

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

Form #2

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2011 MAY 17 AM 10:31

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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: 3

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

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

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 30, 2011 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

email: help@wvbot.org

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

Vonda 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 (fax & phone)
www.wvbot.org

May 16, 2011

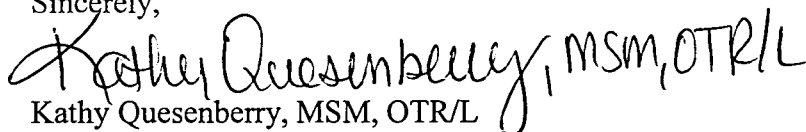
To: Secretary of State and the LRMRC

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

Re: Authority to file proposed Legislative Rule

On behalf of the West Virginia Board of Occupational Therapy, please accept this letter authorizing the filing of the proposed Title 13 Series 3 Legislative Rule, Fees for Services Rendered by the Board, for consideration during the 2012 Legislative Session.

Sincerely,


Kathy Quesenberry, MSM, OTR/L
President



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 16, 2011

RE: Brief Summary and Statement of Circumstances

As the West Virginia Board of Occupational Therapy is solely funded by fees, primarily paid by licensees, the financial surplus generated by the Board over the last several years should be returned to the licensees in the form of fee reductions. Through efficient management of the operations of the Board and increased effectiveness in managing the complaint and disciplinary process, the Board has consistently run a surplus in each of the last five fiscal years. With the enclosed proposed rule, initial licensure fees will be reduced to a level that will more accurately reflect the fees required to fund the operations of the Board.

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

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: 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 WV Board of Occupational Therapy, a self-funded Board, a reduction in initial licensure fees for occupational therapist and occupational therapy assistants is proposed in this Rule. As the Board is fully funded by licensee fees, there will be no impact on the costs and revenues of state government.

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		10,000.00	10,000.00

Rule Title: _____

Rule Title: _____

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

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

In FY2013 and beyond, WVBOT will see a reduction in annual revenue as a result of proposed initial licensure fee reductions.

The financial impact is based on an estimated 100 new licensees per year, based on historical trend, at a reduction of \$100 per license in the initial licensure fee. Occupational Therapist licenses will be reduced from \$250 to \$150, and Occupational Therapy Assistant licenses will be reduced from \$200 to \$100.

As the Board is solely funded by licensee fees, this reduction is required to more accurately reflect the fees required to fund the operations of the Board. This reduction will also bring our occupational therapy licensure fees closer to those of surrounding states.

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 funds are solely generated by fees paid by licensees.

Date: 5-16-11

Signature of Agency Head or Authorized Representative

Vanda Malnikoff

FILED

2011 MAY 17 AM 10:31

OFFICE OF THE WEST VIRGINIA
SECRETARY OF STATE

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. -- April 15, 2010

1.4. Effective Date. -- July 1, 2010

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

Fees collected by the Board are not refundable.

2.1. Initial licensure fees:

2.1.a. Licensed Occupational Therapist a fee of ~~\$250.00~~ \$150.00; and

2.1.b. Licensed Occupational Therapy Assistant a fee of ~~\$200.00~~ \$100.00.

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

2.2.a. Occupational Therapist a fee of ~~\$190.00~~ \$120.00; and

2.2.b. Occupational Therapy Assistant a fee of ~~\$140.00~~ \$70.00.

2.3. Application packet a fee of \$30.00.

2.4. Biennial license renewal fees:

2.4.a. Licensed occupational therapist a fee of \$140.00; and

2.4.b. Licensed occupational therapy assistant a fee of \$120.00.

2.5. Late renewal a fee of \$100.00.

2.6. Verification of licensure a fee of \$30.00.

2.7. Mailing list fees:

2.7.a. Paper list a fee of \$100.00; and

2.7.b. Mailing labels a fee of \$110.00.

2.8. Insufficient funds penalty a fee as provided for in statute §61-3-39e.

2.9. Duplicate license cards a fee of \$25.00.

2.10. Duplicate certificate a fee of \$30.00.