

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #1

DO NOT WRITE IN THIS BOX

FILED

MAY 9 10 15 AM '94

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF PUBLIC HEARING ON A PROPOSED RULE

AGENCY: West Virginia State Board of Examiners for TITLE NUMBER: 10
Licensed Practical Nurses

RULE TYPE: Legislative; CITE AUTHORITY W. Va. Code 30-7A-1 et seq.

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 NEW RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

DATE OF PUBLIC HEARING: June 22, 1994 TIME: 1:00 pm

LOCATION OF PUBLIC HEARING: Board Office at 101 Dee Drive, Charleston WV 25311

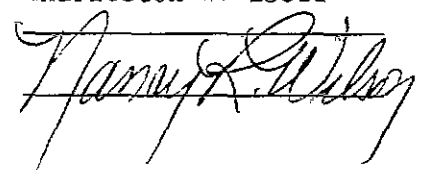
COMMENTS LIMITED TO: ORAL , WRITTEN , BOTH

COMMENTS MAY ALSO BE MAILED TO THE FOLLOWING ADDRESS: West Virginia State Board of
Examiners for L.P.N.
101 Dee Drive
Charleston WV 25311

The Department requests that persons wishing to make comments at the hearing make an effort to submit written comments in order to facilitate the review of these comments.

The issues to be heard shall be limited to the proposed rule.

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL



3.80

WEST VIRGINIA
STATE BOARD OF EXAMINERS
FOR LICENSED PRACTICAL NURSES

NANCY R. WILSON, R.N.
EXECUTIVE SECRETARY

LANETTE L. ANDERSON, J.D., R.N.
ASSISTANT EXECUTIVE SECRETARY



TELEPHONE
(304) 558-3572

FAX
(304) 558-3666

101 DEE DRIVE
CHARLESTON, WEST VIRGINIA 25311-1688

May 6, 1994

Ms. Judy Cooper, Director
Administrative Law Division
Office of the Secretary of State
Building 1 Suite 157-K
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0770

Dear Ms. Cooper:

Enclosed please find the appropriate documentation required in the initiation of the process of Legislative Rule-Making.

If any problems exist with what is submitted herein, please advise. Your assistance in this matter is appreciated.

Very truly yours,

Lanette L. Anderson J.D.R.N.
Lanette L. Anderson, J.D., R.N.
Assistant Executive Secretary

LLA/a

Enclosures:

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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WEST VIRGINIA
STATE BOARD OF EXAMINERS
FOR LICENSED PRACTICAL NURSES

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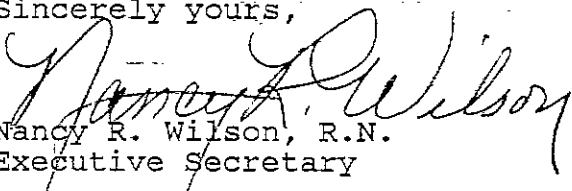
Honorable Ken Hechler
Secretary of State
Building 1 Suite 157K
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0770

Dear Sir:

Pursuant to direction from the West Virginia State Board of Examiners for Licensed Practical Nurses, I hereby enclose for filing the required documentation and text of proposed amendments to Legislative Rules, 10 C.S.R. 4, Fees for Services Rendered by the Board. Said Rules were approved by the members of the Board during its last scheduled meeting on February 15, 1994.

Thank you for your attention to this matter.

Sincerely yours,


Nancy R. Wilson, R.N.
Executive Secretary

NRW/lla

Enclosures:

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

Proposed fee increase is based on the added costs of implementing continuing competence requirements, including audits of licensees and continuing education providers. Further, the number of complaints and disciplinary actions taken by the board involving licensees has increased dramatically over the past four (4) years. This has resulted in increased expenses for hearings, etc. A professional staff person was also added in November, 1992 to assist in managing this increased disciplinary case load.

The last fees increase was effective in 1992.

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

SERIES 4 - FEES FOR SERVICES RENDERED BY THE BOARD

STATEMENT OF CIRCUMSTANCES REQUIRING RULE

Additional costs are incurred by the Board due to the implementation of continuing education, as well as a substantial increase in disciplinary matters which must be addressed by the Board.

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 L.P.N.

Address 101 Dee Drive
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 & ALTERNATIONS					
EQUIPMENT					
OTHER					

2. Explanation of above estimates:

3. Objectives of these rules:

Increase fees charged by the Board to cover costs of implementing continuing competence requirements and increased case load of disciplinary complaints and actions

Complete projections of revenue and expenditures through FY-2000 attached

Rule Title: Fees for Services Rendered by the Board

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

None

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

None with the exception of increased renewal and reinstatement fees for licensure for licensed practical nurses

C. Economic Impact on Citizens/Public at Large.

None

Date: 5/5/94

Signature of Agency Head or Authorized Representative

James H. Wilson, R.N., Executive

West Virginia State Board of Examiners
for Licensed Practical Nurses

Projected Income and Expenditures
FY 1994 through FY 2000

	Expenditures Projected 1994	Revenue Projected 1994	Fund Balance Projected 1994
FY 1993-94	260,000	245,000	233,942
FY 1994-95	273,000	248,000	208,942
FY 1995-96	286,650 increase \$40	250,000 320,000	172,292 242,292
FY 1996-97	301,000 Increase \$40	253,000 323,000	124,292 264,292
Increase 1996-97 @ \$40 allows unrecoverable decline in fund balance			
FY 1997-98	317,000 Increase \$40	255,000 325,000	62,292 272,292
FY 1998-99	332,000 Increase \$40	258,000 328,000	(11,708) 268,292
FY 1999-2000	348,500 Increase \$40	260,000 330,000	249,792

The fees currently charges will sustain the activities of the Board through the end of FY 95. The fund balance at the end of FY 96 will not sustain activities until the start of the renewal period in March when most of the fees are collected.

