

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

Form #3

Do Not Mark In This Box

FILED

2009 JUL 31 PM 12: 18

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE  
AND  
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

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

CITE AUTHORITY: 30-31-6

AMENDMENT TO AN EXISTING RULE: YES  NO

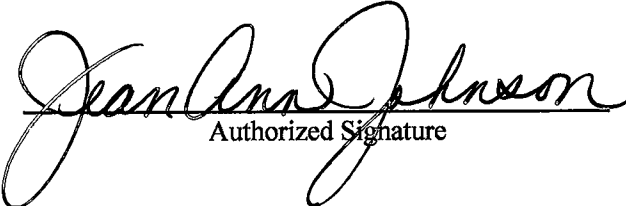
IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

TITLE OF RULE BEING AMENDED: \_\_\_\_\_

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 9

TITLE OF RULE BEING PROPOSED: Marriage and Family Therapists Fees Rule

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE FOR THEIR REVIEW.

  
Authorized Signature

## **West Virginia Board of Examiners in Counseling**

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Post Office Box 129

Ona, West Virginia 25545

800-520-3852

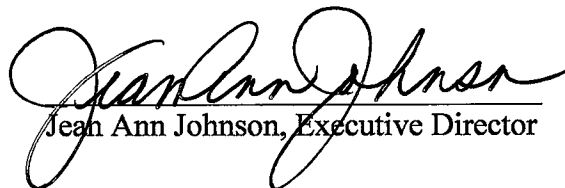
[www.wvbec.org](http://www.wvbec.org)

[counselingboard@msn.com](mailto:counselingboard@msn.com)

### Approval of Filing

#### Marriage and Family Therapists Fees Rule, Series 9

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



Jean Ann Johnson, Executive Director

**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: 07/29/09

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  
304-733-5494

LEGISLATIVE RULE TITLE: Marriage and Family Therapists Fees Rule, Series 9

1. Authorizing statute(s) citation 30-31-6

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:  
June 16, 2009 Public Comment Period

b. What other notice, including advertising, did you give of the hearing?  
\_\_\_\_\_  
\_\_\_\_\_

c. Date of Public Hearing(s) *or* Public Comment Period ended:  
July 17, 2009

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

Attached 2 No comments received \_\_\_\_\_

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

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- 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, Post Office Box 129, Ona, WV 25545  
Phone 304-733-5494 Fax 304-733-4172 email counselingboard@msn.com

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- 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)

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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.

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DID NOT INCLUDE PAGE 3 AS IT WAS BLANK

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[counselingboard@msn.com](mailto:counselingboard@msn.com)

### **Statement of Circumstances**

#### **Marriage and Family Therapists (MFT) Fees Rule Series 9**

The 2009 legislature passed HB 2532 which allows the licensing of Marriage and Family therapists by the Board of Counseling, therefore; a rule is being established to set the fees required for operation of the Board.

### **Brief Summary**

- This new rule will establish the fee requirements for applying and maintaining licensure as a MFT. Included but not limited to:
  - Application Fee
  - Initial licensing fee
  - Renewal Fee
  - Renewal Late Fee
  - Reinstatement fee
  - Continuing Education Approved Provider fees

APPENDIX B

**FISCAL NOTE FOR PROPOSED RULES**

Rule Title: Marriage and Family Therapist 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. WVBECC operates solely on the fees generated thru the collection of marriage and family therapist 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)
<b>1. Estimated Total Cost</b>			
Personal Services			
Current Expenses			
Repairs & Alterations			
Assets			
Other			
<b>2. Estimated Total Revenues</b>			

Rule Title: \_\_\_\_\_

Rule Title: Marriage and Family Therapist 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**.

This is a new licensure of marriage and family therapist (MFT) established under the Board of counseling. The amount of fees expected to be generated over the next five years is minimal.

