

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #4

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Dec 16 10 04 AM '98

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: BOARD OF ACUPUNCTURE TITLE NUMBER: 32
CITE AUTHORITY W.Va. Code §§ 30-36-7 and 30-36-8

AMENDMENT TO AN EXISTING RULE: YES NO


IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 32 CRS4

TITLE OF RULE BEING PROPOSED: FEES OF THE BOARD
OF ACUPUNCTURE

THE ABOVE PROPOSED LEGISLATIVE RULE, FOLLOWING REVIEW BY THE LEGISLATIVE RULE
MAKING REVIEW COMMITTEE IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT
BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE
FILED WITH THE SECRETARY OF STATE.


Authorized Signature

\$2.40

FILED

32 CRS 4

DEC 16 10 05 AM '98

**Title 32
Legislative Rule
Board of Acupuncture**

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

**Series 4
Fees of the Board of Acupuncture**

32-4-1. General.

- 1.1. Scope. --This rule establishes the fees relating to the Board.
- 1.2. Authority. -- W. Va. Code §§ 30-36-7 and 30-36-8.
- 1.3. Filing Date. --
- 1.4. Effective Date. --

32-4-2. Application.

This rule applies to all applicants, licensed acupuncturists, student acupuncturists, apprenticed acupuncturists, and continuing education instructors .

32-4-3. Fees.

- 3.1. Application fee. -- The nonrefundable application fee is seventy-five dollars (\$75.00).
- 3.2. License fee. -- The biennial license fee for West Virginia residents is three hundred and twenty-five dollars (\$325.00). The biennial licence fee for out of state residents is four hundred and twenty-five dollars (\$425).
- 3.3. Renewal fee. --The renewal fee for West Virginia residents is three hundred and twenty-five dollars (\$325.00). The renewal fee for out of state residents is four hundred and twenty-five dollars (\$425.00).
- 3.5. Inactive license. -- The biennial fee for an inactive license is three hundred and twenty-five (\$325.00).
- 3.6. Delinquency fee. --The delinquency fee for late filing is fifty dollars (\$50.00).

3.7. Duplicate license fee. -- The fee for a duplicate or replacement engraved wall license is twenty-five dollars (\$25). The fee for a duplicate or replacement renewal receipt or pocket license is ten dollars (\$10).

3.9. Endorsement fee. --The fee for a letter of endorsement is ten dollars (\$10).

32-4-4. Acupuncture Tutorials.

The annual registration renewal fee for acupuncture tutorial instructors and acupuncture tutorial students is one hundred dollars (\$100.00) which are due within 30 days of completion of one (1) year of an approved acupuncture tutorial.

32-4-5. Continuing Education Providers.

The annual fee for approval for each provider of continuing education is \$50.

32-4-6. Expired License Renewal.

A lapsed or expired license may be renewed at any time within three years after its expiration. The licensee shall pay all accrued and unpaid renewal fees, plus the delinquency fee with the application for renewal.



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Nov 16 12 17 PM '98

WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

State Capitol - Room MB-49
Charleston, West Virginia 25305
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November 12, 1998

Senator Mike Ross, Co-Chairman
Delegate Mark Hunt, Co-Chairman
Debra A. Graham, Counsel

Joseph A. Altizer, Associate Counsel
Rita Pauley, Associate Counsel
Teri Anderson, Administrative Assistant

NOTICE OF ACTION TAKEN BY LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

TO: Ken Hechler, Secretary of State, State Register

TO: Dr. Darrell E. Samples
Board of Acupuncture
P.O. Box 252
Huntington, WV 25707

FROM: Legislative Rule-Making Review Committee

Proposed Rule: **Fees of the Board of Acupuncture, 32CSR4**

The Legislative Rule-Making Review Committee recommends that the West Virginia Legislature:

1. Authorize the agency to promulgate the Legislative Rule
 - (a) as originally filed _____
 - (b) as modified by the agency _____
2. Authorize the agency to promulgate part of the Legislative rule;
a statement of reasons for such recommendation is attached. _____
3. Authorize the agency to promulgate the Legislative rule with
certain amendments; amendments and a statement of reasons
for such recommendation is attached. _____
4. Authorize the agency to promulgate the Legislative rule as
modified with certain amendments; amendments and a
statement of reasons for such recommendation is attached. _____

ANALYSIS OF PROPOSED LEGISLATIVE RULES

Agency: Board of Acupuncture

Subject: Fees of the Board of Acupuncture, 32CSR4

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

SEP 19 10 31 AM '98

FILED

PERTINENT DATES

Filed for public comment: April 17, 1998
Public comment period ended: May 20, 1998
Filed following public comment period: August 3, 1998
Filed LRMRC: August 3, 1998
Filed as emergency:

Fiscal Impact: FN reflects no impact; should reflect the amount anticipated in fees.

ABSTRACT

The proposed rule is new. The following is a section by section synopsis of the proposed rule.

Section 1 is the standard general section, setting forth the scope, authority, filing date and effective date of the proposed rule.

Section 2 states that the proposed rule applies to all applicants, licensees, student acupuncturists, apprenticed acupuncturists and continuing education instructors.

Section 3 sets forth the various fees charged by the Board.

Section 4 relates to but does not provide for an annual registration renewal fee for tutorial instructors and students.

Section 5 states that the annual fee for approval of a continuing education provider is \$50.

Section 6 allows a person with an expired license to renew the license within 3 years upon payment of the required fees.

AUTHORITY

Statutory authority: W.Va. Code, §§30-36-7 & 8, which provide, in part, as follows:

§30-36-7

(a) The board may propose for promulgation legislative rules to carry out the provisions of this article in accordance with the provisions of article three, chapter twenty-nine-a of this code...

§30-36-8

...(b) The board may set reasonable fees for the issuance and renewal of licenses and its other services...

ANALYSIS

I. HAS THE AGENCY EXCEEDED THE SCOPE OF ITS STATUTORY AUTHORITY IN APPROVING THE PROPOSED LEGISLATIVE RULE?

No.

II. IS THE PROPOSED LEGISLATIVE RULE IN CONFORMITY WITH THE INTENT OF THE STATUTE WHICH THE RULE IS INTENDED TO IMPLEMENT, EXTEND, APPLY, INTERPRET OR MAKE SPECIFIC?

Yes.

III. DOES THE PROPOSED LEGISLATIVE RULE CONFLICT WITH OTHER CODE PROVISIONS OR WITH ANY OTHER RULE ADOPTED BY THE SAME OR A DIFFERENT AGENCY?

No.

IV. IS THE PROPOSED LEGISLATIVE RULE NECESSARY TO FULLY ACCOMPLISH THE OBJECTIVES OF THE STATUTE UNDER WHICH THE PROPOSED RULE WAS PROMULGATED?

Yes.

V. IS THE PROPOSED LEGISLATIVE RULE REASONABLE, ESPECIALLY AS IT AFFECTS THE CONVENIENCE OF THE GENERAL PUBLIC OR OF PERSONS AFFECTED BY IT?

The Committee needs to determine the reasonableness of the proposed fees.

VI. CAN THE PROPOSED LEGISLATIVE RULE BE MADE LESS COMPLEX OR MORE READILY UNDERSTANDABLE BY THE GENERAL PUBLIC?

No.

VII. WAS THE PROPOSED LEGISLATIVE RULE PROMULGATED IN COMPLIANCE WITH THE REQUIREMENTS OF CHAPTER 29A, ARTICLE 3 AND WITH ANY REQUIREMENTS IMPOSED BY ANY OTHER PROVISION OF THE CODE?

Yes.

VIII. OTHER.

Counsel has technical modifications to suggest.