



Exempt Action Final Regulation Agency Background Document

Agency name	Board of Counseling, Department of Health Professions
Virginia Administrative Code (VAC) citation	18VAC115-20-10 et seq.
Regulation title	Regulations Governing the Practice of Counseling
Action title	Reduction in fees for applications and registration of supervision
Final agency action date	8/26/05
Document preparation date	9/2/05

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, the *Virginia Register Form, Style, and Procedure Manual*, and Executive Orders 21 (02) and 58 (99).

Summary

Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

The Board of Counseling currently has a contract with the Center for Credentialing and Education (CCE) to administer the licensure examination (the National Clinical Mental Health Counselor Examination), to register supervisors for applicants obtaining practical experience, and to receive, process, review and approve applications for licensure. There have been no significant problems identified with the examination services provided by CCE, but recent delays and mistakes by staff in handling and reviewing applicants have resulted in frustration, dissatisfaction, and increased calls and complaints to the Board. The number of appeals to the Credentials Committee resulting from decisions made by CCE on applicants has increased from six appeals in June of 2004 to 43 appeals in June of 2005.

As a result, the Board has voted to discontinue its relationship with CCE for applications (it will continue to administer the examination) and bring the review process back to the Board. The Board has successfully handled applications for other professions by using professional experts

to review course work and supervisory contracts with assistance from staff. Likewise, the Boards of Psychology and Social Work have effectively processed applications with the same procedures and staff.

Current regulations allow the Board to charge applicants fees “*in appropriate amounts as specified in the application instructions*”(18VAC115-20-20 B). Those fees must be paid to the board or its contractor as specified in the instructions. Currently, the application instructions require a fee of \$105 for the application and \$65 for the license for a total of \$170. The instructions also provide a \$75 fee for registration of supervision.

As a part of the process for bringing the application process for counselors back to the agency, the Board is amending its regulations to specify and reduce fees for consistency with other licensed professions. In regulations for marriage and family therapists and for licensed substance abuse treatment practitioners, the fee for application processing and initial licensure is \$140. For licensed professional counselors (currently reviewed by CCE), the total fee is \$170. The amended regulation would set the total fee for LPC’s at \$140 – a \$30 reduction. Likewise, the fee for registration of supervision would be reduced from \$75 to \$50 and \$25 for a subsequent change in supervision.

Since this action would result in a fee reduction charged to applicants, it is exempt from the Virginia Administrative Process Act in § 2.2-4006 A 7: “*Regulations of the regulatory boards served by (i) the Department of Labor and Industry pursuant to Title 40.1 and (ii) the Department of Professional and Occupational Regulation or the Department of Health Professions pursuant to Title 54.1 that are limited to reducing fees charged to regulants and applicants.*”

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

On August 26, 2005, the Board of Counseling amended 18VAC115-20-10 et seq., Regulations Governing the Practice of Counseling for a reduction in the fees charged to applicants for application processing and initial licensure and for registration of supervision.

Family impact

Assess the impact of this regulatory action on the institution of the family and family stability.

There is no impact of this regulatory action on the institution of the family and family stability.