) (A) (i) Have earned a master's degree in an accredited  
17 counseling program or in a field closely related to an accredited  
18 counseling program as determined by the board, or have received  
19 training equivalent to such degree as may be determined by the  
20 board; and

21 (ii) Have at least two years of supervised professional  
22 experience in counseling of such a nature as is designated by the  
23 board after earning a master's degree or equivalent; or

24 (B) (i) Have earned a doctorate degree in an accredited

1 counseling program or in a field closely related to an accredited  
2 counseling program as determined by the board, or have received  
3 training equivalent to such degree as may be determined by the  
4 board; and

5 (ii) Have at least one year of supervised professional  
6 experience in counseling of such a nature as is designated by the  
7 board after earning a doctorate degree or equivalent;

8 (6) Have passed a standardized national certification  
9 examination in counseling approved by the board;

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

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

18 (B) If the applicant has been convicted of a felony or a crime  
19 involving moral turpitude, it is a rebuttable presumption that the  
20 applicant is unfit for licensure unless he or she submits competent  
21 evidence of sufficient rehabilitation and present fitness to  
22 perform the duties of a licensed professional counselor as may be  
23 established by the production of:

24 (i) Documentary evidence including a copy of the relevant

1 release or discharge order, evidence showing compliance with all  
2 conditions of probation or parole, evidence showing that at least  
3 one year has elapsed since release or discharge without subsequent  
4 conviction, and letters of reference from three persons who have  
5 been in contact with the applicant since his or her release or  
6 discharge; and

7       (ii) Any collateral evidence and testimony as may be requested  
8 by the board which shows the nature and seriousness of the crime,  
9 the circumstances relative to the crime or crimes committed and any  
10 mitigating circumstances or social conditions surrounding the crime  
11 or crimes and any other evidence necessary for the board to judge  
12 present fitness for licensure or whether licensure will enhance the  
13 likelihood that the applicant will commit the same or similar  
14 offenses;

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

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

24       (b) ~~A person who holds a license or other authorization to~~

1 ~~practice counseling issued by another state, the qualifications for~~  
2 ~~which license or other authorization are determined by the board to~~  
3 ~~be at least substantially equivalent to the license requirements in~~  
4 ~~this article, is eligible for licensure. Any person authorized to~~  
5 practice professional counseling in another jurisdiction who has  
6 practiced professional counseling for a minimum of five years and  
7 who is not currently facing, nor has been subject to, disciplinary  
8 action by a licensure board during the preceding five years shall  
9 be granted licensure in this state to practice professional  
10 counseling.

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

14 (d) A person who has been continually licensed under this  
15 article since 1987, pursuant to prior enactments permitting waiver  
16 of certain examination and other requirements, is eligible for  
17 renewal under the provisions of this article.

18 (e) A license to practice professional counseling issued by  
19 the board prior to July 1, 2009, shall for all purposes be  
20 considered a license issued under this article: *Provided*, That a  
21 person holding a license issued prior to July 1, 2009, must renew  
22 the license pursuant to the provisions of this article.

23 **§30-31-9. Requirements for a license to practice marriage and**  
24 **family therapy.**

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

3 (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  
6 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  
9 therapy from a program accredited by the Commission on  
10 Accreditation for Marriage and Family Therapy Education, the  
11 Council for Accreditation of Counseling and Related Education  
12 Programs, or a comparable accrediting body as approved by the  
13 board, or in a field closely related to an accredited marriage and  
14 family therapy program as determined by the board, or have received  
15 training equivalent to such degree as may be determined by the  
16 board; and

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

21 (B) (i) Have earned a doctorate degree in marriage and family  
22 therapy from a program accredited by the Commission on  
23 Accreditation for Marriage and Family Therapy Education, the  
24 Council for Accreditation of Counseling and Related Education

1 Programs, or a comparable accrediting body as approved by the  
2 board, or in a field closely related to an accredited marriage and  
3 family therapy program as determined by the board, or have received  
4 training equivalent to such degree as may be determined by the  
5 board; and

6 (ii) Have at least one year of supervised professional  
7 experience in marriage and family therapy of such a nature as is  
8 designated by the board after earning a doctorate degree or  
9 equivalent;

10 (6) Have passed a standardized national certification  
11 examination in marriage and family therapy as approved by the  
12 board;

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

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

21 (B) If the applicant has been convicted of a felony or a crime  
22 involving moral turpitude, it is a rebuttable presumption that the  
23 applicant is unfit for licensure unless he or she submits competent  
24 evidence of sufficient rehabilitation and present fitness to

1 perform the duties of a person licensed to practice marriage and  
2 family therapy as may be established by the production of:

3 (i) Documentary evidence including a copy of the relevant  
4 release or discharge order, evidence showing compliance with all  
5 conditions of probation or parole, evidence showing that at least  
6 one year has elapsed since release or discharge without subsequent  
7 conviction, and letters of reference from three persons who have  
8 been in contact with the applicant since his or her release or  
9 discharge; and

10 (ii) Any collateral evidence and testimony as may be requested  
11 by the board which shows the nature and seriousness of the crime,  
12 the circumstances relative to the crime or crimes committed and any  
13 mitigating circumstances or social conditions surrounding the crime  
14 or crimes, and any other evidence necessary for the board to judge  
15 present fitness for licensure or whether licensure will enhance the  
16 likelihood that the applicant will commit the same or similar  
17 offenses;

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

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

3 (b) ~~A person who holds a license or other authorization to~~  
4 ~~practice marriage and family therapy issued by another state, the~~  
5 ~~qualifications for which license or other authorization are~~  
6 ~~determined by the board to be at least substantially equivalent to~~  
7 ~~the license requirements in this article, is eligible for~~  
8 ~~licensure.~~ Any person authorized to practice as a marriage and  
9 family therapist in another jurisdiction who has practiced as a  
10 marriage and family therapist for a minimum of five years and who  
11 is not currently facing, nor has been subject to, disciplinary  
12 action by a licensure board during the preceding five years shall  
13 be granted licensure in this state to practice as a marriage and  
14 family therapist.

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

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

NOTE: The purpose of this bill is to permit reciprocity for

psychologists, social workers, professional counselors and marriage and family therapists. The bill grants those professionals licensure to practice in the state provided certain conditions are met.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.

§30-30-30 is new; therefore, it has been completely underscored.