



**WEST VIRGINIA  
SECRETARY OF STATE**

**NATALIE E. TENNANT**

**ADMINISTRATIVE LAW DIVISION**

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OFFICE OF  
WEST VIRGINIA SECRETARY OF STATE

**FORM 1 -- NOTICE OF A PUBLIC HEARING OR COMMENT PERIOD ON A PROPOSED RULE  
(Page 1)**

AGENCY **Counseling**  
RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **27-02**  
RULE NAME **Licensed Professional Counselor Fees**

CITE AUTHORITY **30-31**

COMMENTS LIMITED TO  
**Written**

DATE OF PUBLIC HEARING

LOCATION OF PUBLIC HEARING

DATE WRITTEN COMMENT PERIOD ENDS  
**Wednesday, July 15, 2015 5:00 PM**

WRITTEN COMMENTS MAY BE MAILED TO  
**WBEC - Comments**  
**815 Quarrier Street, Suite 212**  
**Charleston, WV 25301**

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

**Yes**  
**Roxanne E Clay -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



Title-Series: 27-02



Rule Id: 9796



Document: 26785



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**FORM 1 -- NOTICE OF A PUBLIC HEARING OR COMMENT PERIOD ON A PROPOSED RULE  
(Page 2)**

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**PROVIDE A BRIEF SUMMARY OF YOUR PROPOSAL**

**Fees must be increase to maintain our sufficiency to operate. Attorney General Fees and everyday costs have increased.**

**BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.**

**Yes**

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**FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 1)**

AGENCY **Counseling**  
RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **27-02**  
RULE NAME **Licensed Professional Counselor Fees**

CITE AUTHORITY **30-31**

**PRIMARY CONTACT**

Roxanne Clay  
ADDRESS LINE 1  
ADDRESS LINE 2  
CITY, STATE ZIP

**SECONDARY CONTACT**

Jean Ann Johnson  
ADDRESS LINE 1 SECONDARY  
ADDRESS LINE 2 SECONDARY  
CITY SECONDARY, STATE SECONDARY ZIP SECONDARY

**Roxanne E Clay -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



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SUMMARIZE IN A CLEAR AND CONCISE MANNER WHAT IMPACT THIS MEASURE WILL HAVE ON COSTS AND REVENUES OF STATE GOVERNMENT.

**Since WVBECC is a non-appropriated board, all fees are collected from licensees and applicants. Therefore, no cost to state government.**

**There is no impact on state government, since WVBECC is a non-appropriated board and all revenues are used for our operating costs.**

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**FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 2)**

AGENCY **Counseling**  
RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **27-02**  
RULE NAME **Licensed Professional Counselor Fees**

CITE AUTHORITY **30-31**

FISCAL NOTE DETAIL -- SHOW OVER-ALL EFFECT IN ITEM 1 AND 2 AND, IN ITEM 3, GIVE AN EXPLANATION OF BREAKDOWN BY FISCAL YEAR, INCLUDING LONG-RANGE EFFECT.

Effect Of Proposal	Current Increase/Decrease (use ' - ')	Next Increase/Decrease (use ' - ')	Fiscal Year (Upon Full Implementation)
ESTIMATED TOTAL COST	0	0	
PERSONAL SERVICES	0	0	
CURRENT EXPENSES	0	0	
REPAIRS AND ALTERATIONS	0	0	
ASSETS	0	0	
OTHER	0	0	
ESTIMATED TOTAL REVENUES	0	0	

Roxanne E Clay -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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**FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 3)**

AGENCY **Counseling**  
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RULE NAME **Licensed Professional Counselor Fees**

CITE AUTHORITY **30-31**

3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT). PLEASE INCLUDE ANY INCREASE OR DECREASE IN FEES IN YOUR ESTIMATED TOTAL REVENUES.

**N/A**

**Roxanne E Clay -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



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**FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 4)**

AGENCY **Counseling**  
RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **27-02**  
RULE NAME **Licensed Professional Counselor Fees**

CITE AUTHORITY **30-31**

PLEASE IDENTIFY ANY AREAS OF VAGUENESS, TECHNICAL DEFECTS, REASONS THE PROPOSED RULE WOULD NOT HAVE A FISCAL IMPACT, AND OR ANY SPECIAL ISSUES NOT CAPTURED ELSEWHERE ON THIS FORM.

**The Board's main revenue comes from the LPC renewal fees collected every two years. The non-renewal fees collected on a yearly basis have basically been the same for the last several years.**

**This proposed renewal fee increase will not be effective until the end of the fiscal year 2017.**

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

**Roxanne E Clay -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



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**FORM 12 -- BRIEF SUMMARY AND STATEMENT OF CIRCUMSTANCES (Page 1)**

AGENCY **Counseling**  
RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **27-02**  
RULE NAME **Licensed Professional Counselor Fees**

CITE AUTHORITY **30-31**

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN RULE AND STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE.

Based on our current numbers, WVBECC needs to generate an additional \$25,000.00 annually. The Board has addressed this by proposing increases in license renewal fees and non-renewal fees.

Approximately 65-70% of our revenue is generated biennially through license renewal fees. Our biennial renewal cycle runs on odd numbered years from July 1 through June 30. The last renewal fee increase occurred in July 2010.

