

**WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION**

Form #2

Do Not Mark In This Box

FILED

2009 JUN 16 PM 3:56

OFFICE 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: 30-31-6

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 2

TITLE OF RULE BEING AMENDED: Licensed Professional Counselor 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 July 17, 2009 AT 5:00 PM ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

WVBEC, 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

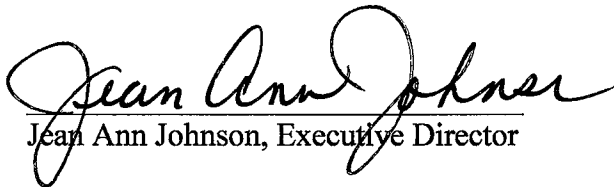
West Virginia Board of Examiners in Counseling

Post Office Box 129
Ona, West Virginia 25545
800-520-3852
www.wvbec.org
counselingboard@msn.com

Approval of Filing

Licensed Professional Counselor License Renewal and Continuing Education Rule,
Series 3

During the May 22, 2009 board meeting, members voted unanimously to approve and file this proposed legislative rule.


Jean Ann Johnson, Executive Director

West Virginia Board of Examiners in Counseling

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Ona, West Virginia 25545
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Statement of Circumstances

Licensed Professional Counselor (LPC) Rule Series 2

- ❖ Current budgetary needs will not be met if the fees are not increased.
- ❖ WVBECC has obtained a public office and along with the reoccurring and rising costs of daily operations, a fee increase is necessary.
- ❖ The majority of the expenses WVBECC occur from different WV agencies (BRIM, Auditor, ISC fees, etc) have increased by varying degrees
- ❖ As the work load has increased tremendously since 2001 due to the implementation of more monitoring procedures for the protection of the public, an additional staff member was hired.
- ❖ Now in addition to the current work load, the board will be responsible for licensing marriage and family therapists. This task will have to be completed without an additional staff member as the revenue to be generated from this license over the next five years will be minimal at best.
- ❖ But our most unpredictable expense is the Attorney General services. To carry out the provisions of WV Code 30-30-7, a hearing must be afforded to the individual charged with violations of ethical conduct. WVBECC has had at least two complaints that have been over \$4000.00 in costs and more that range in the area of \$600.00-\$15000.00 each. We have been overextended in this area many times. The addition of the marriage and family therapist license will also increase the Attorney General services as there will be complaints resulting from the MFT licensees.

Brief Summary

- ❖ Based on our current numbers, WVBECC needs to generate an additional \$50,000.00 **biennially**. Approximately 65-70% of our revenue is generated through **renewal fees** on a biennial basis. Our biennial renewal cycle runs from July 1, odd numbered year through June 30, odd numbered year. Non-renewal income has been consistently the same every year for the last four years.
- ❖ **The proposed renewal fee will not take effect until the renewal cycle of July 2011.** Therefore, it is necessary to also raise many of the non-renewal operating fees to maintain the sufficiency of the board. The last renewal fee increase occurred in 2004.
- ❖ Currently, WV has 1083 Licensed Professional Counselors. WVBECC is proposing a biennial renewal fee of \$220.00 (currently \$150.00). In evaluating some of our surrounding states that are somewhat comparable in size with the number of licensees, the WVBECC proposed increase is realistic. Kentucky (761 licensees) has a renewal fee of \$300.00 biennially, Maryland's (2845 licensees) biennial renewal fee is \$232.00, while Virginia (2781 licensees) has a \$210.00 biennial renewal fee.
- ❖ Bottom line: This Board has always operated "close to the vest" financially. Fees must be increased to maintain our sufficiency to operate.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Series 2 - Licensed Professional Counselor Fees

Type of Rule: Legislative Interpretive Procedural

Agency: West Virginia Board of Examiners in Counseling

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

Jean Ann Johnson

Phone Number: 304-733-5494 Email: counselingboard@msn.com

Fiscal Note Summary

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

No impact on state government as the Board of Counseling is a non-appropriated board. WVBECE operates solely on the fees generated thru the collection of counseling licensure fees.

