

COMMITTEE ON RULES AND JUDICIARY

03/24/2022-REASSIGNED TO THE COMMITTEE ON RULES AND JUDICIARY
02/10/2022-REPORTED OUT TO THE FLOOR

BILL NO. 34-0190

Thirty-Fourth Legislature of the Virgin Islands

January 27, 2022

An Act amending title 27 Virgin Islands Code, chapter 4A relating to the practice of professional counseling to modify and update licensure requirements, and for other related purposes

PROPOSED BY: Senators Marvin A. Blyden and Genevieve R. Whitaker
Co-sponsor: Carla J. Joseph

1 *Be it enacted by the Legislature of the Virgin Islands:*

2 **SECTION 1.** Title 27, chapter 4A of the Virgin Islands Code is amended as follows:

3 (a) Section 201 is amended:

4 (1) in subsection (c) by striking all the language in paragraph (2) and inserting
5 new language that reads as follows: “has been independently licensed for a minimum of
6 three years, and has documented to the Board the completion of a graduate level course
7 or the equivalent that included content and experience relevant to the supervision of
8 behavioral health clinicians, or”;

9 (2) Striking all the language in paragraph (3) and inserting a new language that
10 that reads as follows: “has been independently licensed for a minimum of five years and
11 has documented to the Board two years of experience as a supervisor of pre-licensed
12 counselors”;

13 (3) Striking paragraphs (4) and (5);

14 (4) In subsection (e) striking all the language after “means” and inserting that
15 reads as follows: “the use for a fee or compensation of scientific and applied behavioral

1 science theories, methods, and techniques for the purpose of describing, preventing, and
2 treating undesired behavior and enhancing mental health and human development and is
3 based on the person-in-situation perspectives derived from research and theory in
4 personality, family, group, and organizational dynamics and development, career
5 planning, cultural diversity, human growth and development, human sexuality, normal
6 and abnormal behavior, psychopathology, psychotherapy, and rehabilitation. The
7 practice of counseling includes methods of a psychological nature used to evaluate,
8 assess, diagnose, and treat emotional and mental dysfunctions or disorders, whether
9 cognitive, affective, or behavioral, behavioral disorders, interpersonal relationships,
10 sexual dysfunction, alcoholism, and substance abuse. The practice of counseling
11 includes, but is not limited to, psychotherapy, hypnotherapy, and sex therapy. The
12 practice of counseling also includes behavior modification, consultation, client-centered
13 advocacy, crisis intervention, and the provision of needed information and education to
14 clients, when using methods of a psychological nature to evaluate, assess, diagnose, treat,
15 and prevent emotional and mental disorders and dysfunctions, whether cognitive,
16 affective, or behavioral, behavioral disorders, sexual dysfunction, alcoholism, or
17 substance abuse. The practice of counseling may also include clinical research into more
18 effective psychotherapeutic modalities for the treatment and prevention of such
19 conditions, as well as services performed with individuals, couples, or groups wherein
20 interpersonal relationship as examined for the purpose of achieving more adequate,
21 satisfying, and productive marriage and family adjustments. The practice includes
22 relationship and premarital counseling”;

23 (5) In subsection (i) by striking all the language after “individual who” and
24 inserting new language that reads as follows: “is licensed under this chapter to practice
25 substance abuse counseling”;

26 (6) In subsection (j) by striking all the language after “Individual who” and
27 inserting a new language that reads as follows: “is licensed under this chapter to practice
28 marriage and family therapy”;

1 (7) In subsection (k) by striking all the language after “individual” and inserting
2 new language that reads as follows: “licensed under this chapter to practice professional
3 counseling.”;

4 (8) Striking subsection (l) and inserting a new subsection (l) that reads as
5 follows: “(l) “Provisional licensee” means a person provisionally licensed under this
6 chapter to provide counseling services under the supervision of a Board-approved
7 supervisor as an Associate Substance Abuse Counselor, Associate Marriage & Family
8 Therapist or Associate Professional Counselor.”; and

9 (9) Striking subsection (n) and inserting a new subsection (n) that reads as
10 follows: “(n) “Provisional licensee” means a person provisionally licensed under this
11 chapter to provide counseling services under the supervision of a Board approved
12 supervisor as an Associate Substance Abuse Counselor, Associate Marriage and Family
13 Therapist or Associate Professional Counselor.”

