

Jane Campbell
Authorized Signature

QUESTIONNAIRE

(Please include a copy of this form with each filing of your rule: Notice of Public Hearing or Comment Period; Proposed Rule, and if needed, Emergency and Modified Rule.)

DATE: August 31, 2012

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency Name, Address & Phone No.) West Virginia Board of Optometry, 179 Summers Street,
Suite 231, Charleston, WV 25301, 304-558-5901

LEGISLATIVE RULE TITLE: Schedule of Fees, §14-5

1. Authorizing statute(s) citation West Virginia Code, §30-8-1, et seq

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:

July 25, 2012

b. What other notice, including advertising, did you give of the hearing?

E-mail to Executive Director, West Virginia Association of Optometric Physicians, Letter of notification to all licensees, posted proposed rule on the Board's web site, www.wvbo.org.

c. Date of Public Hearing(s) *or* Public Comment Period ended:

August 27, 2012, 9:00 a.m.

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

Attached xx No comments received

- e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

August 31, 2012

- f. **Name, title, address and phone/fax/e-mail numbers** of agency person(s) to receive all written correspondence regarding this rule: (Please type)

Pamela Carper, Executive Director, West Virginia Board of Optometry, 179
Summers Street, Suite 231, Charleston, WV 25301, phone: 304-558-5901, fax:
304-558-5908, e-mail: wvbdopt@frontier.com

- g. **IF DIFFERENT FROM ITEM 'f',** please give **Name, title, address and phone number(s)** of agency person(s) who wrote and/or has responsibility for the contents of this rule: (Please type)

James Campbell, O.D., Rules Officer and Secretary-Treasurer, West Virginia
Board of Optometry, 179 Summers Street, Suite 231, Charleston, WV 25301,
phone: 304-558-5901, fax: 304-558-5908, e-mail: wvbdopt@frontier.com

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

- a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

b. Date of hearing or comment period:

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

d. Attach findings and determinations and reasons:

Attached

WEST VIRGINIA BOARD OF OPTOMETRY

§14-5 Schedule of Fees

List of Those People Who Commented On the Rule

David Holliday, West Virginia licensed optometrist, Beckley, WV

Gerry D. Stover, M.S., Executive Vice-President, West Virginia Academy of Family Physicians

WEST VIRGINIA BOARD OF OPTOMETRY

14CSR5

Schedule of Fees Amendment

Summary

The amendment is written to add a fee for the Expanded Therapeutic Procedures Certificate proposed in new rule §14-12. It also adds ACH debit as a form of payment for fees.

- The fee added for an Expanded Therapeutic Procedures Certificate is \$200. This is the same as the fee as for the Oral Pharmaceutical Certificate and the Injectable Pharmaceutical Agents Certificate.
- The amendment officially adds the ACH debit method of payment to existing forms of payment listed in the rule. ACH debit is entered using the numbers from the bottom of a paper check. This service is available through the Board's web site and the WV State Treasurer's Office Egov system.

WEST VIRGINIA BOARD OF OPTOMETRY

14CSR5

Schedule of Fees Amendment

Circumstances

The amendment adds a fee to fund the administrative costs for the Board's proposed rule, §14-12, Expanded Therapeutic Procedures. The fee is the same as for the Oral Pharmaceutical Certificate and the Injectable Pharmaceutical Agents Certificate. The amendment also officially adds ACH debit to the methods of payment accepted for fees already provided through the Board's web site and the WV State Treasurer's Office Egov system.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Schedule of Fees

Rule Title:

Type of Rule:

☒ Legislative ☐ Interpretive ☐ Procedural

Agency:

WV Board of Optometry

Address:

179 Summers Street, Suite 231
Charleston, WV 25301

Phone Number:

