



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED

9/30/2019 3:29:22 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: Physical Therapy TITLE-SERIES: 16-04
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: 16-04 Fees for Physical Therapist and Physical Therapist Assistant

PRIMARY CONTACT

NAME: Nonnie S Ramsey Executive Director
ADDRESS: 2 Players Club Drive Suite 102
Charleston, WV 25311
EMAIL: nonnie.s.ramsey@wv.gov
PHONE NUMBER: 304-558-0367

CITE STATUTORY AUTHORITY: W. Va. Code §30-20-1, et. seq.

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:

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 8/30/2019

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 9/30/2019

COMMENTS RECEIVED: No

(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?

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

This rule establishes the fees to be charged by the Board. The purpose of this rule change is to update the rule by removing mailing list fees and adding physical therapy compact privilege fee and continuing education non-compliance fee.

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE RULE:

Per W. Va. Code 30-41-2 Section 3D. Member states may charge a fee for granting a compact privilege. The physical therapy compact was passed during the 2018 first extraordinary session.

The continuing education non-compliance fee is for the processing of audit submissions found to be in non-compliance, which includes but is not limited to: continuous correspondence; tracking and updating on numerous deadlines; providing education regarding the Board rules and regulations and proper procedures; management and review of various submissions; and providing remediation via corrective measures to avoid future disciplinary actions.

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

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

This rule will have no impact on cost or revenue of state government. This rule will only impact the Board's special revenue account. The implementation of the physical therapy compact may reduce the Board's special revenue by allowing licensee's to only pay \$50.00 for a compact privilege from other jurisdictions rather than paying an endorsement fee to be licensed in the state of WV.

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

This rule will only impact physical therapists and physical therapy assistants in the state.

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			Unknown

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

There is no way to determine an increase or decrease in total revenue at this time. While it is estimated that the Board's special revenue would increase by \$9720.00 based on the 2017-2018 continuing education audit revealing 27 out of 150 licensees failing. The Board's special revenue will decrease by no longer charging for mailing lists and those wishing to purchase compact privilege for \$50.00 will no longer need to apply via endorsement which will decrease revenue by \$195-\$115.00 per license/holder. The purchase of the compact and paying the fee will allow physical therapist's and physical therapy assistant's to instantly be able to work in the state via compact privilege rather than waiting on a list of documents to be received prior to a license being issued. The Board estimates that the revenue increase and decrease will balance out to be a very minimal increase or decrease to funds.

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

Yes

Nonnie S Ramsey -- 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 16
LEGISLATIVE RULE
WV BOARD OF PHYSICAL THERAPY

SERIES 4
FEES FOR PHYSICAL THERAPIST AND PHYSICAL THERAPIST ASSISTANT

§16-4-1. General.

1.1. Scope. -- This legislative rule describes and defines requirements for licensure as well as nature of practice for Physical Therapists, Physical Therapist Assistants and support personnel.

1.2. Authority. -- W. Va. Code §30-20-1, et. seq.

1.3. Filing Date. -- ~~June 5, 2017.~~

1.4. Effective Date. -- ~~September 1, 2017.~~

1.5. Sunset Provision. -- This rule shall terminate and have no further force or effect ~~on September 1, 2022.~~ upon the expiration of ten (10) years from final filing date.

§16-4-2. Fees.

2.1. The West Virginia Board of Physical Therapy is an autonomous State Licensing Board Agency and as such receives no monies from the State's general revenue fund; nor does it receive any Federal money. All money necessary to efficiently staff and equip a public office must be generated by services performed by the Board in behalf of its licensees or other interested parties.

2.2. Applicants shall pay to the Board the fees established and authorized by W. Va. Code §30-20-1, et. seq.

2.2.a. Physical Therapist Application	\$25.00
2.2.b. Physical Therapist License	\$220.00
2.2.c. Physical Therapist Temporary Permit	\$35.00
2.2.d. Physical Therapist Biennial Renewal	\$100.00
2.2.e. Physical Therapist Delinquent License	\$250.00
2.2.f. Physical Therapist Assistant Application	\$25.00
2.2.g. Physical Therapist Assistant License	\$140.00
2.2.h. Physical Therapist Assistant Temporary Permit	\$20.00
2.2.i. Physical Therapist Assistant Biennial Renewal	\$60.00
2.2.j. Physical Therapist Assistant Delinquent License	\$170.00

16CSR4

2.2.k. Permanent License Verification

2.2.k.1 Office Generated \$25.00

2.2.k.2 Online No Charge

2.2.l. Duplicate Wallet Card/License \$5.00

2.2.m. Duplicate Wall Certificate \$15.00

2.2.n. Name Change Requiring New Card/License
(Outside of Renewal Season) \$5.00

2.2.o. Exam Processing Fee \$25.00

2.2.p. ~~Mailing List/Directory~~
Physical Therapy Compact Fee \$50.00

~~2.2.p.1. Label ready List Rate @ 10 cents/name and address~~

~~2.2.p.2. Hard copy Directory Rate @ 15 cents/name and address~~

~~2.2.p.3. Labels Rate @ 30 cents/name and address~~

2.2.q. Continuing Education Course Review

2.2.q.1 Provider \$50.00

2.2.q.2 Individual Licensee Review \$15.00

2.2.r. Continuing Education non-compliance \$360.00

2.2.s. All fees not paid by the due date shall be assessed a penalty to be determined by the Board not to exceed 25% of the original fee required.