

WEST VIRGINIA  
SECRETARY OF STATE  
JOE MANCHIN, III  
ADMINISTRATIVE LAW DIVISION

Form #7 □

Do Not Mark In This Box  
Filing Date

FILED

2001 JUN 11 A 8:58

OFFICE WEST VIRGINIA  
SECRETARY OF STATE  
Effective Date

NOTICE OF AN EMERGENCY RULE

AGENCY: WV Board of Optometry TITLE NUMBER: 14

CITE AUTHORITY: Chapter 30-Article 8-Optometrists

EMERGENCY 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: 5

TITLE OF RULE BEING PROPOSED: Schedule of Fees

THE ABOVE RULE IS BEING FILED AS AN EMERGENCY RULE TO BECOME EFFECTIVE AFTER APPROVAL BY SECRETARY OF STATE OR 42ND DAY AFTER FILING, WHICHEVER OCCURS FIRST.

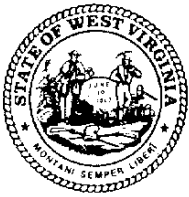
THE FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY ARE AS FOLLOWS:

This rule is necessary to provide a basis and specificity for the Board of Optometry to collect necessary fees to operate.

Use additional sheets if necessary

E. Clifton Hays, O.D.  
Authorized Signature

\$4.20



# West Virginia Board Of Optometry

101 Michael Street

Clarksburg, West Virginia 26301-3937

Phone: (304) 627-2106

Fax: (304) 627-2282

e-mail: wvbdopt@westvirginia.net

March 8, 2001

Secretary of State  
State of West Virginia  
Charleston, WV

Re: 14-5 Schedule of Fees  
Emergency rule

Dear Sir:

Since all of our fees have been removed from Chapter 30-Article 8 of the West Virginia State Code, it is necessary to have a schedule of fees in place in order for the Board to conduct its business of protecting the eye health of the citizens of West Virginia.

We are streamlining our licensing fees to make them more equitable to all optometrists. There will be one overall fee for every optometrist. There will be some increase in license renewal fees for some optometrists and a decrease for other optometrists.

I approve of the filing of this legislative emergency rule.

Sincerely,

A handwritten signature in cursive script that reads "Clifton Hyre".

Clifton Hyre, O. D.  
President

## MISSION STATEMENT

To ensure that all applicants for licensure and all Doctors of Optometry currently licensed, practice their profession in a manner that benefits and protects the public, and to ensure that the highest quality optometric eye and vision care is provided in a professional, competent, and ethical manner.



EMERGENCY RULE QUESTIONNAIRE

DATE: 4-16-01

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency Name, Address & Phone No.) WV Board of Optometry (304)627-2106

101 Michael Street

Clarksburg, WV 26301-3937

EMERGENCY RULE TITLE: Title 14-5 Schedule of Fees

1. Date of filing \_\_\_\_\_

2. Statutory authority for promulgating emergency rule:  
Chapter 30-8 Optometrists

3. Date of filing of proposed legislative rule: Same

4. Does the emergency rule adopt new language or does it amend or repeal a current legislative rule? As a new rule, new language is adopted.

5. Has the same or similar emergency rule previously been filed and expired?  
No

6. State, with particularity, those facts and circumstances which make the emergency rule necessary for the immediate preservation of public peace, health, safety or welfare.  
With the passage of rewritten and amended Chapter 30 fees  
have been transferred to this rule. Without a specification  
of fees the Board of Optometry will not be able to collect  
license and other fees to allow the Board to operate.

7. If the emergency rule was promulgated in order to comply with a time limit established by the Code or federal statute or regulation, cite the Code provision, federal statute or regulation and time limit established therein.

NA

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8. State, with particularity, those facts and circumstances which make the emergency rule necessary to prevent substantial harm to the public interest.

This rule is necessary to provide a basis and specificity  
for the Board of Optometry to collect necessary fees to  
operate

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**Circumstances Requiring Emergency Rule 14-5  
Schedule of Fees**

Chapter 30 – Article 8 and Title 14-Series 1 –Rules of the West Virginia Board of Optometry have not had an increase in fees since 1976.

Fees are to be taken out of Chapter 30 and 14-1 and put into 14-5 Schedule of Fees  
This schedule establishes fees to be charged by the West Virginia Board of Optometry.

**SUMMARY OF PROPOSED EMERGENCY RULE,  
TITLE 14-SERIES 5 SCHEDULE OF FEES**

The fees have been removed from Chapter 30-Article 8-Optometrists. This schedule establishes the fees to be charged by the West Virginia Board of Optometry.

