

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

Form #3

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2009 JUL -7 PM 12:17

OFFICE WEST VIRGINIA
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 Occupational Therapy TITLE NUMBER: 13

CITE AUTHORITY: W. Va. Code §30-28-7

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: Series 3

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

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.

Vanda Malnikoff
Authorized Signature

West Virginia Board of Occupational Therapy



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

June 25, 2009

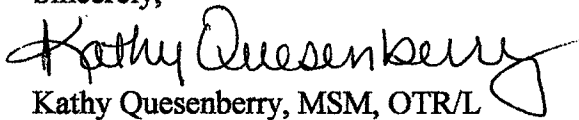
To: Secretary of State and the LRMRC

From: Kathy Quesenberry, MSM, OTR/L
WVBOT President

Re: Authority to file Agency Approved Legislative Rules

On behalf of the West Virginia Board of Occupational Therapy, please accept this letter authorizing the filing of Agency Approved Title 13 Legislative Rules, including Series 1 through 6, for consideration during the 2010 Legislative Session.

Sincerely,


Kathy Quesenberry, MSM, OTR/L
President

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: July 6, 2009

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency Name, Address & Phone No.) WV Board of Occupational Therapy
3041 University Ave.
2nd Floor, Suite 6
Morgantown, WV 26508
304-285-3150

LEGISLATIVE RULE TITLE: ~~Fees for Services Rendered by the Board~~

1. Authorizing statute(s) citation W.Va. Code § 30-28-7

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:
May 22, 2009

b. What other notice, including advertising, did you give of the hearing?
Board website: www.wvbot.org
Newsletter to all licensees

c. Date of Public Hearing(s) *or* Public Comment Period ended:
June 18, 2009

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)

July 10, 2009

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

Vonda Malnikoff, Executive Secretary

WV Board of Occupational Therapy

3041 University Ave.

2nd Floor, Suite 6

Morgantown, WV 26505

phone: 304-285-3150

fax: 304-285-3150

email: vmalnikoff@wvbot.org

- 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.

b. Date of hearing or comment period:

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



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: July 6, 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 Agency Approved 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
(Agency Approved 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

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 ^{via} *Martin Douglas, MS, OTR/L*

Kathy Quesenberry, MSM, OTR/L
President

Martin Douglas, MS, OTR/L
Secretary / Treasurer

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

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

Rule Title: _____

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: vma1nikoff@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: 7/1/09

Signature of Agency Head or Authorized Representative

Konda Malnikoff

**TITLE 13
LEGISLATIVE RULE
BOARD OF OCCUPATIONAL THERAPY**

**SERIES 3
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).