



**WEST VIRGINIA
SECRETARY OF STATE**

NATALIE E. TENNANT

ADMINISTRATIVE LAW DIVISION

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OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

FORM 7 -- NOTICE OF AN EMERGENCY RULE (Page 1)

AGENCY Osteopathy

RULE TYPE Legislative AMENDMENT TO EXISTING RULE Yes TITLE-SERIES 24-05

RULE NAME Fees for Services Rendered by the Board of Osteopathy

CITE AUTHORITY 30-3E-3(a) and (b)

THE ABOVE RULE IS BEING FILED AS AN EMERGENCY RULE TO BECOME EFFECTIVE AFTER APPROVAL BY SECRETARY OF STATE OR 42ND DAY AFTER FILING, WHICHEVER OCCURS FIRST. THE FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY ARE AS FOLLOWS:

SB 425 signed into law by Governor Tomblin requires legislative rules be written by the Osteopathic Medical Licensing Board to enforce the law which is scheduled to become effective, June 6, 2014.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes

Diana K Shepard -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 24-05



Rule Id: 9429



Document: 25767



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FORM 9 -- EMERGENCY RULE QUESTIONNAIRE (Page 1)

AGENCY Osteopathy

RULE TYPE Legislative AMENDMENT TO EXISTING RULE Yes TITLE-SERIES 24-05

RULE NAME Fees for Services Rendered by the Board of Osteopathy

CITE AUTHORITY 30-3E-3(a) and (b)

DATE OF FILING

Monday, May 12, 2014

STATUTORY AUTHORITY FOR PROMULGATING EMERGENCY RULE

30-3E-1

DATE OF FILING OF PROPOSED LEGISLATIVE RULE

Monday, May 12, 2014

**DOES THE EMERGENCY RULE ADOPT NEW LANGUAGE OR DOES IT AMEND OR APPEAL A
CURRENT LEGISLATIVE RULE?**

Yes

HAS THE SAME OR SIMILAR EMERGENCY RULE PREVIOUSLY BEEN FILED AND EXPIRED?

No

**STATE, WITH PARTICULARITY, THOSE FACTS AND CIRCUMSTANCES WHICH MAKE THE
EMERGENCY RULE NECESSARY FOR THE IMMEDIATE PRESERVATION OF PUBLIC PEACE,
HEALTH, SAFETY OR WELFARE.**

**Upon the passage of SB 425 and signing the the Governor following the 2104 Legislative Session,
Legislative Rules were required to go into effect on June 6, 2014 when the bill becomes law.**

**Diana K Shepard -- By my signature, I certify that I am the person authorized to file legislative rules, in
accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



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FORM 9 -- EMERGENCY RULE QUESTIONNAIRE (Page 2)

AGENCY Osteopathy

RULE TYPE Legislative AMENDMENT TO EXISTING RULE Yes TITLE-SERIES 24-05

RULE NAME Fees for Services Rendered by the Board of Osteopathy

CITE AUTHORITY 30-3E-3(a) and (b)

IF THE EMERGENCY RULE WAS PROMULGATED IN ORDER TO COMPLY WITH A TIME LIMIT ESTABLISHED BY THE CODE OR FEDERAL STATUTE OR REGULATION, CITE THE CODE PROVISION, FEDERAL STATUTE OR REGULATION AND TIME LIMIT ESTABLISHED THEREIN.

30-3E-1

STATE, WITH PARTICULARITY, THOSE FACTS AND CIRCUMSTANCES WHICH MAKE THE EMERGENCY RULE NECESSARY TO PREVENT SUBSTANTIAL HARM TO THE PUBLIC INTEREST.

These legislative rules establish the process by which Osteopathic Physician Assistants will be licensed in the State of West Virginia. For the safety and protection of the public, the legislative rules provide guidelines for which the Board of Osteopathic Medicine can assure the public that physician assistants licensed by the Board are adequately trained and certified to provide medical care to their patients.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes

Diana K Shepard -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 1)

AGENCY Osteopathy

RULE TYPE Legislative AMENDMENT TO EXISTING RULE Yes TITLE-SERIES 24-05

RULE NAME Fees for Services Rendered by the Board of Osteopathy

CITE AUTHORITY 30-3E-3(a) and (b)

SUMMARIZE IN A CLEAR AND CONCISE MANNER WHAT IMPACT THIS MEASURE WILL HAVE ON COSTS AND REVENUES OF STATE GOVERNMENT.

This rule will have no impact on costs and revenues of state government because the Practice Agreement fee combined with the Physician Assistant License Fee is the same total amount as in the current rule, making this issue fiscally neutral. No increase in cost or revenue is anticipated.

Diana K Shepard -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 2)

AGENCY **Osteopathy**
RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **24-05**
RULE NAME **Fees for Services Rendered by the Board of Osteopathy**

CITE AUTHORITY **30-3E-3(a) and (b)**

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.

