

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

Form #3

Do Not Mark In This Box

FILED

2011 JUL 14 AM 11:14

OFFICE OF THE 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 30-28-6

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: \_\_\_\_\_

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  
2<sup>nd</sup> Floor, Suite 6  
Morgantown, WV 26505  
304-285-3150 (fax & phone)  
[www.wvbot.org](http://www.wvbot.org)

July 8, 2011

To: Secretary of State and the LRMRC

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

Re: Authority to file Agency Approved Legislative Rule

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

Sincerely,

A handwritten signature in black ink that reads "Kathy Quesenberry".

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: 7/8/11

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 26505

LEGISLATIVE RULE TITLE: Title 13 Series 3 Fees for Services Rendered by the Board

1. Authorizing statute(s) citation W.Va. Code 30-28-6

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:  
May 20, 2011

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 30, 2011

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

Attached     X     No comments received

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

July 22, 2011

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- 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

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WV Board of Occupational Therapy

3041 University Ave.

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2nd Floor, Suite 6

Morgantown, WV 26505

phone: 304-285-3150

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fax: 304-285-3150

email: vmalnikoff@wvbot.org

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- 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)

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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.

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b. Date of hearing or comment period:

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c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

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d. Attach findings and determinations and reasons:

Attached 

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3041 University Avenue  
2<sup>nd</sup> Floor, Suite 6  
Morgantown, WV 26505  
304-285-3150  
[www.wvbot.org](http://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**

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: ymalnikoff@comcast.net

**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, WV BOT 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

Vonda Malnikoff

FILED  
2011 JUL 14 AM 11:14

TITLE 13  
LEGISLATIVE RULE  
BOARD OF OCCUPATIONAL THERAPY

OFFICE OF THE ATTORNEY GENERAL  
SECRETARY OF STATE

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.

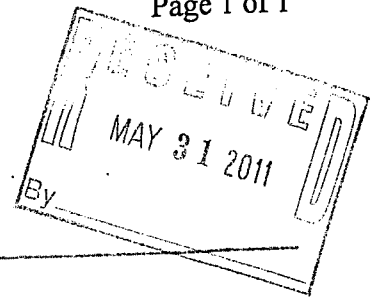
2.8. Insufficient funds penalty a fee as provided for in statute §61-3-39e.

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

2.10. Duplicate certificate a fee of \$30.00.

rate decrease

From: "beth weaver" <bethweaverjacob@yahoo.com>  
Subject: rate decrease  
Date: Mon, May 30, 2011 1:38 pm  
To: help@wvbot.org



I would love to see my OTR fee decreased. Any time the board can save money and pass it on to the OT's is a great idea.

Thanks, Beth Jacob OTR/L

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**Attachments:**

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