□  
APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Title 14 - Series 5 - Schedule of Fees

Type of Rule:  Legislative     Interpretive     Procedural

Agency: The West Virginia Board of Optometry    304 - 627 - 2106

Address: 101 Michael Street

Clarksburg, West Virginia 26301-3937

1. Effect of Proposed rule:

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
<b>ESTIMATED TOTAL COST</b>	\$ 20,790		\$ 0.00	\$20,790	\$20,790
<b>PERSONAL SERVICES</b>					
<b>CURRENT EXPENSE</b>					
<b>REPAIRS &amp; ALTERATIONS</b>					
<b>EQUIPMENT</b>					
<b>OTHER</b>					

2. Explanation of Above Estimates:

Please see attached Microsoft Excel Work Sheet. Forty (40) out of state optometric license renewals are expected to be lost due to the increase in the license renewal fee. The fifty dollar (\$50) office registration fee is being dropped with a result loss of \$14,950.00.

3. Objectives of These Rules:

To make license renewal fees equal for all optometrists and generate additional income for the Board.



## West Virginia Board of Optometry

Title 14 - 5

### Impact of Change in Fee Structure

	Number	Current Fee	Current Total	Proposed Fee	Proposed Total	Increase (Decrease)
<b>Optometric License Renewal Fees</b>						
<b>Non Oral Pharmaceutical Certified</b>	173	\$30	\$5,190	\$275	\$47,575	\$42,385
<b>Oral Pharmaceutical Certified</b>	149	\$230	\$34,270	\$275	\$40,975	\$6,705
			\$0		\$0	\$0
<b>Licenses Not Expected to Renew</b>	40	\$30	\$1,200	-\$275	-\$11,000	-\$12,200
			\$0		\$0	\$0
<b>Registraton Fees Eliminated</b>	322	\$50	\$16,100	\$0	\$0	-\$16,100
			\$0		\$0	\$0
			\$0		\$0	\$0
			\$0		\$0	\$0
			\$0		\$0	\$0
			\$56,760		\$77,550	\$20,790

**TITLE 14  
LEGISLATIVE RULE  
WEST VIRGINIA BOARD OF OPTOMETRY**

**SERIES 5  
SCHEDULE OF FEES**

**FILED**

2001 JUN 11 A 8:58

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**14-5-1. General.**

1.1. Scope. -- This schedule establishes the fees to be charged by the Board.

1.2. Authority. -- W. Va. Code §30-10-4(c).

1.3. Filing Date. --

1.4. Effective Date.

**14-5-2. Schedule of Fees.**

2.1. Examination..... \$300.00

2.2. Endorsement.....\$300.00

2.3. License and Certificate.....\$100.00

2.4. Duplicate license ..... \$15.00

2.5. Duplicate certificate.....\$25.00

2.6. Biennial renewal fee.....\$550.00

2.7. Late Renewal Fee..... \$150.00

2.8. Confirmation of licensure ....\$ 25.00

2.9. Corporation application fee ..\$75.00

2.10. Corporation biennial registration  
fee.....\$ 50.00

2.11. Roster of WV Optometrists\$ 200.00

2.12. Rules and Practice Act.....\$ 25.00

2.13. Facility inspection fee ..... \$200.00

2.14. Facility re-inspection fee.....\$200.00

2.15. Written change of name.....\$ 10.00

2.16. Written change of address....\$ 10.00

2.17. Copies of public records  
(Per page) ..... \$ .50

2.18. Fees shall be payable to the West Virginia Board of Optometry by check, money order, or certified check.



# West Virginia Board Of Optometry

101 Michael Street

Clarksburg, West Virginia 26301-3937

Phone: (304) 627-2106

Fax: (304) 627-2282

e-mail: wvbdopt@westvirginia.net

April 16, 2001

Secretary of State  
Administrative Law Division  
Building 1, Suite 157-K  
1900 Kanawha Boulevard East  
Charleston, WV 25305-0770

RE: Title 14-Series 5  
Schedule of Fees  
Emergency Legislative Rule

Dear Sir:

Since all of our fees have been removed from Chapter 30-Article 8 of the West Virginia State Code, it is necessary to have a schedule of fees in place in order for the Board to conduct its business of protecting the eye health of the citizens of West Virginia.

We are streamlining our licensing fees to make them more equitable to all optometrists. There will be one overall fee for every optometrists. There will be some increase in license renewal fees for some optometrists and a decrease for other optometrists.

Please fax us the cover page for this rule when the comment period commences.

Sincerely,

Clifton Hyre, O. D.  
President

Enclosures  
CH/bp

#### MISSION STATEMENT

To ensure that all applicants for licensure and all Doctors of Optometry currently licensed, practice their profession in a manner that benefits and protects the public, and to ensure that the highest quality optometric eye and vision care is provided in a professional, competent, and ethical manner.