

**WEST VIRGINIA
SECRETARY OF STATE
JOE MANCHIN, III
ADMINISTRATIVE LAW DIVISION**

Form #2

Do Not Mark in This Box

FILED

DEC 23 P 3:13

WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: West Virginia Board of Examiners in Counseling TITLE NUMBER: 27

RULE TYPE: Legislative CITE AUTHORITY: 30-31-5(a)(2)

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 2

TITLE OF RULE BEING AMENDED: Fees

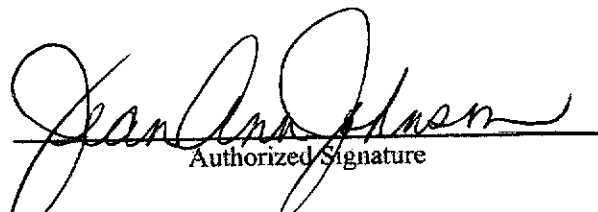
IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON December 2, 2002 AT 12:00 Noon ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

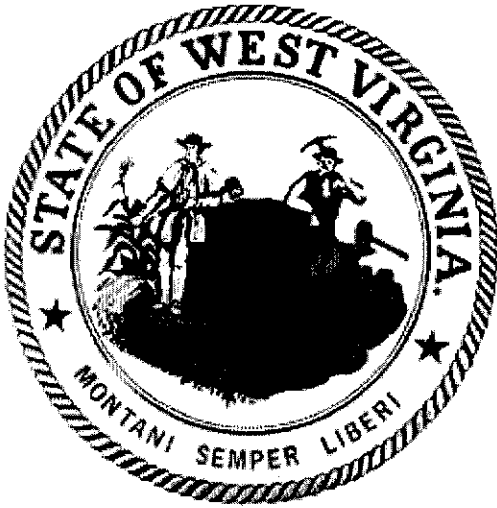
West Virginia Board of Examiners in
Counseling, Comment, Post Office Box
129, Ona, West Virginia 25545

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.


Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

SCANNED



State of West Virginia

Board of Examiners in Counseling

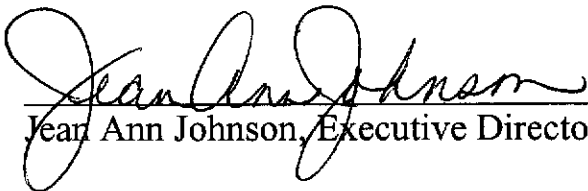
Post Office Box 129
Ona, West Virginia 25545
(800) 520-3852 Toll-Free
(304) 767-3061 (304) 767-3062 Fax
jajohnson@marshall.edu
www.state.wv.us/wvbec

October 23, 2002

Approval of Filing

Fees, Series 2

The Board of Examiners in Counseling has given their approval for the filing of this legislative rule.



Jean Ann Johnson, Executive Director



State of West Virginia

Board of Examiners in Counseling

Post Office Box 129
Ona, West Virginia 25545
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Brief Summary and Statement of Circumstances of Proposed Rule

Title 27, Series 2, Fees

The Board of Counseling is experiencing serious financial trouble.

The renewal fees received every odd numbered year constitutes the majority of the board's operating funds over a 24 month period. The board has significantly expanded the services provided to the general public and the Licensed Professional Counselor over the last two years. The board needs to raise the renewal fee for the renewal period of 2003 in order to continue operating in a professional and efficient manner.

The fee for reviewing a one-time continuing education offering is being raised to a per day basis. The one-time offerings that are two or three days long take more time to review properly. This change will only effect the companies that provide continuing education for Licensed Professional Counselors.

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

□
APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Fees

Type of Rule: Legislative Interpretive Procedural

Agency: West Virginia Board of Examiners in Counseling

Address: Post Office Box 129, Ona, West Virginia 25545

1. Effect of Proposed rule:

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
ESTIMATED TOTAL COST					
PERSONAL SERVICES					
CURRENT EXPENSE					
REPAIRS & ALTERATIONS					
EQUIPMENT					
OTHER					

2. Explanation of Above Estimates:

This rule to raise the renewal fee will not subject the board to any additional costs. The rule change will not increase or decrease any of the above items. The increase requested is to keep the board operating. Therefore, I can not place any amounts in the chart above.

3. Objectives of These Rules:

The current renewal fee needs to be raised so the board can perform its duties over a two year period. The board has significantly expanded services and cannot continue to operate without raising the renewal fee.

Rule Title: Fees

4. Explanation of Overall Economic Impact of Proposed Rule:

A. Economic Impact on State Government:

N/A

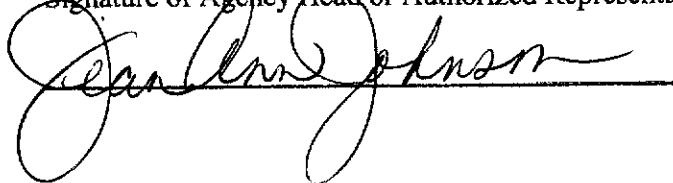
B. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of Citizens: N/A

C. Economic Impact on Citizens/Public at Large.

N/A

Date: 10/23/02

Signature of Agency Head or Authorized Representative:



A handwritten signature in cursive script, appearing to read "Jean Ann Johnson", is written over a horizontal line.