Date: 06/15/09

Signature of Agency Head or Authorized Representative

*Jean Ann Johnson*

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

FILED

2009 JUL 31 PM 12: 18

**SERIES 9**  
**MARRIAGE AND FAMILY THERAPIST**  
**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 marriage and family therapists, renewal of the licenses, and application and monitoring of continuing professional education providers and their programs.

1.2. Authority. —W. Va. Code §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.

**§27-2-3. Fee Schedule**

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

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

3.3 License fees.

3.3.a. The fee for the initial application for licensure is \$200.00;

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;

3.3.b. The fee for reciprocity application processing is \$200.00;

3.3.c. The biennial fee for all licensees for the regulatory board membership is \$50.00. Fee will be due at the time of renewal;

3.3.d. The fee for biennial license renewal is \$220.00;

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

3.3.f. 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;

3.3.g. The fee for examination score endorsement is \$25.00;

3.3.h. The fee for name change on all records is \$5.00;

3.3.i. The fee for endorsement to another state or a National or State certification is \$25.00;

3.3.j. The fee for a duplicate certificate is \$10.00;

3.3.k. The fee for filling a request for public information, print or electronic data, or other services relating to the Board, its members, or marriage and family therapists, is calculated based on the actual cost of materials, employee time, and services required to comply with the request; and

3.3.l. The fee for a bad check is \$25.00.

#### 3.4. Continuing professional education provider and programs fees.

3.4.a. The application fee to be certified as an approved provider of continuing professional education biennially is \$150.00;

3.4.b. The application fee to be certified as an approved provider of continuing professional education for one event is \$50.00 per day of event;

3.4.c. The fee to monitor the continuing professional education records and activities of an approved provider for the purpose of quality assurance is \$50.00 for one event in each biennial year cycle and \$100.00 for more than one event in each biennial year cycle; and,

3.4.d. The biennial fee to re-certify as an approved provider is \$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 30 days of notice forfeits all rights and privileges of an approved provider.

#### 3.5. Examination fees.

3.5.a. The fee for the examination required by the Board is established by and payable to the Association of Marital and Family Therapy Regulatory Boards (AMFTRB) or its designee.

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### **Response to Comments**

#### **Marriage and Family Therapists (MFT) Fees Rule Series 9**

The Board received two comments concerning the MFT fees.

- Both comments stated that they were opposed to the application fee for MFT being higher than the application fee for LPC. All the other fees for MFT were set the same as the LPC fees.
  - After the board members discussing all the extra costs involved with the new office, staffing and extra duties for the MFT workload, the board voted to raise the LPC fee to match the MFT. Application fee on the MFT fee schedule remains at \$200.00.

Please read statement of circumstance for Licensed Professional Counselors Fees, Series 2.

experience in marriage and family therapy. This subsection should be removed. Subsection 6.2.b. is not found in the existing counselor rules, and is unnecessary. We recommend that the board not include subsections 6.1.a. and 6.2.b. in the final rule.

The professional supervisor qualifications are found in subsection 6.2.f. Subsection 6.2.f. is similar to 6.2.c. of the counseling licensure rule. However, the two subparts to subsection 6.2.f. of the MFT rule, subsections 6.2.f.1. and 6.2.f.2., are not found in the counseling rule. These two subsections do not appear to be needed, and these provisions could unnecessarily limit the number of available supervisors for MFT graduates.

Section 6.4 of Series 8 is similar to the language found in section 9(c) of HB 2532. However, the statute states that this section will expire in 2013, not in 2012 as indicated in the statute. This section should be amended to reflect the correct expiration date. It appears that section 9(c) of HB 2532 was intended by the legislature to allow MFT licensure for experienced professionals who have substantially similar qualifications as required by the statute. We recommend adding language to section 6.4 that would allow applicants with a master's degree in marriage and family therapy, licensure as an MFT in another state, or Clinical Membership in AAMFT to be eligible for licensure if the applicants were licensed for the 5 years prior to the effective date of the rule.



