

**WEST VIRGINIA
SECRETARY OF STATE
JOE MANCHIN, III
ADMINISTRATIVE LAW DIVISION**

Form #7

Do Not Mark In This Box
Filing Date

FILED

2004 JUN 23 P 5:07

OFFICE WEST VIRGINIA
SECRETARY OF STATE

Effective Date

NOTICE OF AN EMERGENCY RULE

West Virginia State Board of
Examiners for Licensed Practical Nurses
AGENCY: _____ TITLE NUMBER: 10
CITE AUTHORITY: HB 4143 (2004) W. Va. Code 30-7A-7a
EMERGENCY AMENDMENT TO AN EXISTING RULE: YES NO
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 4
TITLE OF RULE BEING AMENDED: Fees for Services Rendered by the Board

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____
TITLE OF RULE BEING PROPOSED: _____

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:

HB 4143, passed during the 2004 Legislative session, requires that a supplemental fee be assessed on the annual renewal fee paid by each licensed practical nurse. This agency's renewals for 2005 will begin on March 1, 2005, prior to the effective date of legislative rules which will be filed by the Board to implement this fee increase.

Use additional sheets if necessary


Authorized Signature

WEST VIRGINIA
STATE BOARD OF EXAMINERS
FOR LICENSED PRACTICAL NURSES

LANETTE L. ANDERSON, R.N., B.S.N., J.D.
EXECUTIVE DIRECTOR
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June 23, 2004

Ms. Judy Cooper
Administrative Law Division
Office of the Secretary of State
Building 1 Room 157-K
1900 Kanawha Boulevard, E.
Charleston, West Virginia 25311

Dear Ms. Cooper:

Enclosed please find required documentation for the filing of an emergency rule pursuant to the process of rule-making. The West Virginia State Board of Examiners for Licensed Practical Nurses has approved said Rule during its meeting on June 16, 2004, and it is hereby filed pursuant to HB 4143, passed during the 2004 Legislative Session.

We would greatly appreciate your consideration in making changes to this rule effective on or after July 1, 2004.

If any problems exist with what is submitted herein, please feel free to contact me. Your assistance is greatly appreciated.

Very truly yours,

A handwritten signature in cursive script that reads "Lanette L. Anderson".

Lanette L. Anderson, R.N., B.S.N., J.D.
Executive Director

LLA/a

Enclosures:

EMERGENCY RULE QUESTIONNAIRE

DATE: 6/23/04

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency Name, Address & Phone No.) West Virginia State Board of Examiners for LPNs
101 Dee Drive, Suite 100 Charleston, WV 25311
(304) 558-3572

EMERGENCY RULE TITLE: Fees for Services Rendered by the Board

1. Date of filing June 23, 2004. Not to be effective prior to July 1, 2004.

2. Statutory authority for promulgating emergency rule:
W. Va. Code 30-7A-7a

3. Date of filing of proposed legislative rule: June 28, 2004 anticipated

4. Does the emergency rule adopt new language or does it amend or appeal a current legislative rule? Imposes a supplemental licensure renewal fee to fund the West Virginia Center for Nursing.

5. Has the same or similar emergency rule previously been filed and expired?
No

6. State, with particularity, those facts and circumstances which make the emergency rule necessary for the **immediate** preservation of public peace, health, safety or welfare.
The West Virginia Nursing Shortage Study Commission, established by the WV Legislature, has determined that this state will experience a critical nursing shortage. The fee increase mandated by HB 4143 will fund the WV Center for Nursing, which is established to establish a statewide plan to address the shortage, promote nursing as a career, address retention of nurses, provide scholarships, etc. The fee increase is required for each licensee upon renewal. The LPN Board renewal cycle begins each year on March 1; legislative rules which will implement the fee increase will not yet be in effect in all likelihood by March 1, 2005.

7. 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.

8. State, with particularity, those facts and circumstances which make the emergency rule necessary to prevent substantial harm to the public interest.

See response to Number 6. Funding for the WV Center for

Nursing is mandated by the previously-cited legislation and

is required for the Center to address the nursing shortage in West Virginia.

