

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

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2009 MAY 15 AM 9:47

OFFICE WEST VIRGINIA
SECRETARY OF STATE

Form #2

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: West Virginia Board of Occupational Therapy TITLE NUMBER: 13

RULE TYPE: Legislative CITE AUTHORITY: W. Va. Code §30-28-6

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: Series 3

TITLE OF RULE BEING PROPOSED: Fees for Services Rendered by the Board

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 June 18, 2009 AT 3:00 p.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

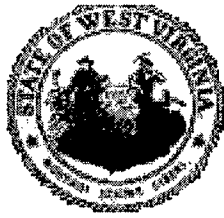
West Virginia Board of Occupational Therapy
3041 University Ave.
2nd Floor, Suite 6
Morgantown, WV 26505

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

Vanda Malnikoff

Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL



West Virginia Board of Occupational Therapy

3041 University Avenue
2nd Floor, Suite 6
Morgantown, WV 26505
304-285-3150
www.wvbot.org

TO: Secretary of State and the LRMRC

FROM: West Virginia Board of Occupational Therapy

DATE: May 12, 2009

RE: Brief Summary and Statement of Circumstances

During the 2009 Legislative Session, House Bill 2309 was passed, amending §30-28, the West Virginia Occupational Therapy Practice Act. In order to align our Title 13 Legislative Rules with the amended Practice Act, we have filed amended Series 1 Administrative Rules of the Board for consideration during the 2010 Legislative Session. In addition to the amendments necessary to align with our Practice Act, the Board is proposing that the current Series 1 Rule be broken into several more specific rules, including:

- | | |
|----------|---|
| Series 3 | Fees for Services Rendered by the Board (New Rule attached) |
| Series 4 | Continuing Education and Competence |
| Series 5 | Competency Standards for Advanced Practice (also filed as an Emergency Rule) |
| Series 6 | Ethical Standards of Practice |

The existing Series 2 Procedural Rule for Disciplinary, Complaint and Contested Case Hearing Procedures will also be filed for amendment.

If you have any further questions, please do not hesitate to contact the Board at the number above.

Sincerely,

Kathy F. Quesenberry, MSM, OTR/L

Kathy Quesenberry, MSM, OTR/L
President

Martin Douglas, MS, OTR/L

Martin Douglas, MS, OTR/L
Secretary / Treasurer

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Title 13, Series 3 Fees for Services Rendered by the Board

Type of Rule: Legislative Interpretive Procedural

Agency: West Virginia Board of Occupational Therapy

Address: 3041 University Ave.
2nd Floor, Suite 6
Morgantown, WV 26505

Phone Number: 304-285-3150 Email: vmalnikoff@wvbot.org

Fiscal Note Summary

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

Based on the financial position of the West Virginia Board of Occupational Therapy, a self-funded Board, a reduction in license renewal fees for Occupational Therapists and Occupational Therapy Assistants is proposed in this Rule.

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 | | | |
| Personal Services | | | |
| Current Expenses | | | |
| Repairs & Alterations | | | |
| Assets | | | |
| Other | | | |
| 2. Estimated Total Revenues | 15,000.00 | 10,000.00 | 10,000.00 |

Rule Title: _____

Rule Title:

Title 13, Series 3 Fees for Services Rendered by the Board

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

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

Estimated change in revenue is a result of 1) a transition to a biennial license renewal as provided in amended Practice Act, and 2) a reduction in license renewal fees.

In FY2010, we will see a one-time increase in revenue as we transition to a two-year renewal period.

In FY2011 and beyond, we will see a reduction in annual revenue as a result of a proposed reduction in renewal fees based on the financial position of the Board.

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.

Although the Board is a state entity, its funding source is solely generated by fees paid by licensees.

Date: 5-12-09

Signature of Agency Head or Authorized Representative

Vonda Malnikoff

FILED

TITLE 13
LEGISLATIVE RULE 2009 MAY 15 AM 9:47
BOARD OF OCCUPATIONAL THERAPY

SERIES 3
OFFICE WEST VIRGINIA
SECRETARY OF STATE
FEES FOR SERVICES RENDERED BY THE BOARD

§13-3-1. General.

1.1. Scope. -- This legislative rule establishes the fees to be charged by the Board for services rendered.

1.2. Authority. -- W. Va. Code §30-28-6.

1.3. Filing Date. --

1.4. Effective Date. --

§13-3-2. Schedule of Fees for Services Rendered by the West Virginia Board of Occupation Therapy.

Fees collected by the Board are not refundable.

2.1. Initial licensure fees:

2.1.a. Licensed Occupational Therapist a fee of two hundred fifty dollars (\$250.00); and

2.1.b. Licensed Occupational Therapy Assistant a fee of two hundred dollars (\$200.00).

2.2. Limited Permit fees (to be applied to permanent license fee):

2.2.a. Occupational Therapist a fee of one hundred ninety dollars (\$190.00); and

2.2.b. Occupational Therapy Assistant a fee of one hundred forty dollars (\$140.00).

2.3. Application packet a fee of thirty dollars (\$30.00).

2.4. Biennial license renewal fees:

2.4.a. Licensed occupational therapist a fee of one hundred forty dollars (\$140.00); and

2.4.b. Licensed occupational therapy assistant a fee of one hundred twenty dollars (\$120.00).

2.5. Late renewal a fee of one hundred dollars (\$100.00).

2.6. Verification of licensure a fee of thirty dollars (\$30.00).

2.7. Mailing list fees:

2.7.a. Paper list a fee of one hundred dollars (\$100.00); and

2.7.b. Mailing labels a fee of one hundred ten dollars (\$110.00).

2.8. Insufficient funds penalty a fee of twenty five dollars (\$25.00).

2.9. Duplicate license cards a fee of twenty five dollars (\$25.00).

2.10. Duplicate certificate a fee of thirty dollars (\$30.00).