

Form #2

FILE

2009 MAY 22 AM 8:28

OFFICE WEST VIRGINIA
SECRETARY OF STATE

ATTACH A BRIEF SUMMARY OF YOUR PROPOSAL

Statement of Circumstances Which Require the Proposed Rule

Not since 1999 has the Board of Medicine requested a fee increase by which to financially support its operations, mission and responsibilities required by the Legislature. During the past decade, operating costs have substantially increased, particularly in the area of personnel benefits which have risen 36% in this period of time. Salaries have likewise increased by 33%, however remain very far below the market rate for comparable positions making it necessary for 25% of the staff to hold second jobs to make ends meet.

Costs of office supplies and equipment, computer equipment, postage, etc., upon which the Board of Medicine heavily relies, have also increased during this past 10 years.

During this time period, revenues have remained neutral as costs continued to climb. By way of enhanced efficiencies and information technology, the Board of Medicine has done a formidable job at containing these costs. Despite these efforts, the economics of increased costs and neutral revenues over such a period of time must be realized.

The Office of Legislative Auditor defines, in part, the fiscal viability of a state board as having an adequate financial reserve rolling over from one year to the next that is comparable to 100% of the expenditures of that board for one year. This amount is viewed as necessary in the event of unforeseen fiscal events that would threaten the viability or solvency of the board, such as uncovered liability, litigation, theft, etc.

The current Board of Medicine reserve has dropped to 41% which will be noted in the Performance Evaluation audit by the Office of Legislative Auditor scheduled for 2010.

Secondly, the Board of Medicine has recognized the newly formed physician health program as having a valuable contribution to the safety of public health care by assisting medical professionals in their recovery from drug addiction and abuse and mental illness. The legislature enacted the law authorizing this program in 2007.

The Board of Medicine has voted to provide a degree of financial support to the physician health program with which the Board holds an agreement through an increase in its fees. The Board, as one of several stakeholders of this program, believes such support is a necessary and responsible action to assist in this program becoming and remaining financially solvent.

Fifty percent (50%) of the fee increase for physicians and podiatrists requested in the proposed rule would be disbursed to this program while the remaining 50% would be utilized by the Board of Medicine to support its operation, mission and responsibilities required by the Legislature.

The new fee reflected in the proposed rule for the physician assistants is a fee for the physician health program. All other fees for physician assistants remain unchanged and are in West Virginia Code §30-3-16 at this time; however it is appropriate that they be included in this rule.

Because of this disbursement to the physician health program, please note that actual revenue increase which the board will directly realize is only half of what was requested in 1999.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Fees For Services Rendered By The Board of Medicine Including
Assistance To The Board-Designated Physician Health Program

Rule Title:

Type of Rule:

☒ Legislative ☐ Interpretive ☐ Procedural

Agency:

West Virginia Board of Medicine

Address:

101 Dee Drive, Suite 103

Charleston, WV 25311

Phone Number:

304.558.2921

Email: Robert.C.Knittle@wv.gov

Fiscal Note Summary

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

Increased fees generated by the proposed rule will be specific to the West Virginia Board of Medicine of which 50% will be shared with the physician health program which holds an agreement with the Board. There will be no enhancement of revenues to State Government.

Likewise there is no additional cost to State Government associated with this proposed rule. The Board of Medicine functions only upon the professional fees it generates.

In summary, this action will have no impact upon the costs or revenues of state government beyond the Board of Medicine.

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	0.00	0.00	
Personal Services	—	—	
Current Expenses	—	—	
Repairs & Alterations	—	—	
Assets	—	—	
Other	—	—	
2. Estimated Total Revenues	0.00	301,250.00	369,550.00

Fees For Services Rendered By The Board of Medicine Including

Rule Title:

Assistance To The Board-Designated Physician Health Program

Rule Title:

Assistance To The Board-Designated Physician Health Program

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

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

The proposed rule will increase initial application and licensure renewal fees for physicians and podiatrists. Fifty (50) percent of the fees generated will be disbursed by the Board to the physician health program which holds an agreement with the Board. It will add a fee to the physician assistants to be disbursed by the Board to the physician health program. The fee increase will allow the Board to continue to meet its mission to protect the public through licensure, disciplinary actions, providing financial support to the physician health program and equally importantly aid in restoring an adequate reserve to insure solvency. The Board is required in West Virginia Code §30-1-6(c) to set fees that are sufficient to enable the Board to carry out effectively its responsibilities of licensure and discipline of individuals subject to the authority.

