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SEP 13 11 32 AM '00

OFFICE OF THE SECRETARY OF STATE  
WEST VIRGINIA

**WEST VIRGINIA LEGISLATURE**  
*Legislative Rule-Making Review Committee*

*State Capitol - Room MB-49  
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September 12, 2000

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

TO: Ken Hechler, Secretary of State, State Register

TO: Jean Ann Johnson  
Counseling, WV Board of Examiners in  
100 Angus E. Peyton Drive  
South Charleston, WV 25303

FROM: Legislative Rule-Making Review Committee

Proposed Rule: Fees, 27CSR2

The Legislative Rule-Making Review Committee recommends that the West Virginia Legislature:

- 1. Authorize the agency to promulgate the Legislative rule
  - (a) as originally filed
  - (b) as modified by the agency
- 2. Authorize the agency to promulgate part of the Legislative rule; a statement of reasons for such recommendation is attached.
- 3. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached.
- 4. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached.
- 5. Recommends that the Legislative rule be withdrawn; a statement of reasons for such recommendation is attached.

RECEIVED<sup>DAG</sup>

ANALYSIS OF PROPOSED LEGISLATIVE RULES

SEP -1 AM 9:32

Agency: West Virginia Board of Examiners in Counseling

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

Subject: Fees, 27CSR2

PERTINENT DATES

Filed for public comment: July 3, 2000

Public comment period ended: August 15, 2000

Filed following public comment period: August 28, 2000

Filed LRMRC: August 28, 2000

Filed as emergency:

Fiscal Impact: None

ABSTRACT

The proposed rule is new. Most of the provisions of the proposed rule were initially in the West Virginia Board of Examiners in Counseling rule, Licensing Rule, 27CSR1. The following is a section-by-section synopsis of the proposed rule.

Section 1 is the standard general section, setting forth the scope, authority, filing date and effective date of the proposed rule.

Section 2 defines terms.

Section 3 states that the rule applies to all persons applying to become a licensed professional counselor and providers of continuing professional education programs.

Section 4 relates to the fee schedule. It states that all fees paid to the Board are not refundable. It sets forth the various license fees as well as fees for public information requests, endorsements to another state and monitoring restricted practice licence counselors.

Subsection 4.4 contains new fees relating to continuing professional education providers and programs. The

application fee to be certified as a provider is \$150 for two years. A provider for one event is required to pay a \$50 application fee. The biannual renewal fee for an approved provider is \$100.

#### AUTHORITY

Statutory authority: W.Va. Code, §30-31-5, which provides, in part, as follows:

(a) In addition to the duties set forth elsewhere in this article, the board shall:

...(2) Promulgate reasonable rules pursuant to article three, chapter twenty-nine-a of this code, implementing the provisions of this article and the powers and duties conferred upon the board hereby including, but not limited to, rules setting forth...

...(E) A reasonable and appropriate schedule of fees...

#### ANALYSIS

I. HAS THE AGENCY EXCEEDED THE SCOPE OF ITS STATUTORY AUTHORITY IN APPROVING THE PROPOSED LEGISLATIVE RULE?

No.

II. IS THE PROPOSED LEGISLATIVE RULE IN CONFORMITY WITH THE INTENT OF THE STATUTE WHICH THE RULE IS INTENDED TO IMPLEMENT, EXTEND, APPLY, INTERPRET OR MAKE SPECIFIC?

Yes.

III. DOES THE PROPOSED LEGISLATIVE RULE CONFLICT WITH OTHER CODE PROVISIONS OR WITH ANY OTHER RULE ADOPTED BY THE SAME OR A DIFFERENT AGENCY?

No.

IV. IS THE PROPOSED LEGISLATIVE RULE NECESSARY TO FULLY ACCOMPLISH THE OBJECTIVES OF THE STATUTE UNDER WHICH THE PROPOSED RULE WAS PROMULGATED?

Yes.

V. IS THE PROPOSED LEGISLATIVE RULE REASONABLE, ESPECIALLY AS IT AFFECTS THE CONVENIENCE OF THE GENERAL PUBLIC OR OF PERSONS AFFECTED BY IT?

Yes.

VI. CAN THE PROPOSED LEGISLATIVE RULE BE MADE LESS COMPLEX OR MORE READILY UNDERSTANDABLE BY THE GENERAL PUBLIC?

No.

VII. WAS THE PROPOSED LEGISLATIVE RULE PROMULGATED IN COMPLIANCE WITH THE REQUIREMENTS OF CHAPTER 29A, ARTICLE 3 AND WITH ANY REQUIREMENTS IMPOSED BY ANY OTHER PROVISIONS OF THE CODE?

Yes.

VIII. OTHER

Counsel has technical modifications to suggest.