304-558-5901

Email: wvbdopt@frontier.com**Fiscal Note Summary**

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

This rule amendment makes two changes. It adds a fee to correspond with proposed rule §14-12 Expanded Therapeutic Procedures Certificate. The Board estimates that approximately 50 licensees will apply for an Expanded Therapeutic Procedures Certificate. It will take approximately 6 hours per applicant to set up policies, procedures, forms, process the applications, verify training, and set up systems for the record keeping portion of the rule. There will be associated current expense costs involved as well. The second change officially allows applicants, licensees and those who desire license verification to pay for services by ACH Debit in addition to check, money order, certified check and credit card. The additional payment method is available through the Board's web site and the WV State Treasurer's Egov system. The fee is the same as for a credit card, so there is no impact on costs to the Board.

Fiscal Note Detail

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use "-")	Next Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	4,250.00	4,250.00	8,500.00
Personal Services	2,625.00	2,625.00	5,250.00
Current Expenses	1,625.00	1,625.00	3,250.00
Repairs & Alterations	0.00	0.00	0.00
Assets	0.00	0.00	0.00
Other	0.00	0.00	0.00
2. Estimated Total Revenues	5,000.00	5,000.00	10,000.00

Schedule of Fees

Rule Title:

Rule Title: _____

3. Explanation of above estimates (including long-range effect):

Please include any increase or decrease in fees in your estimated total revenues.

It would take the staff approximately 6 hours per applicant in personnel costs to set up policies, procedures, process each application and set up reporting and tracking components. Current expenses include \$40 for printing certificates and filing materials for each applicant. Improvements to the web site would cost about \$2500.

MEMORANDUM

Please identify any areas of vagueness, technical defects, reasons the proposed rule **would not** have a fiscal impact, and/or any special issues **not** captured elsewhere on this form.

Date: August 31, 2012

Signature of Agency Head or Authorized Representative

James Campbell

TITLE 14
WEST VIRGINIA BOARD OF OPTOMETRY

SERIES 5
SCHEDULE OF FEES

FILED
 2012 AUG 31 AM 11:17
 OFFICE OF THE WEST VIRGINIA
 SECRETARY OF STATE

§14-5-1. General.

- 1.1. Scope. -- This schedule establishes the fees to be charged by the Board.
- 1.2. Authority. -- W. Va. Code §30-8-1, et. seq.
- 1.3. Filing Date.
- 1.4. Effective Date. --

§14-5-2. Schedule of Fees.

2.1.	Application Fee.....	\$300.00
2.2.	Reciprocity Application Fee	\$300.00
2.3.	Active License Restoration Fee	\$400.00
2.4.	Temporary Permit	\$300.00
2.5.	Oral Pharmaceutical Certificate.....	\$200.00
2.6.	Contact Lenses That Deliver Pharmaceuticals Certificate.....	\$50.00
2.7.	Pharmaceuticals By Injection Certificate.....	\$200.00
<u>2.8.</u>	<u>Expanded Therapeutic Procedures Certificate.....</u>	<u>\$200.00</u>
2.8 <u>2.9.</u>	<u>License Card and Certificate.....</u>	<u>\$100.00</u>
2.9 <u>2.10.</u>	<u>Duplicate License Card.....</u>	<u>\$15.00</u>
2.10 <u>2.11.</u>	<u>Duplicate Certificate</u>	<u>\$25.00</u>
2.11 <u>2.12.</u>	<u>Annual Renewal Fee</u>	<u>\$400.00</u>
2.12 <u>2.13.</u>	<u>Late Renewal Fee.....</u>	<u>\$200.00</u>
2.13 <u>2.14.</u>	<u>Continuing Education Provider Fee.....</u>	<u>\$50.00</u>
2.14 <u>2.15.</u>	<u>Confirmation of Licensure.....</u>	<u>\$25.00</u>
2.15 <u>2.16.</u>	<u>Business Entity Verification Fee.....</u>	<u>\$25.00</u>
2.16 <u>2.17.</u>	<u>Roster of WV Optometrists Electronic or Hard Copy.....</u>	<u>\$200.00</u>

14CSR5

2.17 <u>2.18</u> .	Rules and Practice Act.....	\$25.00
2.18 <u>2.19</u> .	Written Change of Name.....	\$10.00
2.19 <u>2.20</u> .	Written Change of Address.....	\$10.00
2.20 <u>2.21</u> .	Copies of Public Records (Per page).....	\$50
2.21 <u>2.22</u> .	Fees are payable to the West Virginia Board of Optometry by check, money order, certified check, or credit card <u>or ACH debit</u> .	

