

Agency Response to Economic Impact Analysis (EIA)

The Board of Counseling *does not concur* with the Analysis of the Department of Planning and Budget on proposed amended regulations for fee increases. On page 6 of the EIA, it is stated that: “The Board proposes to raise these fees to fund their part of the six positions that were recently approved for the Department of Health Professions.” In fact, the Department’s request for additional full-time positions was made in December of 2015, and members of the Board received a letter from the Director in May of 2015 advising them of the need to increase fees. There was no contemplation of any additional positions at the time the Board adopted a Notice of Intended Regulatory Action in September of 2015. The need to increase fees was related to the budget and projected revenues and expenditures at the end of the 2014-16 biennium.

The one new position approved for the Board of Counseling in the Department’s next budget is a replacement for a temporary employee who has been with the Board since 2011. Therefore, there will be some additional costs associated with converting a temporary position to a full-time employee, but those costs are unrelated to the action taken to increase fees to cover expenditures as mandated by § 54.1-113 of the Code of Virginia.

The Board further disagrees with the statements that “any increase in costs for entering or remaining in a profession can be expected to decrease the number of individuals choosing to do so” and “raising licensure and certification fees may cause some individuals who are licensed or certified to leave their professions.” An increase of \$25 in annual renewal costs for a licensed profession (less than one family dinner at a fast-food restaurant) is unlikely to affect anyone’s decision to remain in that profession. An increase of \$10 for certified professions is also not likely to cause someone to leave. Likewise, a \$35 increase in application costs for a licensed profession is unlikely to decrease the number of individuals choosing to enter the profession.

The EIA also failed to note that the Board has not had a fee increase in over 15 years and has, in fact, reduced renewal fees four times during that period. Therefore, the licensure and certification costs under the Board of Counseling have been kept well below all other costs related to entering or maintaining these professions in the last 15 years.