



Notice of Proposed Changes to Occupational Licensing Fees for Professions Regulated by the Board of Professional Counselors

Proposed Regulations - FAQ

March 2019

1. Why are new fees being proposed?

By law, fees must be analyzed annually and set to approximately recover the cost of program operations. Alaska's professional licensing statutes (AS 08.01.065) require the Division of Corporations, Business and Professional Licensing (CBPL) to "annually review each fee level to determine whether the regulatory costs of each occupation are approximately equal to fee collections related to that occupation." Alaska's licensing fee statutes go on to say, "If the review indicates that an occupation's fee collections and regulatory costs are not approximately equal, the department shall calculate fee adjustments and adopt regulations ... to implement the adjustments."

The division conducted a thorough fee analysis and proposes a decrease in the licensing fee amount for professional counselors to reduce the program's surplus and more closely align with AS 08.01.065. The Board of Professional Counselors voted at its February 7 meeting to concur with the division's proposal.

2. What are the proposed fees?

The fees proposed will be a decrease in the initial biennial license and the renewal of the biennial license. Current fees are \$500 for the professional counselor initial license and license renewal fees, the new proposed fee is \$250, a reduction of 50%, or \$250.

(Words in **boldface and underlined** indicate language being added; words [CAPITALIZED AND BRACKETED] indicate language being deleted.

12 AAC 02.325. Board of Professional Counselors. The following fees are established for professional counselors:

- (1) application fee for any initial license, \$200;
- (2) license fee for all or part of any initial biennial license period, **\$250** [\$500];
- (3) any biennial license renewal fee, **\$250** [\$500];
- (4) any board-approved supervisor fee, \$150.

3. How are the estimated costs determined?

AS 08.01.065 requires *all costs* of regulating the profession to be borne by its licensees. The proposed fees are based on known and anticipated costs.

4. What do licensing fees pay for?

The agency must create, publish, and manage licensing application forms and fees, which entail adherence to the state's recordkeeping, security, payment, and refund policies and procedures.

- Requirement of licensees to meet professional fitness standards, which are evaluated by the license examiner and referred to the agency's investigative unit if necessary for further review.
- Enforcement of disciplinary sanctions available to the agency if a licensee violates the state licensing statutes or regulations or an individual practices the profession without a license. Because state law requires all costs of a licensing program to be borne by the licensees of that program (AS 08.01.065), any investigative, attorney, or appeal expenses of the state will be recovered in the licensing fee.
- Alaska statutes defer to the Board to adopt necessary regulations for management of the licensing program. This requires board and investigator travel, legal support, and other resources the board and division needs to comply with the expectations of law. The Alaska Administrative Code prescribes the requirements for public notice and adoption of agency regulations, the cost of which is borne by the licensing program.

5. When will the new fees be effective?

After the public comment deadline, comments received are compiled and given to the Department Deputy Commissioner for consideration. Department Deputy Commissioner may adopt the regulation as written/publicly noticed, may amend and adopt them, or choose to take no action, or may withdraw the proposed regulations in part or in its whole. After Department action, the adopted regulations goes to Department of Law (DOL) for final review/approval. DOL either approves or disapproves regulations. Once approved by DOL, it goes to the Lt. Governor for filing. Regulation takes effect on the 30th day after they have been filed by the Lt. Governor.

Do you have a question that is not answered here? Please email RegulationsAndPublicComment@alaska.gov so it can be added.