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.

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use "--")	Next Increase/Decrease (use "--")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost			
Personal Services			
Current Expenses			
Repairs & Alterations			
Assets			
Other			
2. Estimated Total Revenues			

Rule Title: _____

Rule Title: Series 2 - Licensed Professional Counselor Fees

3. **Explanation of above estimates (including long-range effect):**
Please include any increase or decrease in fees in your estimated total revenues.

MEMORANDUM

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.

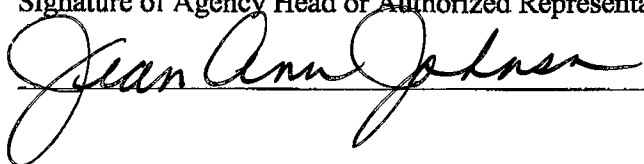
Office rent and daily operations cost this Board approximately \$10000.00 to \$12000.00 yearly. The Board has not had these types of costs in the past. The additional staff member hired to take care of detailed work (not clerical) is costing the Board approximately \$32000.00 yearly. The board until last year has only had one full time employee with very limited part-time help.

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

This proposed renewal fee increase will not be effective until July 2011.

Date: 06/15/09

Signature of Agency Head or Authorized Representative



TITLE 27
LEGISLATIVE RULE
BOARD OF EXAMINERS IN COUNSELING 2009 JUN 16 PM 3: 56

SERIES 2
LICENSED PROFESSIONAL COUNSELOR
FEES RULE

OFFICE 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 licenses, and application and monitoring of continuing professional education providers and their programs.

1.2. Authority. —W. Va. Code §§30-31-5, §§30-31-6.

1.3. Filing Date.— June 16, 2009

1.4. Effective Date.—

§27-2-2. Definitions.

2.1. “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.

§27-2-2. 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. §27-2-3 Fee Schedule

4.1. 3.1. All fees paid to the Board are not refundable.

4.2. 3.2. All fees, with the exception of those for examination, are payable to the West Virginia Board of Examiners in Counseling (WVBEC).

4.3. 3.3. License fees.

4.3.a. 3.3.a. The fee for the initial application for licensure is ~~one hundred twenty dollars (\$120.00);~~ \$170.00;

4.3.a.1. 3.3.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;

4.3.b. 3.3.b. The fee for reciprocity application processing is ~~one hundred twenty dollars (\$120.00);~~ \$170.00;

4.3.e. 3.3.c. The fee for biennial license renewal is ~~one hundred and fifty dollars (\$150.00);~~ \$220.00.

~~(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 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.d. ~~3.3.d.~~ The fee for late renewal during the 60 day grace period is \$50.00;

4.3.e. ~~3.3.e.~~ The reinstatement fee for licensure renewal after the end of the 60 day grace period or reinstatement following revocation or suspension of license is \$250.00;

4.3.f. ~~3.3.f.~~ The fee for examination score endorsement is ~~twenty dollars (\$20.00)~~; \$25.00;

4.3.g. ~~3.3.g.~~ The fee for name change on all records is ~~five dollars (\$5.00)~~ \$5.00;

4.3.h. ~~3.3.h.~~ The fee for endorsement to another state or a National or State certification is ~~twenty dollars (\$20.00)~~; \$25.00;

4.3.i. ~~3.3.i.~~ The fee for a duplicate certificate is ~~ten dollars (\$10.00)~~ \$10.00;

4.3.j. ~~3.3.j.~~ The fee for 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,

4.3.k. ~~3.3.k.~~ The fee for a bad check is ~~twenty dollars (\$20.00)~~; \$25.00. ; and,

4.3.l. ~~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)~~ \$150.00;

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

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)~~ \$50.00 for one event in each biennial year cycle and ~~one hundred dollars (\$100.00)~~ \$100.00 for more than one event in each biennial year cycle; and,

4.4.d. The biennial fee to re-certify as an approved provider is ~~one hundred dollars (\$100.00)~~, \$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)~~ 30 days of notice forfeits 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.