

**WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION**

Form #2

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2011 JUN 17 PM 1:35

WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: WEST VIRGINIA MASSAGE THERAPY LICENSURE BOARD TITLE NUMBER: 194

RULE TYPE: LEGISLATIVE CITE AUTHORITY: 30-36-7

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 RULE BEING PROPOSED: 4

TITLE OF RULE BEING PROPOSED: SCHEDULE OF FEES

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON JULY 18, 2011 AT 5:00 P.M. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

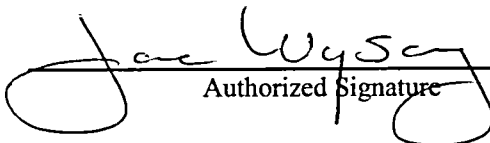
WV MASSAGE THERAPY LICENSURE BOARD

179 SUMMERS STREET

SUITE 711

CHARLESTON, WV 25301

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.


Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

SUMMARY OF THE RULE

TITLE 194

SERIES 4 GENERAL PROVISIONS

This rule is being submitted to amend and increase the schedule of fees and create a new Series 4 Schedule of Fees. This will allow the fee structure to be in a series relating only to fees.

FACTS AND CIRCUMSTANCES

THIS SERIES IS BEING SUBMITTED TO INCREASE THE SCHEDULE OF FEES. DUE TO A SIGNIFICANT INCREASE IN EXPENSES RELATED TO THE INVESTIGATION AND DISPOSITION OF COMPLAINTS AS WELL AS LEGAL FEES; THIS HAS CREATED AN URGENT NEED FOR ADDITIONAL FUNDS. THIS WILL REQUIRE THE BOARD TO INCREASE FEES IN ORDER TO OPERATE.

QUESTIONNAIRE

(Please include a copy of this form with each filing of your rule: Notice of Public Hearing or Comment Period; Proposed Rule, and if needed, Emergency and Modified Rule.)

DATE: June 14, 2011

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency Name, Address & Phone No.) WV Massage Therapy Licensure Board
179 Summers Street, Suite 711
Charleston, WV 25301
304-558-1060

LEGISLATIVE RULE TITLE: Title 194 Series 4 General Provisions

1. Authorizing statute(s) citation §30-36-7

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:
June 17, 2011

b. What other notice, including advertising, did you give of the hearing?
The board mailed a letter to each licensee with information on the proposed rule and provided
the information on the board's website.

c. Date of Public Hearing(s) *or* Public Comment Period ended:
July 18, 2011 @ 5:00 p.m.

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.
Attached _____ No comments received _____

- e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

June 17, 2011

- f. **Name, title, address and phone/fax/e-mail numbers** of agency person(s) to receive all *written correspondence* regarding this rule: (Please type)

Linda Lyter, Executive Director
179 Summers Street, Suite 711
Charleston, WV 25301

304-558-1060 Phone #

304-558-1061 Fax #
linda_lyter@frontier.com

- g. **IF DIFFERENT FROM ITEM 'f'**, please give **Name, title, address and phone number(s)** of agency person(s) who wrote and/or has responsibility for the contents of this rule: (Please type)

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

- a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

N/A

b. Date of hearing or comment period:

June 17, 2011 through July 18, 2011 @ 5:00 p.m.

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

d. Attach findings and determinations and reasons:

Attached

APPENDIX B
FISCAL NOTE FOR PROPOSED RULES

Rule Title: General Provisions

Type of Rule: Legislative Interpretive Procedural

Agency: WV Massage Therapy Licensure Board

Address: 179 Summers Street, Suite 711
Charleston, WV 25301

Phone Number: 304-558-1060 Email: linda_lyter@frontier.com

Fiscal Note Summary

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

This will not have any impact on the costs and revenues of state government. This board is a Chapter 30 board and is required to be self-sufficient in regards to its funding. The board operates on its own revenue that is generated by licensure and other related fees. The board does not receive any general revenue funds.

Fiscal Note Detail

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use "--")	Next Increase/Decrease (use "--")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	150,578.00	127,006.00	127,006.00
Personal Services			
Current Expenses			
Repairs & Alterations			
Assets			
Other			
2. Estimated Total Revenues	0.00	180,000.00	130,000.00

Rule Title: _____

Rule Title:

General Provisions

3. Explanation of above estimates (including long-range effect):

Please include any increase or decrease in fees in your estimated total revenues.

