

**West Virginia Board of Counseling**  
**Explanation of Proposed Rule Changes to Series 2 LPC Fee Rules & Series 9 LMFT Fee Rules**  
**July 2016**

This Board operates completely on the fees collected from licensees, applicants and sponsors of continuing education and does not receive monies from the State's general revenue. The Board must increase its fee structure to continue its statutorily mandated charge of protecting the public and ensuring that the practice of counseling and marriage and family therapy contributes to the general welfare and public interest of the state and its citizens.

The Board has acquired additional expenses that were not budgeted for in previous years. (See further description below). The Board must pay these expenses in order to continue to operate and to be in compliance with state regulations. Additionally, without a fee increase, the Board will be unable to continue to carry out its statutory duties.

A Finance Committee was formed in February, 2016 to establish a Board budget that is solvent and stable moving forward. It was determined an additional \$34,645 is needed annually to continue to operate and fulfill its mission in the protection of the public. The Board has addressed this deficit by proposing an increase in license renewal and non-renewal fees.

The Board is proposing an annual license renewal fee of \$145 (currently \$110). The proposed fee increases will not take effect until July 1, 2017; however, the Board will not see the increase from the LPC license renewal fee until June 2019, which makes up 65-70% of Board revenue. Therefore, it is necessary to also raise many of the non-renewal operating fees.

WV has roughly 935 active Licensed Professional Counselors-LPC and six (6) Licensed Marriage and Family Therapists-LMFT. In evaluating some of our surrounding states, it was determined that it is not possible to make a comparison with these states regarding licensure fees as both Ohio and Virginia have more than four times the number of Licensed Professional Counselors as WV (Ohio- 4,858 and Virginia- 4,150) and an exorbitantly higher number of LMFT's than WV (Ohio – 184 and Virginia – 966).

The following expenses represent additional costs acquired by the Board in order to maintain compliance with state regulations and are included in the FY2017 budget;

- 1) Health insurance benefits for the 2<sup>nd</sup> full time staff member (est. \$9,000 annually).  
Note: The Board requires 2 full time staff to operate. Before FY2017, the budget included health insurance benefits for only one staff member. It is required that all permanent state employees working 20+ hours weekly be offered health benefits.
  
- 2) Retirement health insurance coverage for the previous executive director (\$6,650 annually)

3) The Attorney General Representative is now attending all Board meetings and the Executive Director is now consulting with this representative on a regular basis. The Board receives a bill from the WV Attorney General's Offices for these legal services. See W. Va. Code § 30-30-12. This creates an estimated increase in operating expenses of \$9,000 annually.

4) In carrying out the provisions of W. Va. Code § 30-31-12, the costs range from about \$1,000-\$2,500 per complaint. When a Board finds probable cause and a Licensee refuses to enter into a Consent Agreement with the Board, the Board is required to hold a hearing prior to any disciplinary action being imposed upon the Licensee. An example of these costs is illustrated when in 2015; the Board held a contested hearing and paid fees that reached nearly \$10,000. The Board is unable to predict the annual number of complaints, investigations and hearings. The current FY2017 budget includes the addition of a \$5,000 reserve for these complaint related matters.

5) Board members are now attending the statutorily mandated Annual Auditor's Seminar for Boards and Commissions. Moreover, one staff and one Board member are now attending national counselor conferences in order to keep abreast of the ever changing regulations and trends in the counseling field. This creates an increase in per diem and travel expenses of roughly \$5,000 per year.

6) As expected, normal day to day office expenses, state agency related fees and employee benefit related expenses have all increased as well.

To end, the last renewal fee increase occurred in July 2010. This increase addressed the acquisition of office space in Charleston and the addition of a second full-time staff member. Moreover, it needs to be noted that some fee sources will no longer be available and are accounted for in this new structure.