



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. 18VAC115-30-10 et seq. 18VAC115-40-10 et seq. 18VAC115-50-10 et seq. 18VAC115-60-10 et seq.
Regulation title	Regulations Governing the Practice of Counseling Regulations Governing the Certification of Substance Abuse Counselors and Substance Abuse Counseling Assistants Regulations Governing the Certification of Rehabilitation Providers Regulations Governing The Practice Of Marriage And Family Therapy Regulations Governing The Practice Of Licensed Substance Abuse Treatment Practitioners
Action title	Reduction of renewal fee; conform the fee for returned check to the amount fixed in statute
Final agency action date	2/17/06
Document preparation date	2/17/06

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.

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 has made three regulatory changes, all of which are exempt from provisions of the Administrative Process Act:

1) In order to reduce an accumulated surplus in the budget of the Board of Counseling, a one-time reduction in renewal fees has been adopted for the renewal due June 30, 2006. The renewal fee for licensed professional counselors, marriage and family therapists and licensed substance abuse treatment providers will be reduced for the annual renewal from \$105 to \$52; for substance abuse

counselors and rehabilitation providers, the renewal fee will be reduced from \$55 to \$27; and for substance abuse counseling assistants, the renewal fee will be reduced from \$40 to \$20.

This action 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.”

2) Currently, regulations of the Board of Counseling provide for a fee of \$25 for a check that is not paid by a financial institution on which it is drawn because of insufficient funds in the account. The Administrative Process Act specifies that the penalty shall be \$35 or the amount of any costs, whichever is greater.

§ 2.2-614.1. Authority to accept revenue by commercially acceptable means; service charge; bad check charge.

...C. If any check or other means of payment tendered to a public body in the course of its duties is not paid by the financial institution on which it is drawn, because of insufficient funds in the account of the drawer, no account is in the name of the drawer, or the account of the drawer is closed, and the check or other means of payment is returned to the public body unpaid, the amount thereof shall be charged to the person on whose account it was received, and his liability and that of his sureties, shall be as if he had never offered any such payment. A penalty of \$35 or the amount of any costs, whichever is greater, shall be added to such amount. This penalty shall be in addition to any other penalty provided by law, except the penalty imposed by § 58.1-12 shall not apply.

Accordingly, the Board has adopted amendments under an exempt action to conform regulations to the statute. Although required to comply with the Virginia Register Act, the agency is exempt from provisions of the Administrative Process Act for the implementation of these regulations pursuant to § 2.2-4006 A 4, which grants an exemption if the action is: “Necessary to conform to changes in Virginia statutory law or the appropriation act where no agency discretion is involved.”

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 February 17, 2006, the Board of Counseling adopted exempt actions to Chapters 20, 30, 40, 50 and 60 to: 1) reduce the renewal fee for the June 30, 2006 renewal by ½ the amount; and 2) amend the returned check fee regulations to conform to § 2.2-614.1 of the Code of Virginia.

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.