



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

**Department of Commerce, Community,
and Economic Development**

DIVISION OF CORPORATIONS, BUSINESS AND
PROFESSIONAL LICENSING

P.O. Box 110806
Juneau, AK 99811-0806
Main: 907.465.2550
Fax: 907.465.2974

July 7, 2015

Dear licensees and interested parties:

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."

In 2012, the Department of Commerce, Community, and Economic Development performed a thorough review of each licensing program's revenues and expenses as previously reported over the prior ten years. This data was reconciled to the State's accounting system, and all boards and commissions were provided copies of this reconciliation. The fiscal condition of the Board of Professional Counselors was determined to be far poorer than the board was aware. Since 2012, the board and the division, in partnership, have made efforts to ensure the program pulls out of its deficit and covers its operating expenses for the coming biennial license period.

The Board of Professional Counselors reviewed the fee analysis at its June 2015 meeting and made recommendations to increase fees and implement new fees. The Division took under advisement those recommendations; a breakdown of the proposed fees is enclosed and located on the Board's web page at <http://commerce.state.ak.us/dnn/cbpl/ProfessionalLicensing/ProfessionalCounselors.aspx>. It is the desire of both the Board and the Division that the program is out of deficit before the 2018 Sunset Audit administered by Legislative Audit.

This fee proposal is entering a public comment period. The division encourages all licensees and interested parties to comment on this proposal through the division's Regulations Specialist, whose contact information is enclosed on the public notice. After the comment period closes and the division reviews all comments received, the division may adopt the regulation as drafted, may amend a proposed fee, or may withdraw the regulations in part or in its whole.

All comments received will be reviewed and taken into consideration prior to adopting the final regulations. The final decision will result in the fee to be implemented during this fall's license renewal.

Follow the instructions enclosed to make written comments during the public comment period. Comments must be addressed to Jun Maiquis, Regulations Specialist, PO Box 110806, Juneau, AK 99811 or jun.maiquis@alaska.gov.

Sincerely,

A handwritten signature in cursive script, appearing to read "Janey Hovenden".

Janey Hovenden
Director

Encl.

**OCCUPATIONAL LICENSING FEES FOR PROFESSIONAL COUNSELORS:
NOTICE OF PROPOSED REGULATIONS CHANGES
DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT**

<p>BRIEF DESCRIPTION: The Department of Commerce, Community, and Economic Development proposes to change occupational license fees charged to professional counselors, and also to establish a continuing education course approval and continuing education course reapproval fees.</p>

The Department of Commerce, Community, and Economic Development (Department) proposes to adopt regulation changes in Title 12, Chapter 02 of the Alaska Administrative Code, dealing with occupational licensing fees related to the Board of Professional Counselors, including the following:

12 AAC 02.325, Board of Professional Counselors, is proposed to be changed to alter the application, license, renewal, and any board-approved supervisor fees, and also to establish a continuing education course approval and continuing education course reapproval fees.

Under AS 08.01.065, the Department must establish fee levels so that the total amount of fees collected for an occupation approximately equals the actual regulatory costs for the occupation. The Department has reviewed the income and expenses for the occupational licensing program for the Board of Professional Counselors and proposes fee changes that reflect, to the extent possible, the actual costs of the activities related to the program.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Jun Maiquis, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806 Juneau, AK 99811-0806. Additionally, the Department will accept comments by facsimile at (907) 465-2974 and by electronic mail at jun.maiquis@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System, by accessing this notice on the system at <http://notice.alaska.gov/177516>, and using the "comment" link. **The comments must be received no later than 4:30 p.m. on August 10, 2015.**

You may submit written questions relevant to the proposed action to Jun Maiquis, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806 Juneau, AK 99811-0806 or by e-mail at jun.maiquis@alaska.gov. **The questions must be received at least 10 days before the end of the public comment period.** The Department will aggregate its response to substantially similar questions and make the questions and response available on the Department's website at <http://commerce.state.ak.us/dnn/cbpl/ProfessionalLicensing/ProfessionalCounselors.aspx> or on the Alaska Online Public Notice System. The Department may, but is not required to, answer written questions received after the 10-day cut-off date and before the end of the comment period.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Jun Maiquis at (907) 465-2537 no later than August 3, 2015 to ensure that any necessary accommodations can be provided.

For a copy of the proposed regulation changes, contact Jun Maiquis at the address or phone number above, or go to <http://commerce.state.ak.us/dnn/portals/5/pub/PCO-fees-0715.pdf>

After the public comment period ends, the Department will either adopt these or other provisions dealing with the same subject, without further notice, or decide to take no action on them. The language of the final regulations may be different from that of the proposed regulations. **You should comment during the time allowed if your interests could be affected.** Written comments and questions received are public records and are subject to public inspection.

Statutory Authority: AS 08.01.065

Statutes Being Implemented, Interpreted, or Made Specific: AS 08.01.065

Fiscal Information: The proposed regulation changes are not expected to require an increased appropriation.

DATE: 7/9/15

/s/
Jun Maiquis, Regulations Specialist
Division of Corporations, Business and
Professional Licensing

**OCCUPATIONAL LICENSING FEES FOR PROFESSIONAL COUNSELORS:
ADDITIONAL REGULATIONS NOTICE INFORMATION
(AS 44.62.190(d))**

1. **Adopting agency:** Department of Commerce, Community, and Economic Development – Division of Corporations, Business and Professional Licensing.
2. **General subject of regulation:** Occupational licensing fees.
3. **Citation of regulation:** 12 AAC 02.325.
4. **Department of Law file number:** To be assigned.
5. **Reason for the proposed action:** Compliance with state statute.
6. **Appropriation/Allocation:** Corporations, Business and Professional Licensing – #2360.
7. **Estimated costs in the aggregate to comply with the proposed action to:**
 - a. **Private Persons:** \$75 – \$250 per applicant.
 - b. **Other State Agencies:** None known.
 - c. **Municipalities:** None known.
8. **Cost of implementation to the state agency and available funding (in thousands of dollars):**
No costs are expected in FY 2016 or in subsequent years.
9. **The name of the contact person for the regulations:**
Sara Chambers, Professional Licensing Operations Manager
Division of Corporations, Business and Professional Licensing
Department of Commerce, Community, and Economic Development
Telephone: (907) 465-2144
E-mail: sara.chambers@alaska.gov
10. **The origin of the proposed action:** Division of Corporations, Business and Professional Licensing.
11. **Date:** 7/9/15 **Prepared by:** /s/
Jun Maiquis, Regulations Specialist

Chapter 02. General Occupational Licensing Functions.

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

12 AAC 02.325 is amended to read:

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

- (1) application fee for any initial license, **\$200** [\$125];
- (2) license fee for all or part of any initial biennial license period, **\$650** [\$400];
- (3) any biennial license renewal fee, **\$650** [\$400];
- (4) any board-approved supervisor fee, **\$200** [\$125];
- (5) continuing education course approval fee, \$100;**
- (6) continuing education course reapproval fee, \$100.** (Eff. 5/5/99,

Register 150; am 8/12/2001, Register 159; am 6/13/2002, Register 162; am 8/8/2003, Register 167; am 7/9/2005, Register 175; am 9/17/2011, Register 199; am 9/7/2013, Register 207; am ___/___/___, Register ___)

Authority: AS 08.01.065