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.

As stated earlier the Board of Medicine functions entirely upon the professional fees it generates and draws from its own special revenue account. As such, the Board does not contribute nor draw funds from the general account. Therefore, this proposed rule will not have a fiscal impact on the public funds of state government.

Date: _____

Signature of Agency Head or Authorized Representative

TITLE 11
LEGISLATIVE RULE
BOARD OF MEDICINE

FILED
2009 MAY 22 AM 8:28
OFFICE WEST VIRGINIA
SECRETARY OF STATE

SERIES 4

**FEEES FOR SERVICES RENDERED BY THE
BOARD OF MEDICINE INCLUDING ASSISTANCE TO THE BOARD-
DESIGNATED PHYSICIAN HEALTH PROGRAM**

§11-4-1. General.

- 1.1. Scope. -- This legislative rule establishes the fees to be charged by the Board of Medicine for services rendered including assistance to the board-designated physician health program.
- 1.2. Authority. -- W. Va. Code §30-3-7(a) (1) and (5); §30-3-9(h); §30-3D-1 et. seq.
- 1.3. Filing Date. --
- 1.4. Effective Date. --

~~§11-4-2. Schedule of Fees For Services Rendered By The West Virginia Board of Medicine For Physicians and Podiatrists.~~

- ~~2.1. Medical Licensure Application \$300.00.~~
- ~~2.2. Temporary Medical or Podiatric License Until Board Meets Not to exceed \$100.00~~
- ~~2.3. Medical and/or Podiatry Corporation Application Fee \$500.00~~
- ~~2.4. Medical and/or Podiatry Corporation Biennial Registration \$250.00~~
- ~~2.5. Medical and/or Podiatry Examination Score Endorsement or Written Licensure Verification \$25.00~~

~~2.6. Active Medical and/or Podiatry Biennial Registration fee - \$300.00~~

~~2.7. Inactive Medical and/or Podiatry Biennial Registration fee - \$100.00~~

§11-4-2. Schedule of Fees For Physicians and Podiatrists including Assistance to The Board-Designated Physician Health Program.

2.1. Medical Licensure Application Fee - \$400.00, \$50.00 of which shall be promptly disbursed by the board to the physician health program.

2.2. Podiatric Licensure Application Fee - \$400.00, \$50.00 of which shall be promptly disbursed by the board to the physician health program.

2.3. Temporary Medical or Podiatric License Fee - \$100.00

2.4. Active Medical and/or Podiatry Biennial Renewal Fee - \$400.00, \$50.00 of which shall be promptly disbursed by the board to the physician health program.

2.5. Inactive Medical and/or Podiatry Biennial Renewal Fee - \$150.00, \$25.00 of which shall be promptly disbursed by the board to the physician health program.

2.6. Limited Medical School Faculty Initial Licensure Application Fee and Renewal Fee - \$150.00

2.7. Limited Medical School Faculty Fee for Physician Health Program Assistance - \$50.00 to be paid with initial limited medical school faculty licensure application fee and with limited medical school faculty renewal fee, which \$50.00 fee shall be promptly disbursed by the board to the physician health program.

2.8. Podiatric Examination Not to exceed \$650 Medical and Podiatry Examination Score Endorsement or Written Licensure Verification Fee - \$25.00

~~2.9. Podiatric Licensure Application - \$300~~

§11-4-3. Schedule of Fees For Physician Assistants, including Assistance to The Board-Designated Physician Health Program.

3.1. Physician Assistant Licensure Application Fee- \$200.00

3.2. Temporary Physician Assistant Licensure Fee - \$50.00

3.3. Physician Assistant Biennial Renewal Fee - \$100.00

- 3.4. Physician Assistant Fee for Physician Health Program Assistance - \$50.00 to be paid with physician assistant licensure application fee and with physician assistant biennial renewal fee, which \$50.00 fee shall be promptly disbursed by the board to the physician health program.
- 3.5. Physician Assistant Examination Score Endorsement or Written Licensure Verification Fee - \$25.00
- 3.6. Prescriptive Writing Privileges Fee - \$50.00
- 3.7. Change or Addition of Supervising Physician Fee - \$50.00
- 3.8. Change or Addition of Job Location Fee - \$50.00

§11-4-4. Schedule of Fees For Medical and Podiatric Corporations.

- 4.1. Medical and/or Podiatry Corporation Application Fee - \$500.00
- 4.2. Medical and/or Podiatry Corporation Biennial Registration Fee- \$250.00