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OFFICE OF THE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

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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: **Licensing Renewal and Continuing Professional Education Requirements, 27CSR3**

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 Recommends that the Legislative rule be withdrawn; a statement of reasons for such recommendation is attached.

SCANNED

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ANALYSIS OF PROPOSED LEGISLATIVE RULE 80 SEP -1 AM 9:32

Agency: West Virginia Board of Examiners in Counsel^{ing}
Subject: License Renewal and Continuing Professional Education Requirements, 27CSR3

OFFICE OF WEST VIRGINIA
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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. 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 licensed professional counselors who are renewing their counseling license.

Section 4 requires a licensee to renew his or her license every two years and to provide proof that he or she has completed 40 continuing education contact hours within the previous two years. It allows a licensee who has not earned the required number of contact hours to petition the Board for an extension of time.

Section 5 requires licensees to obtain 40 continuing education contact hours every two years, at least 3 hours of which must be in counselor related ethics. It sets forth the number of contact

hours which the Board will grant for various continuing education activities.

Section 6 sets forth five ways in which a licensee may obtain continuing education credits: programs offered by approved providers; approved programs of continuing and professional education; post-approved programs; home study programs; and publications and presentations. It sets forth guidelines for program, provider, post program and home study approval.

Section 7 sets forth the documentation of completed continuing education hours which a licensee must submit to the Board.

AUTHORITY

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

...(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...

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.