The board is increasing the schedule of fees. This includes the initial application and renewal fees for licensure. The license renewal is on a biennial basis so the revenue generated is increased in one fiscal year and decreased in the next consecutive fiscal year depending on the number of license renewals due for that particular fiscal year. It also depends on the total number of new license applications submitted for each fiscal year and those who may be currently licensed that fail to renew due to relocation, exiting the field, etc.

Estimated license applications and renewals for FY 2012 would generate approximately \$80,000.00 in additional revenue.

Estimated license applications and renewals for FY 2013 would generate approximately \$40,000.00 in additional revenue.

This revenue would enable the board to maintain operations and retain a cash balance to cover any extraordinary expenses (e.g. legal fees) incurred during any fiscal year and what is also recommended by the legislative auditors to carryover from one fiscal year to another.

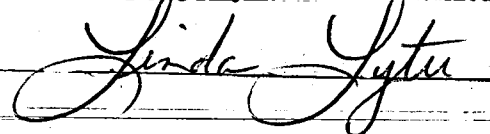
MEMORANDUM

Please identify any areas of vagueness, technical defects, reasons the proposed rule would not have a fiscal impact, and/or any special issues not captured elsewhere on this form.

N/A

Date: June 14, 2011

Signature of Agency Head or Authorized Representative



FILED

TITLE 194
LEGISLATIVE RULES 2011 JUN 17 PM 1:35
MESSAGE THERAPY LICENSURE BOARD

SERIES 4
SCHEDULE OF FEES

OFFICE OF THE
SECRETARY OF STATE

§194-4-1. General.

1.1. Scope. -- This rule establishes the schedule of fees for the Massage Therapy Licensure Board.

1.2. Authority. -- W. Va. Code 30-37-6.

1.3. Filing Date. --

1.4. Effective Date. --

§194-4-2. Licensure and Administrative Fees.

2.1. Each applicant for licensure is responsible for paying the appropriate fees specified in this rule.

2.2. The fees authorized to be established by the Board and necessary to the operation of the Board are as follows:

2.3. Application fee -- Fifty dollars (\$50.00) -- a non-refundable fee to be paid by all applicants for a massage therapy license including those seeking to re-apply for a license.

2.4. Two (2) year license fee -- Three hundred dollars (\$300.00) -- a fee to be paid at the time of application for initial or reciprocal license. This fee does not include the fifty dollars (\$50.00) application fee. This fee is non-refundable after issuance of a license.

2.5. Two (2) year licensure renewal fee -- Two hundred dollars (\$200.00) -- a fee to be paid prior to the issuance of the license. This fee must be received by the end of the month before the license expires. This fee is non-refundable after issuance of license.

2.6. Late fee -- Fifty dollars (\$50.00) -- a non-refundable fee to be paid when a licensee

fails to submit application and fees on or before the date the license expires. This is in addition to the other required fees.

2.7 Duplicate or replacement license fee -- Twenty-five dollars (\$25.00) -- a non-refundable fee to be paid when a licensee requests a replacement or duplicate license or a license request due to a name change.

2.8. Certified statement fee -- Thirty dollars (\$30.00) -- a fee to be paid at the time of request the Board verify that a licensee is licensed in West Virginia.

2.9. Failure to report change of address fee in writing fee -- Twenty-five dollars (\$25.00) -- a fee that is to be paid by the applicant when he or she has failed to notify the Board in writing within thirty (30) days of changing his or her address.

2.10. Re-application fee -- Three hundred fifty dollars (\$350.00) -- a fee to be paid when re-applying for licensure after the license lapsed sixty days after the expiration date of the license.

2.11. Failure to report name change in writing fee -- Twenty dollars (\$25.00) -- a fee that is to be paid by the applicant when he or she has failed to notify the Board in writing within thirty (30) days of changing their name.

2.12. Roster fee -- One hundred dollars (\$100.00) -- a fee that is to be paid by at the time of the request for a copy of the roster of current licensees.

2.13. Photocopy per page fee -- a fifty cent (\$.50) per page photocopying fee shall be paid at the time information is requested.