Effect Of Proposal	Current Increase/Decrease (use ' - ')	Next Increase/Decrease (use ' - ')	Fiscal Year (Upon Full Implementation)
ESTIMATED TOTAL COST	0.00		0.00
PERSONAL SERVICES			
CURRENT EXPENSES			
REPAIRS AND ALTERATIONS			
ASSETS			
OTHER			
ESTIMATED TOTAL REVENUES	0.00		0.00

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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 3)

AGENCY Osteopathy

RULE TYPE Legislative AMENDMENT TO EXISTING RULE Yes TITLE-SERIES 24-05

RULE NAME Fees for Services Rendered by the Board of Osteopathy

CITE AUTHORITY 30-3E-3(a) and (b)

3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT). PLEASE INCLUDE ANY INCREASE OR DECREASE IN FEES IN YOUR ESTIMATED TOTAL REVENUES.

None

Diana K Shepard -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 24-05



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 4)

AGENCY Osteopathy

RULE TYPE Legislative AMENDMENT TO EXISTING RULE Yes TITLE-SERIES 24-05

RULE NAME Fees for Services Rendered by the Board of Osteopathy

CITE AUTHORITY 30-3E-3(a) and (b)

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.

None

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Diana K Shepard -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 24-05



Rule Id: 9429



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**TITLE 24
LEGISLATIVE RULE
WEST VIRGINIA BOARD OF OSTEOPATHIC MEDICINE**

**SERIES 5
FEES FOR SERVICES RENDERED BY THE BOARD OF OSTEOPATHIC MEDICINE**

§24-5-1. General.

1.1. Scope. -- This legislative rule establishes the fees charged by the Board of Osteopathic Medicine for services rendered.

1.2. Authority. -- W. Va. Code §§29B-1-3(5), 30-1-4, 30-1-6, 30-14-4, 30-14A-3, 31B-13-1304 and 30-3E-1 et seq.

1.3. Filing Date. --

1.4. Effective Date. --

§24-5-2. Schedule of Fees For Services Rendered for Physicians.

The West Virginia Board of Osteopathic Medicine charges fees for the services it performs in connection with the licensing of osteopathic physicians, physician corporations and professional, limited liability companies. The services are listed below with the corresponding fee for each service.

2.1. Application for Licensure. -- \$400.00.

2.2. Biennial Renewal of License. -- \$400.00.

2.3. Osteopathic Physician Corporation Application Fee. -- \$500.00.

2.4. Osteopathic Physician Corporation Biennial Renewal. -- \$400.00.

2.5. Osteopathic Physician Endorsement or Written Licensure Verification. -- \$35.00.

2.6. Osteopathic Physician State Board Scores. -- \$10.00.

2.7. Late renewal fee. -- \$100.00.

2.8. Osteopathic Physician Duplicate Wallet License. -- \$30.00.

- 2.9. Osteopathic Physician Wall Certificate. -- \$50.00.
- 2.10. Osteopathic Physician Educational Permit. -- \$100.00.
- 2.11. Annual Registration of a Professional, Limited Liability Company. -- \$200.00 per year.
- 2.12. Annual Permit to Dispense/Prescribe Controlled Substance. -- \$15 per year.

§24-5-3. Schedule of Fees For Services Rendered For Physician Assistants.

- 3.1. Physician Assistant License Fee. -- \$100.00
- 3.2. Physician Assistant Biennial Renewal of License. -- \$100.00.
- 3.3. Written Verification of License or Endorsement. -- \$35.00.
- 3.4 Fee for Practice Agreement -- \$100.00.
- 3.5 Fee for Amendment or Change of Practice Agreement -- \$100.00.

§24-5-4. Schedule of Fees For Services Rendered For the General Public.

The West Virginia Board of Osteopathic Medicine charges the following fees for the production of records and copies provided to the public, pursuant to the West Virginia Freedom of Information Act, W. Va. Code §29B-1-1 *et seq.*, and for customized reports that are not subject to the Act.

- 4.1. Record Search Fee. -- \$30.00.
- 4.2. Copying of written or printed public records. -- no charge for 10 pages or less, \$0.75 for each page in excess of 10 pages.
- 4.3. Duplication or production of electronic media:
 - 4.3.a. Compact Disc. -- \$5.00 per disc.
 - 4.3.b. DVD. -- \$10.00 per disc.
- 4.4. Written summarization of a complaint file. -- \$300.00 per file, exclusive of any charges for copying more than ten pages from a complaint file.

4.5. Database Reports and Extracts in Custom Formats.

4.5.a. Custom licensee directories, requiring license issue and expiration dates: \$5,000.00 for physician licensees, \$2,500.00 for osteopathic physician assistant licensees.

4.5.b. Other custom reports, including requests for existing reports in alternate formats: \$300.00 administrative fee, plus \$50.00 for each added data field not included in an existing report on the Board's website.