

**WEST VIRGINIA**  
**SECRETARY OF STATE**  
**KEN HECHLER**  
**ADMINISTRATIVE LAW DIVISION**

Form #3

Do Not Mark In this Box

FILED

1993 AUG 10 AM 10:11

CLERK OF COURT  
SECRETARY OF STATE

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE  
AND  
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**



AGENCY: West Virginia Board of Medicine TITLE NUMBER: 11

CITE AUTHORITY West Virginia Code §30-3-7(a)(1)

AMENDMENT TO AN EXISTING RULE: YES X NO     

IF YES, SERIES NUMBER OF RULE BEING AMENDED: Series III

TITLE OF RULE BEING AMENDED: Fees For Services Rendered By the  
Board of Medicine

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED:                     

TITLE OF RULE BEING PROPOSED:                                             

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE FOR THEIR REVIEW.

*Donald H. White*

SUMMARY OF CONTENT OF LEGISLATIVE RULE AND STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE RULE: FEES FOR SERVICES RENDERED BY THE BOARD OF MEDICINE.

This rule raises fees for the licensing examination for physicians, the fees for a temporary license until the Board meets, the fees for podiatry examinations and the physician assistant annual renewal. Examination fees for physicians and for podiatrists are set at a national level and will be raised at the beginning of 1991. Without the increase in fees charged, the Board is unable to recoup its cost for the examination and administering the examination. Staff time spent in preparation and review of annual renewal applications for physician assistants far exceeds the \$5.00 present fee charged to physician assistants for such renewals and the increase is necessary to prevent the Board's funds from being unnecessarily depleted. The same is true of the fees for a temporary license until the Board meets.

The removal of \$500,000.00 of the Board's funds by the legislature in 1990 has made it increasingly necessary that the Board charge sufficient funds for the work involved in performing its functions.

## FISCAL NOTE FOR PROPOSED RULES

Rule Title: Fees for Services Rendered by the Board of MedicineType of Rule: X Legislative        Interpretive        ProceduralAgency West Virginia Board of Medicine Address 101 Dee DriveCharleston, West Virginia 25311

| 1. Effect of Proposed Rule: | ANNUAL   |          | FISCAL YEAR |      |            |
|-----------------------------|----------|----------|-------------|------|------------|
|                             | Increase | Decrease | Current     | Next | Thereafter |
| Estimated Total Cost        | \$       | \$       | \$          | \$   | \$         |
| Personal Services           |          |          |             |      |            |
| Current Expense             |          |          |             |      |            |
| Repairs and Alterations     |          |          |             |      |            |
| Equipment                   |          |          |             |      |            |
| Other                       |          |          |             |      |            |

## 2. Explanation of above estimates:

No increase in state funding will be needed.

## 3. Objectives of these rules:

To recoup losses to the Board experienced by insufficient fees presently charged for giving medical and podiatry examinations to applicants, and for issuing temporary licenses, which fees do not cover Board costs; to recoup losses to the Board experienced by fees presently charged for annual renewal of physician assistant certification which are insufficient to cover Board costs of processing same and to recoup losses experienced as a result of removal of the Board's funds by the legislature.

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.

Applicants for medical and podiatric licensure will pay more to sit for their examinations - they will pay the cost of the examination plus a small fee for the costs to the Board of giving the examination. Physician assistants will pay \$45.00 more annually for the renewal of their physician assistant certification which presently costs \$5.00, and is a ridiculously low fee which does not begin to cover the costs to the Board of processing the application renewals

C. Economic Impact on Citizens/Public at Large.

None

Date: 7/9/90

Signature of Agency Head or Authorized Representative

Ronald J. Wally

DATE: August 10, 1990

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: West Virginia Board of Medicine

LEGISLATIVE RULE TITLE: Fees For Services Rendered by the Board of  
Medicine

1. Authorizing statute(s) citation West Virginia Code §30-3-7(a) (1)

2. a. Date filed in State Register with ~~Notice of Hearing~~:  
Comment Period

July 9, 1990

b. What other notice, including advertising, did you  
give of the hearing?

Letters requesting comments sent to West Virginia Medical  
Association, WV Podiatric Association, AARP, WV Physician  
Assistant Association. (attached)

c. Date of hearing (s): Comment period through August 9, 1990

(See attached)

d. Attach list of persons who appeared at hearing, comments  
received, amendments, reasons for amendments.

Attached \_\_\_\_\_ No comments received X

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

August 10, 1990

f. Name and phone number of agency person to contact  
for additional information:

Ronald D. Walton, Executive Director. 348-2921

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.

\_\_\_\_\_

\_\_\_\_\_

b. Date of hearing: \_\_\_\_\_

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 \_\_\_\_\_

Not applicable

EMERGENCY RULE

TITLE 11  
LEGISLATIVE RULE  
BOARD OF MEDICINE

SERIES 4  
FEES FOR SERVICES RENDERED BY  
THE BOARD OF MEDICINE

\$11-4-1. General.

- 1.1. Scope. - These legislative rules establish the fees to be charged by the Board for services rendered.
- 1.2. Authority. - W.Va Code §30-3-7(a)(1).
- 1.3. Filing Date. -
- 1.4. Effective Date. -
- 1.5. Amendment to former Rule. - This emergency rule amends and replaces 11 CSR 4 "Fees for Services Rendered by the Board of Medicine" that was filed on April 11, 1988, and became effective on April 12, 1988.

