



WEST VIRGINIA LEGISLATURE  
Legislative Rule-Making Review Committee

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November 17, 2002

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NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

TO: Joe Manchin, Secretary of State, State Register

TO: Carol Blosser  
Radiologic Technology Board of Examiners  
PO Box 638  
Cool Ridge, WV 25825

FROM: Legislative Rule-Making Review Committee

Proposed Rule: **Rule of the WV Boar of Examiners of Radiologic Technology, 18CSR1**

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. \_\_\_\_\_
5. Recommends that the Legislative rule be withdrawn; a statement of reasons for such recommendation is attached. \_\_\_\_\_

SCANNED

ANALYSIS OF PROPOSED LEGISLATIVE RULES

Agency: Board of Examiners of Radiologic Technology

Subject: Rule of the West Virginia Board of Examiners of Radiologic Technology, 18CSR1

PERTINENT DATES

Filed for public comment: June 24, 2002  
Public comment period ended: July 24, 2002  
Filed following public comment period: July 25, 2002  
Filed LRMRC: July 25, 2002  
Filed as emergency:

FILED  
2002 AUG 20 A 9:47  
OFFICE WEST VIRGINIA  
SECRETARY OF STATE

Fiscal Impact: \$2,500 for the first several fiscal years, declining to approximately \$500 thereafter.

ABSTRACT

The proposed rule amends a current legislative rule. The current rule provides for a 30 day grace period for renewal of a license. The proposed rule removes the grace period and states that the Board will assess a penalty fee for reinstatement of an expired license. The proposed rule also adds a returned check fee of \$15.

AUTHORITY

Statutory authority: W.Va. Code, §30-23-5, which provides, in part, as follows:

- (a) The board shall:
  - (1) Propose legislative rules implementing the provisions of this article and the powers and duties conferred upon the board in accordance with the provisions of

article three, chapter twenty-nine-a of this code...

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?

Yes.

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 PROVISIONS OF THE  
CODE?

Yes.

VIII. OTHER

Counsel has technical modifications to suggest.