14 (b) Section 202 is amended:

15 (1) In subsection (c) by striking “three shall continue in office for two years,
16 three for three years, and one for four years.”, and inserting “four shall continue in office
17 for five years, and three for three years.”; and

18 (2) At the end subsection (h) after “business”, by inserting “pursuant to 3 V.I.C.
19 § 65”.

20 (c) Section 206 is amended in subsection (b) by striking all the language after
21 “perform” and inserting “criminal background checks, pursuant to section 221 of this title, of
22 every applicant licensed by the Board, and every applicant seeking an initial license under this
23 chapter.

24 (d) Section 207 is amended:

25 (1) in subsection (a), paragraph (2) by striking all the language after “completion
26 of” and inserting new language that reads as follows: “a minimum of 60 graduate
27 semester hours, including a masters or doctoral degree, with emphasis in addictions
28 counseling, professional counseling, counselor education, counseling psychology,

1 community mental health or in a comparable field with a concentration in mental health
2 and substance abuse, and has completed a supervised practicum or internship with
3 graduate level coursework in each of the following:

4 (A) Counseling Theory & Practice;

5 (B) Human Growth & Development;

6 (C) Lifestyle & Career Development;

7 (D) Group Dynamics, processes, counseling & consulting;

8 (E) Appraisal/Assessment & Testing of Individuals;

9 (F) Principles of diagnosis, treatment, planning & prevention of mental &
10 emotional disorders & dysfunctional behavior;

11 (G) Social & cultural foundation/ Multicultural counseling;

12 (H) Marriage and family counseling/therapy;

13 (I) Research & program evaluation;

14 (J) Professional orientation & ethics; and

15 (K) Coursework in the core areas relating to the treatment of clients for
16 alcohol or drug abuse”;

17 (2) striking paragraph (3) and inserting a new paragraph 3 that reads as follows:

18 “(3) has demonstrated to the satisfaction of the Board the successful
19 completion of a minimum of 2500 hours of post-master’s professional counseling,
20 of which 2000 hours involve direct clinical contact under the supervision of a Board
21 approved supervisor and a minimum of 100 hours of clinical supervision”;

22 (3) adding paragraphs (5) and (6) to read as follows: “(5) Passes the examination
23 requirement established by the Board; (6) Completion of 20 hours of CEUs, of which a
24 minimum of 6 must relate to substance abuse or addiction, and the following must be
25 included: Ethics, HIPAA, Cultural Diversity/Sensitivity & Telehealth.”;

26 (4) and in subsection (c) by striking “practice medicine, social work, or
27 psychology,” and inserting “unless the person is determined to be qualified by the Board
28 by virtue of education, training or experience”;

1 (e) Section 208 is amended:

2 (1) in subsection (a):

3 (A) paragraph (2) by striking “year of” and inserting “a minimum of a
4 master’s degree consisting of”;

5 (B) by striking paragraph (3) and inserting a new paragraph (3) that reads:

6 “(3) has demonstrated to the satisfaction of the Board the successful
7 completion of a minimum of 2500 hours of post-master’s professional
8 counseling, of which 2000 involve direct clinical contact under the
9 supervision of a Board approved supervisor and a minimum of 100 hours of
10 clinical supervision”; and

11 (C) by adding paragraph (6) to read as follows: “(6) Completion of 20 hours
12 of CEUs, of which the following must be included: Ethics, HIPAA, Cultural
13 Diversity/Sensitivity & Telehealth”; and

14 (2) in subsection (c) by striking “to practice medicine, social work, or
15 psychology, to provide counseling for disorders other than substance abuse or” and
16 inserting “unless the person is qualified by the Board by virtue of education, training or
17 experience.”

18 (f) Section 209 is amended in the following instances:

19 (1) In subsection (a):

20 (A) paragraph (2), by striking “including a master’s or doctoral degree in”
21 and inserting “a minimum of a master’s degree, consisting of”.