WVBECC is proposing a biennial renewal fee of \$260.00 (currently \$220.00) WVBECC WILL NOT SEE THE BENEFIT OF THIS INCREASE UNTIL THE END OF FISCAL YEAR 2017. Non-renewal income has been consistently the same every year for the last several years. It is necessary to also raise several of the non-renewal operating fees to maintain sufficiency of the board. Each non-renewal fee was addressed separately and adjusted or left the same based on the line item.

Our most unpredictable expense remains the services of the Attorney General. From 1999 to 2014 we were able to pay a reduced hourly rate for those services. The rate increased by 90% in 2015 for those same services.

We are charged with carrying out the provisions of WV Code 30-31-12. To do so, a hearing must be provided. The investigations and subsequent process, without a hearing ranges from about \$600.00-\$2,500.00 each. When a Board decision is contested we are obligated to hold a hearing. This year the Board held a contested hearing and has paid fees of \$6,000.00.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

**Yes**

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**FORM 12 -- BRIEF SUMMARY AND STATEMENT OF CIRCUMSTANCES (Page 2)**

AGENCY **Counseling**  
RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **27-02**  
RULE NAME **Licensed Professional Counselor Fees**

CITE AUTHORITY **30-31**

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN RULE AND STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE.

Not all charges have been submitted for this hearing and we anticipate the total cost to expand significantly. The Board is unable to predict the annual number of complaints, investigations and hearings, yet we have to have a financial reserve for these type matters.

In addition to using the Attorney General in carrying out WV Code 30-30-12 the Board anticipates some increased use of the Attorney Generals time for other matters. The current Executive Director will be retiring at the end of 2015 or early 2016. The current Executive Director is a long time employee and thus has not needed to use the Attorney Generals services as much. With a change in Executive Directors, the new Director will most likely have to use the services of the Attorney General more often.

Currently, we are only able to offer insurance benefits to one employee and would like to be able to offer both employees insurance benefits.

Additionally, as expected, our normal day to day office expenses have risen a little each year. The funds will also be used for increased day to day office expenses.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

**Yes**

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TITLE 27  
LEGISLATIVE RULE  
BOARD OF EXAMINERS IN COUNSELING

SERIES 2  
LICENSED PROFESSIONAL COUNSELOR FEES RULE

§27-2-1. General.

1.1. Scope. -- This rule establishes fee requirements related to the licensing of professional counselors, renewal of the licenses, and application and monitoring of continuing professional education providers and their programs.

1.2. Authority. -- W. Va. Code ~~§30-31-6~~ §30-31-7.

1.3. Filing Date. --

1.4. Effective Date. --

§27-2-2. Fee Schedule.

2.1. Fees paid to the Board are not refundable.

2.2. Fees, with the exception of those for examination, are payable to the West Virginia Board of Examiners in Counseling (WVBEC).

2.3. Fees.

2.3.a. Initial application for licensure -- ~~\$200.00~~ \$230.00;

2.3.a.1. The fee required for the issuance of the initial license certificate shall be ~~calculated on the current renewal rate set in this rule, the date the license is issued and the number of days remaining in the current biennial renewal cycle~~ \$260.00 if licensed during the first year of the biennial renewal or \$130.00 if licensed during the second year of the biennial renewal;

2.3.b. ~~Reciprocity~~ Endorsement application processing -- ~~\$200.00~~ \$250.00;

2.3.c. Biennial license renewal -- ~~\$220.00~~ \$260.00;

2.3.d. Retirement Status application and renewal fee -- \$130.00

2.3.e. Late renewal during 60 day period -- ~~\$50.00~~ \$75.00;

2.3.f. Reinstatement for licensure renewal after the end of the 60 day period or reinstatement following revocation or suspension of license -- ~~\$250.00~~ \$50.00;

2.3.g. Examination score endorsement -- \$25.00;

2.3.h. Certification of supervised clinical experience endorsement -- \$25.00;

2.3.i. Name change on all records -- \$5.00;

2.3.j. Endorsement to another state or a National or State certification -- \$25.00;

2.3.k. Duplicate certificate -- \$10.00;

2.3.l. Filling a request for public information, print or electronic data, or other services relating to the Board, its members, or licensed professional counselors, is calculated based on the actual cost of materials, employee time, and services required to comply with the request; and,

2.3.m. Bad check fee -- As provided for in W. Va. Code §61-3-39e.

2.4. Continuing professional education provider and programs fees.

2.4.a. Certification as an approved provider of continuing professional education ~~biennially~~ ~~\$150.00~~ \$250.00;

2.4.b. Certification as an approved provider of continuing professional education for one event -- \$50.00 per day of event;

~~2.4.c. Monitoring the continuing professional education records and activities of an approved provider for the purpose of quality assurance -- \$50.00 for one event in each biennial year cycle and \$100.00 for more than one event in each biennial year cycle; and,~~

2.4.c. Biennial fee to re-certify as an approved provider -- ~~\$100.00~~ \$200.00 payable only after the Board has notified the provider that it is eligible to re-certify.

2.4.c.1. An approved provider who does not pay a fee to re-certify within 30 days of notice forfeits all rights and privileges of an approved provider.

2.5. Examination fees.

2.5.a. Fee for the examination required by the Board is established by and payable to the National Board for Certified Counselors (NBCC) or its designee.