\$11-4-2. Schedule of Fees For Services Rendered By The West Virginia Board of Medicine For Physicians, Podiatrists and Physician Assistants:

- 2.1. Examination - ~~\$500.00~~. \$600.00
- 2.2. Reciprocity or Endorsement Application - \$200.00.
- 2.3. Temporary License Until Board Meets - ~~\$50.00~~. Not to exceed \$100.00.
- 2.4. Medical and/or Podiatry Corporation Application Fee - \$200.00.
- 2.5. Medical and/or Podiatry Corporation Biennial Registration \$200.00.

- 2.6. Medical and/or Podiatry Examination Score Endorsemen  
\$25.00.
- 2.7. Active Biennial Registration - \$200.00.
- 2.8. Inactive Biennial Registration - \$50.00.
- 2.9. Podiatry Examination - ~~\$250.00.~~ Not to exceed \$400.00.
- 2.10. Podiatry Application - \$200.00.
- 2.11. Podiatry Temporary License Until Board Meets - \$50.00.
- 2.12. Active Podiatry Biennial Registration Fee - \$200.00.
- 2.13. Inactive Podiatry Biennial Registration Fee - \$50.00.
- 2.14. Physician Assistant Application - \$50.00.
- 2.15. Physician Assistant Annual Renewal - ~~\$5.00.~~ \$50.00





Rev. Richard Bowyer  
Fairmont

Thomas S. Clark, M.D.  
Morgantown

Tom Harward, P.A.-C.  
Belington

Jesus Tan Ho, M.D.  
Moundsville

John J. Mahood, M.D.  
Bluefield

# State of West Virginia

## WEST VIRGINIA BOARD OF MEDICINE

101 Dee Drive  
Charleston, West Virginia 25311  
Telephone (304) 348-2921  
Fax (304) 348-2084

Joseph Skaggs, M.D.  
Charleston

Joseph Smith, M.D.  
Dunbar

Mrs. Sylvia Spear  
Martinsburg

Harry S. Weeks, Jr., M.D.  
Wheeling

Mrs. Lydia Winfrey  
Princeton

July 9, 1990

Mr. George Rider  
Executive Director  
West Virginia State Medical Association  
4307 MacCorkle Avenue  
Charleston, West Virginia 25304

Dear Mr. Rider:

Enclosed with this letter please find copies of proposed rules filed by the West Virginia Board of Medicine with the Office of the Secretary of State this day. Please note that a comment period has been established by the Board of Medicine to end August 9, 1990. If members of your organization have comments they wish to make on these proposed rules, we do request that the comments are received at the Board on or before August 9, 1990.

Thank you for your cooperation.

Sincerely,

Ronald D. Walton

RDW:lsc

Enclosures

PRESIDENT  
Eileen Catterson, M.D.  
Pineville

VICE PRESIDENT  
Leonard Simmons, D.P.M.  
Clarksburg

SECRETARY  
Robert B. Walker, M.D.  
Huntington

COUNSEL  
Deborah Lewis Rodecker  
Charleston

EXECUTIVE DIRECTOR  
Ronald D. Walton  
Charleston

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Wheeling

Mrs. Lydia Winfrey  
Princeton

July 9, 1990

Eddie Davis, D.P.M.  
President  
West Virginia Podiatry Association  
114 Washington Street, West  
Charleston, West Virginia 25302

Dear Dr. Davis:

Enclosed with this letter please find copies of proposed rules filed by the West Virginia Board of Medicine with the Office of the Secretary of State this day. Please note that a comment period has been established by the Board of Medicine to end August 9, 1990. If members of your organization have comments they wish to make on these proposed rules, we do request that the comments are received at the Board on or before August 9, 1990.

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Sincerely,

Ronald D. Walton

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Mrs. Lydia Winfrey  
Princeton

July 9, 1990

Mr. Robert Perelman, Member  
West Virginia Capitol City Task Force, AARP  
412 Sheridan Circle  
Charleston, West Virginia 25314

Dear Mr. Perelman:

Enclosed with this letter please find copies of proposed rules filed by the West Virginia Board of Medicine with the Office of the Secretary of State this day. Please note that a comment period has been established by the Board of Medicine to end August 9, 1990. If members of your organization have comments they wish to make on these proposed rules, we do request that the comments are received at the Board on or before August 9, 1990.

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Sincerely,

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DEPUTY  
Cameron, M.D.  
le

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July 9, 1990

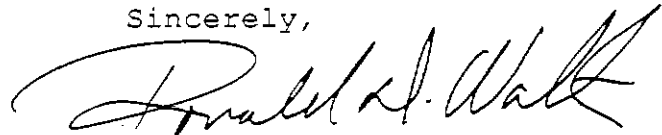
Lori Lynn Stahara, President  
West Virginia Physician Assistant Association  
Route 7, Box 244  
Morgantown, West Virginia 26505

Dear Ms. Stahara:

Enclosed with this letter please find copies of proposed rules filed by the West Virginia Board of Medicine with the Office of the Secretary of State this day. Please note that a comment period has been established by the Board of Medicine to end August 9, 1990. If members of your organization have comments they wish to make on these proposed rules, we do request that the comments are received at the Board on or before August 9, 1990.

Thank you for your cooperation.

Sincerely,



Ronald D. Walton

RDW:lsc

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