22 (B) in paragraph (3) by striking all the language after “completion of” and
23 inserting a minimum of 2500 hours of post-master’s professional counseling, of
24 which 2000 hours involve direct clinical contact under the supervision of a Board-
25 approved supervisor and a minimum of 100 hours of clinical supervision;

26 (C) “By adding paragraph (6) to read as follows: “(6) Completion of 20
27 hours of CEUs, of which the following must be included: Ethics, HIPAA, Cultural
28 Diversity/Sensitivity & Telehealth.”; and

1 (2) by adding subsection (c) that reads as follows: “(c) Nothing in this chapter
2 may be construed to authorize a professional counselor to order, administer, or interpret
3 psychological tests or use psychometric procedures, unless the person is determined to
4 be qualified by the Board by virtue of education, training or experience.”

5 (g) Section 209a is added and reads as follows:

6 “§ 209a Persons licensed as Professional Counselors, Substance Abuse
7 Counselors, or Marriage and Family Therapists may administer and interpret assessments
8 or tests for which the person is qualified to employ by virtue of the person’s education,
9 training or experience, and may include, but is not limited to, administering and
10 interpreting educational and vocational tests; functional assessments; interest
11 inventories; tests that evaluate marital and family functioning; and mental health
12 symptom screening and assessment instruments that evaluate emotional, mental,
13 behavioral, and interpersonal problems or conditions including substance abuse, health,
14 and disability if the licensee has obtained university-level graduate training or
15 substantially equivalent supervised experience in the use of the test or assessment
16 instrument, but the use of these assessment instruments does not include rendering a
17 diagnosis of an organic brain disorder, brain damage, or other neuropsychological
18 functioning or conditions,

19 (h) Section 210 is amended by:

20 (1) striking the section heading and inserting a new section heading that reads as
21 follows:

22 **“Exams, issuance of provisional licenses and licenses with exemptions**

23 (2) In subsection (e) by striking all the language after “who” and inserting new
24 language to read as follows: “have been actively practicing at the independent level in
25 the territory for a minimum of two years post-master’s and previously held the
26 Consultation & Related Therapies designation, and; the applicant must meet the
27 academic and examination requirements for licensure as a substance abuse counselor,

1 marriage and family therapist or licensed professional counselor, as the case may be, and
2 shall present satisfactory evidence of qualifications to the Board.”; and

3 (3) Adding subsection (f) to read as follows: “(f) A person who has not satisfied
4 the postgraduate or post-master’s level experience requirements, as specified in sections
5 207, 208, & 209 of this chapter, must register as an associate in the profession for which
6 the person is seeking licensure before commencing the post-master’s experience
7 requirement. The Board shall issue a provisional license as an associate substance abuse
8 counselor, an associate marriage and family therapist, or an associate professional
9 counselor to each applicant that has:

10 (1) “completed an application and paid the applicable fee as set forth in
11 section 211;

12 (2) “demonstrated to the Board the completion of education requirements
13 in the profession for which the applicant seeking licensure, as specified in sections
14 207, 208 & 209;

15 (3) “identified a Board-approved supervisor, submitted to the Board a
16 letter of Intent to Supervise from the identified supervisor, and remains under
17 supervision while practicing under their provisional license;”

18 (4) a provisional license is valid for five (5) years, and once expired is not
19 renewable and may not be reissued. Once expired, if the licensee has not met the
20 requirements for full licensure, the licensee must re-apply for associate status and
21 the applicant’s experience requirements must be restarted.

22 (i) Section 220 is amended:

23 (1) in subsection (b) by inserting “or knowingly conceals information relative to
24 violations in this chapter or” after “willfully” and

25 (2) by adding subsection (f) to read as follows: “(f) Any person who knowingly
26 employs a person who holds himself out to be a licensed professional counselor, to
27 practice within the territory of the Virgin Islands, without a valid license granted under
28 this chapter is subject to punishment upon conviction by a fine of not less than \$1,000

1 nor more than \$2,500 for each offense. This subsection shall not apply to a natural person
2 retaining counseling services for himself or a family member as a client.”

3 **BILL SUMMARY**

4 This bill amends specific sections of Title 27, chapter 4A of the Virgin Islands Code,
5 relating to the practice of professional counseling services in the territory by modifying
6 licensure exemptions, as well as eligibility requirements for application, approved supervisor
7 designation, Associate Substance Abuse Counselor, Associate Marriage and Family Therapist,
8 Associate Professional Counselor designations and licensure as a Substance Abuse Counselor,
9 Marriage and Family Therapist and Professional Counselor respectively.

10 **BR21-0822/December 9, 2021/**