Continuing Competence requirements, although time consuming, have not contributed to increases in cost like the increasing case load of discipline has. The anticipated reduction in added costs between FY 1993 and 1996 will simply not be realized. Originally, I had projected one added professional staff member for three years, then converting the position to a clerical one to manage CE. That is just not possible with the disciplinary case load that exists.

Waiting until FY 97 to increase fees is not a sound move. Even at \$40 a satisfactory fund balance to cover possible major disciplinary cases is lost and can not be regained.

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MAY 9 10 15 AM '94

TITLE 10
LEGISLATIVE RULES
STATE BOARD OF EXAMINERS
FOR LICENSED PRACTICAL NURSES
SERIES 4
FEES FOR SERVICES RENDERED BY THE BOARD

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

§10-4-1. General.

- 1.1. Scope. -- These legislative Rules establish the fees to be charged by the Board for services rendered.
- 1.2. Authority. -- WV Code §30-7A-5 & §64-9-17(g)
- 1.3. Filing Date. --
- 1.4. Effective Date. --

§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 . . . ~~\$25.00~~ . . . \$40.00
- 2.7. Reinstatement of a license from nonpracticing status . . . ~~\$25.00~~ . . . \$40.00
- 2.8. Limited License . . . \$10.00
Valid for 90 days - May not be renewed.
- 2.9. Duplicate License . . . \$10.00
- 2.10. Change of Name and/or Address (Duplicate license issued) . . . \$10.00
- 2.11. Transcripts . . . \$5.00
- 2.12. Framable Certificate (Free to New Graduate) . . . \$10.00
- 2.13. Reinstatement of a license from lapsed status . . . ~~\$50.00~~ . . . \$80.00
- 2.14. Insufficient Funds Penalty . . . \$10.00
- 2.15. Roster of Active Licensees . . . \$100.00
One County . . . \$5.00
- 2.16. Mailing Labels (Name and Address/per 1000) . . . \$50.00
(Minimum Charge . . . \$50.00)
- 2.17. Copy of Law . . . \$2.00
- 2.18. Rules and Regulations . . . \$5.00
- 2.19. Application Fee New School . . . \$250.00
- 2.20. Special Request for Data Listings (Minimum Programing Fee) . . . \$25.00
- 2.21. Miscellaneous copies \$2.00 first page \$0.20 each additional page



KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

A. RENEE COE
Deputy Secretary of State

CATHERINE FREROTTE
Executive Assistant

Telephone: (304) 558-6000
Corporations: (304) 558-8000

WILLIAM H. HARRINGTON
Chief of Staff

JUDY COOPER
Director, Administrative Law

DONALD R. WILKES
Director, Corporations

(Plus all the volunteer
help we can get)

FAX: (304) 558-0900

STATE OF WEST VIRGINIA

SECRETARY OF STATE

Building 1, Suite 157-K
1900 Kanawha Blvd., East
Charleston, WV 25305-0770

March 27, 1995

Nancy R. Wilson
Licensed Practical Nurses
101 Dee Dr.
Charleston, WV 25311-1688

SB 64 authorizing, **Title 10, Series 4, Fees for Services Rendered by the Board**, passed the Legislature on **March 11, 1995**. It is was signed by the Governor on March 23, 1995.

You have sixty (60) days after the Governor signs SB 64, to final file the legislative rule with the Secretary of State's office. To final file your legislative rule, fill in the blanks on the enclosed form #6, the "Final Filing" form and file the form with our office with a promulgation history of the rule. Authorization for your legislative rule is cited in **SB 64** section **64-9-4(a)**. The agency may set the effective date of the legislative rule up to ninety (90) days from the date the legislative rule is final filed with the Secretary of State's office. Please have an authorized signature on the bottom line.

*****IMPORTANT: YOUR AGENCY MUST SUBMIT A CLEAN COPY OF THE LEGISLATIVE RULE ON DISK, WITH ALL UNDERLINING, STRIKE-THROUGHS AND HEADERS/FOOTERS TAKEN OUT, TO OUR OFFICE WHEN FINAL FILING THE RULE. THE DISK MUST BE ON A WORD PERFECT (5.1 OR 5.2 VERSION) OR WORD PERFECT COMPATIBLE COMPUTER SYSTEM 3 1/2" DOUBLE DENSITY DISK. STATE ON THE DISK THE FORMAT THE RULE IS IN AND THE TITLE IT IS FILED UNDER. THIS WILL ENABLE US TO ENTER YOUR RULES ON THE LEGISLATIVE DATA BASE. REMEMBER THE TEXT OF THE COMPUTER FILED RULE MUST BE IDENTICAL - WORD FOR WORD, COMMA FOR COMMA, WITH ALL UNDERLINING, STRIKE-THROUGHS AND HEADERS/FOOTERS TAKEN OUT, AS THE HARD COPY AUTHORIZED BY THE LEGISLATURE.**

After the final rule is entered into the legislative data base, the rule will be sent to the agency for review and proofing. Following confirmation or corrections, as the case may be, the Secretary of State shall submit to the agency a final version of the rule for their records.

If you have any questions or need any assistance, please do not hesitate to call our office.

Thank You
Administrative Law Division