West Virginia Board of Optometry

From: David Holliday <beckleyvision@aol.com>
Sent: Thursday, July 26, 2012 4:42 PM
To: wvbdopt@frontier.com
Cc: idok@suddenlink.net; gabod@msn.com; eyedocjm@comcast.net; idoc@citynet.net; baileyeye@gmail.com; TEG0000@aol.com; TTaylor98@aol.com; drbjn49@hotmail.com; advanced-eyecare@suddenlinkmail.com; robnat1@suddenlink.net; HermanDrJ@aol.com; drbill@ratcliffeyecare.com; chad@wvcsi.com; martycarpenter@hotmail.com; drmoore@wvlec.com
Subject: 2012 Legislative Session Initiatives

Jim,

With regard to section 14-5 "Schedule of Fees", it might have been a good idea to have made it more clear that this is a one time fee at the time of initial licensure and not a fee that is charged every 2 years with license renewal. If you could quote to the licensees the wording in Board of Medicine's rules that deal with this same thing, this may make OD's feel better about paying this. After the expanded scope we have fought for, none of us want to see us get the limited partial parity with medicine, only to find out the Board of Optometry feels we have no right to it without paying them an extra fee for it that the MD's don't pay too! I know you have worked hard to make sure this would never happen under your watch.

With regard to section 14-10 "Continuing Education", once again, it would be good to include the Board of Medicines same language that shows that these are not 'loops to jump through' that just OD's have to do.

Thanks again for all you do on behalf of our patients and our profession in the Great State of West Virginia!

Dave
beckleyvision@aol.com



WEST VIRGINIA ACADEMY OF
FAMILY PHYSICIANS
STRONG MEDICINE FOR WEST VIRGINIA

August 20, 2012

James Campbell, OD
President, WV Board of Optometry
179 Summers Street, Suite 231
Charleston, WV 25301

Dear Dr. Campbell,

The purpose of this letter is to provide comment on the proposed Legislative Rule by the Board of Optometry.

The West Virginia Academy of Family Physicians is concerned with the contents of **Title 14, Series 12**, relating to "Expanded Therapeutic Procedures Certificate."

The proposed rule does not follow the proper procedures as enacted in Senate Bill 214 during the 2012 Regular Legislative Session.

The new law requires any proposed scope of practice expansion to follow the "Sunrise Application Process" through the Legislature's Joint Committee of Government Organization and the Legislative Auditor's Office.

The proposed rule should be withdrawn and should not be considered by the Legislature's Rule Making Review Committee.

In addition, the corresponding proposed Legislative Rule **Title 14, Series 5**, relating to "Schedule of Fees for Expanded Therapeutic Procedures Certificate," should also be withdrawn as unnecessary.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Gerry D. Stover".

Gerry D. Stover, MS

Executive Vice President – West Virginia Academy of Family Physicians

WEST VIRGINIA BOARD OF OPTOMETRY

§14-5 Schedule of Fees

Amendments

There were no new amendments to §14-5 as a result of the comments received. However, §14-12 was amended in §14-12-9.3 to clarify that the new \$200 fee for the Expanded Therapeutic Procedures Certificate is a one-time fee. Only the standard Annual Renewal fee will be charged upon recertification. It reads:

~~“8.3.9.3.~~ The certificate holder shall submit the ~~recertification~~ Annual Renewal fee as listed in the W. Va. Code of Rules, §14-5.”