



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

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

AGENCY: Counseling TITLE-SERIES: 27-02
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: 27-02 Licensed Professional Counselors Fees Rule

PRIMARY CONTACT

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CITE STATUTORY AUTHORITY: W. Va. Code §30-31

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

W. Va. Code §30-31, grants authority for the State Treasurer to promulgate a legislative rule to administer the exceptional items fund.

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? No

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? No

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/29/2021

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/29/2021

COMMENTS RECEIVED:

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

The proposed revised rule was posted on the WVBECC website.

SUMMARY OF THE CONTENT OF THE LEGISLATIVE RULE, AND A DETAILED DESCRIPTION OF THE RULE'S PURPOSE AND ALL PROPOSED CHANGES TO THE RULE:

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. There will be a minimal fee imposed to place your license in "inactive status".

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE RULE:

The inactive status will allow a counselor to "pause" their license in the case of a medical crisis, move to another state, or for those that wish to maintain a WV license if not practicing/working in the profession.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED LEGISLATIVE RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

There will not be an economic impact due to the proposed changes.

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

There will not be an economic impact due to the proposed changes.

C. ECONOMIC IMPACT OF THE LEGISLATIVE RULE ON THE STATE OR ITS RESIDENTS:

There will not be an economic impact due to the proposed changes.

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2021 Increase/Decrease (use "-")	2022 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost			
Personal Services			
Current Expenses			
Repairs and Alterations			
Assets			
Other			
2. Estimated Total Revenues			

E. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes
 Cheryl Henry -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

TITLE 27
LEGISLATIVE RULE
BOARD OF EXAMINERS IN COUNSELING

SERIES 2
LICENSED PROFESSIONAL COUNSELOR FEES RULE

§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 §30-31-6.

1.3. Filing Date. ~~June 5, 2017.~~

1.4. Effective Date. ~~July 1, 2017.~~

1.5. Sunset Provision. -- This rule shall terminate and have no further force or effect upon the expiration of ~~July 1, 2027~~ August 1, 2027.

§27-2-2. Fee Schedule.

2.1. Fees paid to the Board are ~~not~~ non-refundable.

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

2.3. Fees.

2.3.a. Initial application for licensure -- \$250.00;

2.3.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 quarters remaining in the current annual renewal cycle;

2.3.b. Endorsement application processing -- \$300.00;

2.3.c. Annual license renewal fee -- \$145.00;

2.3.d. Retirement Status application and renewal fee -- \$72.50

2.3.e. Late renewal during 60 day period -- \$100.00;

2.3.f. Reinstatement for licensure renewal after the end of the 60 day period or reinstatement following revocation or suspension of license -- \$250.00;

2.3.g. Examination score endorsement -- \$25.00;

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2.3. h. Certification of supervised clinical experience endorsement -- \$25.00.

2.3.i. ~~Name change on all records — \$5.00~~; Inactive Status application fee -- \$50.00

2.3.j. Endorsement to another state or a National or State certification -- \$25.00;

2.3.k. ~~Duplicate certificate — \$10.00~~; Inactive Status renewal fee -- \$25.00

2.3.l. Filing 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,

2.3.m. Bad check fee -- As provided for in W. Va. Code §61-3-39e.

2.4. Continuing professional education provider and programs fees.

2.4.a. Initial certification as an approved provider of continuing professional education \$250.00;

2.4.b. Single event continuing education certification -- \$100.00 per event for non-profit and no fee to attending participants, or \$250.00 per event for-profit and/or fee charged to attending participants.

2.4.c. Annual fee to re-certify as an approved provider -- \$200.00 payable only after the Board has notified the provider that it is eligible to re-certify.

2.5. Examination fees.

2.5.a. Fee for the examination required by the Board is established by and payable to the National Board for Certified Counselors (NBCC) or its designee.