

BILL NO. 35-0128

Thirty-Fifth Legislature of the Virgin Islands

September 12, 2023

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: Senator Marvin A. Blyden

Be it enacted by the Legislature of the Virgin Islands:

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

(a) Section 201 is amended:

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

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

(3) by striking paragraphs (4) and (5);

(4) in subsection (e) striking all the language after “means” and inserting language that reads as follows: “the use, for a fee or compensation, of scientific and applied behavioral science theories, methods, and techniques for the purpose of describing, preventing, and treating undesired behavior and enhancing mental health and human development and is based on the person-in-situation perspectives derived from research and theory in personality, family, group, and organizational dynamics and development, career planning, cultural diversity, human growth and development, human sexuality, normal and abnormal behavior, psychopathology, psychotherapy, and rehabilitation. The practice of counseling includes methods of a psychological nature used to evaluate, assess, diagnose, and treat emotional and mental dysfunctions or disorders, whether cognitive, affective, or behavioral, behavioral disorders, interpersonal relationships, sexual dysfunction, alcoholism, and substance abuse. The practice of counseling includes, but is not limited to, psychotherapy, hypnotherapy, and sex therapy. The practice of counseling also includes behavior modification, consultation, client-centered advocacy, crisis intervention, and the provision of needed information and education to clients, when using methods of a psychological nature to evaluate, assess, diagnose, treat, and prevent emotional and mental disorders and dysfunctions, whether cognitive, affective, or behavioral, behavioral disorders, sexual dysfunction, alcoholism, or substance abuse. The practice of counseling may also include clinical research into more effective psychotherapeutic modalities for the treatment and prevention of such conditions, as well as services performed with individuals, couples, or groups wherein interpersonal relationships are examined for the purpose of achieving more adequate,

1 satisfying, and productive marriage and family adjustments. The practice includes
2 relationship and premarital counseling.”;

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

6 (6) in subsection (j) by striking all the language after “individual who” and
7 inserting new language that reads as follows: “is licensed under this chapter to practice
8 marriage and family therapy”;

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

12 (8) by striking subsection (l) and inserting a new subsection (l) that reads as
13 follows: “(l) “Provisional licensee” means a person provisionally licensed under this
14 chapter to provide counseling services under the supervision of a Board-approved
15 supervisor as an Associate Substance Abuse Counselor, Associate Marriage & Family
16 Therapist or Associate Professional Counselor.”

17 (b) Section 202 is amended:

18 (1) in subsection (c) by striking “three shall continue in office for two years,
19 three for three years, and one for four years.”, and inserting “four shall continue in office
20 for five years, and three for three years.”; and

21 (2) in subsection (h) by inserting “pursuant to 3 V.I.C. § 65 after the word
22 “business”.

23 (c) Section 206 is amended in subsection (b) by striking all the language after the word
24 “perform” and inserting “criminal background checks, pursuant to section 221 of this title of

every applicant licensed by the Board, and every applicant seeking an initial license under this chapter.”

(d) Section 207 is amended:

(1) in subsection (a), paragraph (2) by striking all the language after the words “completion of” and inserting new language that reads as follows: “a minimum of 60 graduate semester hours, including a masters or doctoral degree, with emphasis in addictions counseling, professional counseling, counselor education, counseling; and psychology, community mental health or in a comparable field with a concentration in mental health and substance abuse, and has completed a supervised practicum or internship with graduate level coursework in each of the following:

(A) Counseling Theory & Practice;

(B) Human Growth & Development;

(C) Lifestyle & Career Development;

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

(E) Appraisal/Assessment & Testing of Individuals;

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

(G) Social & cultural foundation/ Multicultural counseling;

(H) Marriage and family counseling/therapy;

(I) Research & program evaluation;

(J) Professional orientation & ethics; and

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

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

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

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

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

14 (e) Section 208 is amended:

15 (1) in subsection (a):

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

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

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

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

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

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

(1) In subsection (a):

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

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

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

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

(g) Section 210 is amended:

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

“§ 210 Exams, issuance of provisional licenses and licenses with exemptions”

(2) in subsection (e) by striking all the language after “who” and inserting new language to read as follows: “have been actively practicing at the independent level in the territory for a minimum of two years post-master’s and previously held the Consultation & Related Therapies designation, and; the applicant must meet the academic and examination requirements for licensure as a substance abuse counselor, marriage and family therapist or licensed professional counselor, as the case may be, and shall present satisfactory evidence of qualifications to the Board.”; and

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

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

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

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

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

(h) Section 220 is amended:

(1) in subsection (b) by inserting after “willfully” the words “or knowingly conceals information relative to violations in this chapter or,”; and

(2) by adding subsection (f) to read as follows: “(f) Any person who knowingly employs a person who holds himself out to be a licensed professional counselor, to practice within the territory of the Virgin Islands, without a valid license granted under this chapter is subject to punishment upon conviction by a fine of not less than \$1,000 nor more than \$2,500 for each offense. This subsection shall not apply to a natural person retaining counseling services for himself or a family member as a client.”

BILL SUMMARY

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

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