



**WEST VIRGINIA SECRETARY OF STATE**

**MAC WARNER**

**ADMINISTRATIVE LAW DIVISION**

**eFILED**

7/3/2019 12:09:00 PM

Office of West Virginia  
Secretary Of State

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-  
MAKING REVIEW COMMITTEE**

AGENCY: Occupational Therapy TITLE-SERIES: 13-03  
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No  
RULE NAME: 13-03 Fees for Services Rendered by the Board

**PRIMARY CONTACT**

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CITE STATUTORY AUTHORITY: 30-28-6

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

One of the Powers and Duties of the Board is to establish a fee schedule per 30-28-6(16).

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 5/8/2019

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/1/2019

COMMENTS RECEIVED: Yes

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

Notice of comment period in newsletter and on website

SUMMARY OF THE CONTENT OF THE LEGISLATIVE RULE, AND A DETAILED DESCRIPTION OF THE RULE'S PURPOSE AND ALL PROPOSED CHANGES TO THE RULE:

Reduction of biennial license renewal fees of WV OT and OTA licenses.

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE RULE:

As the WV Board of Occupational Therapy is solely funded by licensee fees, the financial surplus generated by the Board over the past several years should be returned to licensees in the form of fee reductions.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED LEGISLATIVE RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

As the Board is fully funded by licensee fees, this reduction in license renewal fees will have no impact on the general revenue of state government.

B. ECONOMIC IMPACT OF THE LEGISLATIVE RULE ON THE STATE OR ITS RESIDENTS:

Occupational Therapists and Occupational Therapy Assistants licensed in WV will see a reduction in their biennial license renewal fee of \$20.

C. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2019 Increase/Decrease (use "-")	2020 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost			
Personal Services			
Current Expenses			
Repairs and Alterations			
Assets			
Other			
2. Estimated Total Revenues			-11,000

D. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

Reduction in revenue to the Board is based on approximately 550 license renewals at \$20 reduction per renewal.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Vonda K Malnikoff -- 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 13  
LEGISLATIVE RULE  
BOARD OF OCCUPATIONAL THERAPY

SERIES 3  
FEES FOR SERVICES RENDERED BY THE BOARD

**§13-3-1. General.**

1.1. Scope. -- This legislative rule establishes the fees to be charged by the Board for services rendered.

1.2. Authority. -- W. Va. Code §30-28-6.

1.3. Filing Date. -- ~~April 20, 2012.~~

1.4. Effective Date. -- ~~May 1, 2012.~~

1.5. Sunset Provision. -- This rule shall terminate and have no further force or effect upon the expiration of ten (10) years from final filing date.

**§13-3-2. Schedule of Fees for Services Rendered by the West Virginia Board of Occupational Therapy.**

Fees collected by the Board are not refundable.

2.1. Initial licensure fees:

2.1.a. Licensed Occupational Therapist a fee of \$150.00; and

2.1.b. Licensed Occupational Therapy Assistant a fee of \$100.00.

2.2. Limited Permit fees (to be applied to permanent license fee):

2.2.a. Occupational Therapist a fee of \$120.00; and

2.2.b. Occupational Therapy Assistant a fee of \$70.00.

~~2.3. Application packet a fee of \$30.00.~~

2.4. Biennial license renewal fees:

2.4.a. Licensed occupational therapist a fee of ~~\$140.00~~ \$120.00; and

2.4.b. Licensed occupational therapy assistant a fee of ~~\$120.00~~ \$100.00.

2.5. Late renewal a fee of \$100.00.

2.6. Verification of licensure a fee of \$30.00.

2.7. Mailing list fees:

~~2.7.a. Paper list a fee of \$100.00; and~~

~~2.76.b.a.~~ Mailing labels a fee of ~~\$110.00~~ 15.00.

~~2.87.~~ Insufficient funds penalty a fee as provided for in statute §61-3-39e.

~~2.98.~~ Duplicate license cards a fee of \$25.00.

~~2.409.~~ Duplicate certificate a fee of \$30.00.