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TITLE 10
LEGISLATIVE RULES
WEST VIRGINIA STATE BOARD OF
EXAMINERS FOR LICENSED PRACTICAL NURSES

SERIES 4 - FEES FOR SERVICES RENDERED BY THE BOARD

SUMMARY OF PROPOSAL

The proposed change to this Rule is pursuant HB 4143, passed by the West Virginia Legislature during its 2004 session. This legislation requires that a supplemental renewal fee of ten dollars be assessed to fund the West Virginia Center for Nursing.

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STATE BOARD OF EXAMINERS
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WEST VIRGINIA STATE BOARD OF
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SERIES 4- FEES FOR SERVICES RENDERED BY THE BOARD

STATEMENT OF CIRCUMSTANCES REQUIRING RULE

The proposed change to this Rule is pursuant HB 4143, passed by the West Virginia Legislature during its 2004 session. This legislation requires that a supplemental renewal fee of ten dollars be assessed to fund the West Virginia Center for Nursing and carry out its purposes as set forth in the above-cited law. The Board's licensure renewal period begins on March 1 of each year, therefore the legislative rule-making process would not be timely and would not assure that this additional fee would be collected from each renewal in 2005.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Fees for Services Rendered by the Board

Type of Rule: Legislative Interpretive Procedural

Agency: West Virginia State Board of Examiners for LPNs

Address: 101 Dee Drive, Suite 100

Charleston, WV 25311

1. Effect of Proposed rule:

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
ESTIMATED TOTAL COST	NONE	NONE	NONE	NONE	NONE
PERSONAL SERVICES					
CURRENT EXPENSE					
REPAIRS & ALTERATIONS					
EQUIPMENT					
OTHER					

2. Explanation of Above Estimates:

3. Objectives of These Rules:

Pursuant to the mandate set forth in HB 4143, a ten dollar fee will be assessed with each license renewal to fund the newly established West Virginia Center for Nursing. The Board will not receive any portion of the supplemental renewal fee.

Rule Title: Fees for Services Rendered by the Board

4. Explanation of Overall Economic Impact of Proposed Rule:

A. Economic Impact on State Government:

Fees will fund West Virginia Center for Nursing.

B. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of Citizens:

See above.

C. Economic Impact on Citizens/Public at Large.

See above.

Date: 6/23/04

Signature of Agency Head or Authorized Representative:

Janette J. Anderson

10 CSR 4

TITLE 10
LEGISLATIVE RULES
STATE BOARD OF EXAMINERS
FOR LICENSED PRACTICAL NURSES
SERIES 4

FEEES FOR SERVICES RENDERED BY THE BOARD
AND SUPPLEMENTAL RENEWAL FEE FOR THE CENTER FOR NURSING

§10-4-1. General.

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

1.2. Authority. -- WV Code §30-7A-5; §30-7A-7a

1.3. Filing Date. --

1.4. Effective Date. --

2.+5. 16. Roster of Active Licensees \$100.00
One County \$5.00

2.+6. 17. Mailing Labels
Name and Address/per 1000. \$50.00
Minimum Charge \$50.00

2.+7. 18. Copy of Law \$2.00

2.+8. 19. Rules and Regulations \$5.00

2.+9. 20. Application Fee New School \$250.00

2.+0. 21. Special Request for Data Listings
Minimum Programming Fee. \$25.00

2.+1. 22. Miscellaneous copies (first page) \$2.00
each additional page. \$0.20

§10-4-2. Schedule of Fees for Services Rendered by the West Virginia State Board of Examiners for Licensed Practical Nurses:

Fees collected by the Board are not refundable.

2.1. Licensure Examination \$75.00

2.2. Re-Examination \$75.00
(Third attempt free)

2.3. Temporary Permit for New Graduate \$10.00

2.4. Endorsement into West Virginia \$50.00

2.5. Endorsement out of West Virginia \$30.00

2.6. Renewal of license \$40.00

2.7. Supplemental renewal fee for the Center
for Nursing \$10.00

2.+7. 8. Reinstatement of a license from nonpracticing
status \$40.00

2.+8. 9. Limited License \$10.00
Valid for 90 days - May not be renewed.

2.+9. 10. Duplicate License \$10.00

2.+0. 11. Change of Name and/or Address
(Duplicate license issued) \$10.00

2.+1. 12. Transcripts \$5.00

2.+2. 13. Framable Certificate
(Free to New Graduate). \$10.00

2.+3. 14. Reinstatement of a license from
lapsed status. \$80.00

2.+4. 15. Insufficient Funds Penalty \$10.00

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