QUESTIONNAIRE

(Please include a copy of this form with each filing of your rule: Notice of Public Hearing or Comment Period; Proposed Rule, and if needed, Emergency and Modified Rule.)

DATE: 10/23/02

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency Name, Address & Phone No.) West Virginia Board of Examiners in Counseling
Post Office Box 129
Ona, West Virginia 25545
304-767-3061 or 800-520-3852

LEGISLATIVE RULE TITLE: Fees

1. Authorizing statute(s) citation 30-31-5(a)(2)

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:
October 23, 2002

b. What other notice, including advertising, did you give of the hearing?
COMMENT PERIOD ONLY: Information concerning this rule change will be mailed out to each Licensed Professional Counselor and all graduate counseling programs at Marshall, WVU and MUGC. The chairs of the West Virginia Licensed Professional Counselor's Association and the West Virginia Cuonseling Association will be sent a notice.

c. Date of Public Hearing(s) or Public Comment Period ended:
December 2, 2002

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

Attached _____ No comments received _____

- e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

- f. **Name, title, address and phone/fax/e-mail numbers** of agency person(s) to receive all *written correspondence* regarding this rule: (Please type)

Jean Ann Johnson, Executive Director Email: jajohnson@marshall.edu
West Virginia Board of Examiners in Counseling Fax: 304-767-3062
Post Office Box 129 Phone: 304-767-3061
Ona, west Virginia 25545 Tollfree: 800-520-3852

- g. **IF DIFFERENT FROM ITEM 'f',** please give **Name, title, address and phone number(s)** of agency person(s) who wrote and/or has responsibility for the contents of this rule: (Please type)

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

- a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

~~N/A~~ _____

b. Date of hearing or comment period:

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

d. Attach findings and determinations and reasons:

Attached

**TITLE 27
LEGISLATIVE RULE
BOARD OF EXAMINERS IN COUNSELING**

**SERIES 2
FEES**

FILED

2002 OCT 23 P 3: 13

WEST VIRGINIA
SECRETARY OF STATE

§27-2-1. General.

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

1.2. Authority. —W. Va. Code §§30-31-5.

1.3. Filing Date.—

1.4. Effective Date.—

§27-2-2. Definitions.

2.1. “Application fee” means a fee that is due at the time the initial application is submitted.

2.2. “Bad check fee” means a fee for a payment made by a check that is returned due to insufficient funds, closed account or similar failure to negotiate payment.

2.3. “Initial licensing fee” means a fee that is due when license is initially issued. This fee shall be based on the date the license is issued and the number of days remaining in the current biennial renewal cycle.

§27-2-3. Application of Rule.

This legislative rule applies to all persons applying to become a licensed professional counselor, all licensed professional

counselors and providers of continuing professional education programs.

§27-2-4. Fee Schedule

4.1. All fees paid to the Board are not refundable.

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

4.3. License fees.

4.3.a. The fee for the initial application for licensure is one hundred twenty dollars (\$120.00);

4.3.b. The fee for reciprocity application processing is one hundred twenty dollars (\$120.00);

4.3.c. 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;

4.3.d. The fee for biennial license renewal is ~~seventy-five dollars (\$75.00)~~ one hundred and fifty dollars (\$150.00);

(1). The licensee shall submit the renewal application and documentation of continuing education according to the instructions in the application provided by the Board at the time of renewal.

The Board shall return the licensee's renewal application for, but not limited to, improper documentation and/or inappropriate continuing education. A licensee who has his or her licensure renewal application returned by the Board as incomplete or incorrect shall pay an additional fee of \$75.00 when resubmitting the renewal application for the third (3rd) time in one renewal period.

4.3.e. The fee for examination score endorsement is twenty dollars (\$20.00);

4.3.f. The fee for name change of all records is five dollars (\$5.00);

4.3.g. The fee for endorsement to another state or a National and/or State certification is twenty dollars (\$20.00);

4.3.h. The fee for a duplicate certificate is ten dollars (\$10.00);

4.3.i. The fee for filling a request for public information, print or electronic data, and/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/or services required to comply with the request;

4.3.j. The fee for a bad check is twenty dollars (\$20.00); and,

4.3.k. The annual fee for monitoring the Restricted Practice License counselors is twenty-five dollars (\$25.00).

4.4. Continuing professional education provider and programs fees.

4.4.a. The application fee to be certified as an approved provider of continuing professional education biennially is one hundred fifty dollars (\$150.00);

4.4.b. The application fee to be certified as an approved provider of continuing professional education for one event only is ~~five dollars (\$50.00)~~ fifty dollars (\$50.00) per day;

4.4.c. The fee to monitor the continuing professional education records and activities of an approved provider for the purpose of quality assurance is fifty dollars (\$50.00) for one event in each biennial and one hundred dollars (\$100.00) for more than one event in each biennial; and,

4.4.d. The biennial fee to re-certify as an approved provider is one hundred dollars (\$100.00), payable only after the Board has notified the provider that it is eligible to re-certify.

(1). An approved provider who does not pay a fee to re-certify within thirty (30) days of notice shall forfeit all rights and privileges of an approved provider.

4.5. Examination fees.

4.5.a. The fee for the examination required by the Board is established by and payable to the National Board for Certified Counselors (NBCC) or its designee; and,

4.5.b. The additional fee to administer the exam shall be based on the current cost of the facilities, the number of proctors for the exam, and the employee's time to process the exam.