#### **Fees (Series 9):**

Series 9 establishes the fee requirements related to the licensing of MFTs. Although we do not see a problem with many of the fees, we strongly object to the initial application fee and reciprocity application fee of \$200.00, as set forth in subsections 3.3a. and 3.3c. These fees are higher than the \$170.00 initial application fee and reciprocity application fee that a licensed professional counselor will have to pay if the proposed amendments to the counseling fee rule, Series 2, are approved. We do not see a rationale for the difference in fees between the two professions. The MFT application process will be similar to the existing counseling application process. The additional work involved in processing MFT applications should not result in the hiring of additional staff. Therefore, AAMFT recommends that the initial application fee and reciprocity application fee should be identical to the fees for counselors.

#### **Professional Education Requirements (Series 10):**

Series 10, which establishes the standards for MFT licensure renewal and continuing education, is similar to the Series 3 standards for counselors. We noticed some differences, such as a definition of "continuing professional education." In terms of licensure renewal, under section 3.1, a MFT licensee can renew his or her license "on or before the date of issuance anniversary date." However, counselors are allowed to renew on or before July 1st of every odd numbered year. MFT applicants should have the ability to renew biennially on or before July 1st. We believe that it would save the board some time and expenses if all licensees had the same renewal date.

WVAMFT

hours of supervised marriage and family therapy experience. However, subsection 6.2.a., which states that the "marriage and family work experience shall be obtained over not less than two years," conflicts with House Bill 2532, which allows an applicant with a doctoral degree to have a minimum one year of supervised experience in marriage and family therapy. **Subsection 6.2.a. should be removed because it conflicts with the statute. Subsection 6.2.b. is not necessary, and it is not found in the counselor rules. We suggest that the board not include subsection 6.2.b. in the final rule.**

In term of the requirements for professional supervisors, subsection 6.2.f. is similar to 6.2.c. of the counseling licensure rule. However, the MFT rule contains the additional requirements found in subsections 6.2.f.1 and 6.2.f.2. These subsections are not replicated in the counseling rules. Additionally, these subsections could limit the number of available supervisors for MFT graduates. **The WVAMFT recommends deleting 6.2.f.1 and 6.2.f.2.**

Section 6.4 of Series 8 is similar to the language found in section 9(c) of HB 2532. However, the statute states that this section will expire in 2013, not in 2012 as indicated in the rules. The rule should reflect the correct expiration date. It appears that section 9(c) of HB 2532 was intended by the legislature to allow MFT licensure for experienced professionals who have substantially similar qualifications as required by the statute.

Section 6.4 of Series 8 provides for a grandfathering period, as per the statute in HB 2532. However, the rule states that the person must meet all requirements as though they were not being grandfathered into licensure. **The WVAMFT recommends changing the wording of this rule to: "A person who is licensed as an independent mental health professional for five years prior to the effective date of this rule and can demonstrate qualifications in the provision of marriage and family therapy as evidenced by either a masters degree or above in marriage in family therapy, independently licensed in another state as a marriage and family therapist or clinical membership in the American Association of Marriage and Family Therapy (AAMFT) is eligible for a license to practice marriage and family therapy. This rule expires on July 1, 2013."**

#### → Fees (Series 9):

There is a great discrepancy between the fees established for the LPC and the fees established for the LMFT. These include a \$30.00 difference in the initial application fee, and even a \$5.00 difference in bounced check fees. It should be noted that most states require a cashier's check or money order for fee payment. **The WVAMFT recommends that the fees for each license be identical.**

#### Professional Education Requirements (Series 10):

Series 10 will establish the standards for MFT licensure renewal and continuing education. Series 10 is very similar to the Series 3 standards for counselors. We noticed some differences, such as a definition of "continuing professional education." The MFT definition of "continuing professional education" does not contain any specific program areas. **The WVAMFT recommends that at least 3 hours of CE be required in multicultural issues, and in ethics.**