

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

Form #3

FILED
Do Not Mark In This Box

2001 JUL 18 A 9:05

OFFICE WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE
AND
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

AGENCY: WV Board of Optometry TITLE NUMBER: 14

CITE AUTHORITY: Chapter 30 - Article 8

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 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.


Authorized Signature



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.

**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
ESTIMATED TOTAL COST	\$ 20,790		\$ 0.00	\$20,790	\$20,790
PERSONAL SERVICES					
CURRENT EXPENSE					
REPAIRS & ALTERATIONS					
EQUIPMENT					
OTHER					

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

Impact of Change in Fee Structure						
	Number	Current Fee	Current Total	Proposed Fee	Proposed Total	Increase (Decrease)
Optometric License Renewal Fees						
Non Oral Pharmaceutical Certified	173	\$30	\$5,190	\$275	\$47,575	\$42,385
Oral Pharmaceutical Certified	149	\$230	\$34,270	\$275	\$40,975	\$6,705
			\$0		\$0	\$0
Licenses Not Expected to Renew	40	\$30	\$1,200	-\$275	-\$11,000	-\$12,200
			\$0		\$0	\$0
Registrarion Fees Eliminated	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

QUESTIONNAIRE

(Please include a copy of this form with each filing of your rule.)

DATE _____

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency Name, Address & Phone No.) West Virginia Board of Optometry
101 Michael Street
(304) 627-2106 Clarksburg, WV 26301-3937

LEGISLATIVE RULE TITLE: 14-5 Schedule of Fees

1. Authorizing statute(s) citation Chapter 30-Article 8

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:
June 11, 2001 (Comment Period)

- b. What other notice, including advertising, did you give of the hearing?
Newspapers and mailings

- c. Date of Public Hearing(s) or Public Comment Period ends:
July 16, 2001 at 12 NOON.

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

Attached No comments received _____

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

- f. 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)

Clifton Hyre, O. D. , President

101 Michael Street

Clarksburg, WV 26301-3937

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

Barbara L. Palmer, Administrative Secretary

West Virginia Board of Optometry

101 Michael Street

Clarksburg, WV 26301-3937

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

WV Board of Optometry

To:
Subject: RE: 14-5

Dear Dr. Hall:

Thank you for your e-mail of July 12, 2001, expressing your concerns about the increase in licensure renewal fees. The Board is very concerned about holding down fees for all optometrists who hold a license to practice in West Virginia and the very wise and judicious use of these scarce funds. It is important for you to understand that many of our practitioners have NOT been paying \$30 but \$280.00 because there was a \$200 fee for those that have systemic pharmaceutical privileges. However, the logic of having those that had taken the extra course work and extra examinations at significant expense and time be the ONLY optometrists who were paying this larger licensure renewal fee was extremely flawed. Why should the Board maintain its solvency on the back of just those ODs who worked so hard to better themselves and their profession? Hence, the Board felt that everyone with a WV license would pay the same regardless of scope-of-practice. Actually, some ODs will actually be experiencing a small REDUCTION in their renewal fees! In addition, the Board recently conducted a survey of our neighboring states and found that their license renewal fees for similarly credentialed practitioners are: Kentucky: \$300, Maryland: \$250, Ohio: \$245, and Virginia \$350.00. Hence, if anything, West Virginia is still on the lower side of average for this region of the country and professional scope.

The Board hopes that this information increases your understanding of our fee structure and that you will desire to practice in our beautiful state.

Sincerely yours,
Clifton Hyre, O. D.
President

-----Original Message-----

From: Hall Kent K Maj 90ADOS/SGGFE [mailto:Kent.Hall@warren.af.mil]
Sent: Friday, July 13, 2001 10:08 AM
To: wvbdopt@westvirginia.net
Subject: 14-5

Dear WV Board of Optometry,

I hope this is an acceptable method to respond to the recent mailing I received concerning 14-5.

I am in the Air Force, living in Cheyenne, WY, and am concerned over the price increase to renew my license starting 2002. Being a government employee, I do not make the amount of money that my civilian counterparts make and will find this a hardship with each renewal period. Also, since I am in the military, I am relocated quite often and will find it necessary to change my address. I believe that a \$10 fee to change my address is something the board should do away with.

Can there be a special provision for reduced renewal fees for optometrists employed by the government, military, VA, and public health?

My WV license number is WV816D

//SIGNED//

KENT K. HALL, Maj, USAF, BSC
Optometry Flight Commander

WV Board of Optometry

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My WV license number is WV816D

//SIGNED//

KENT K. HALL, Maj, USAF, BSC
Optometry Flight Commander

WV Board of Optometry

To:
Subject: 14-5

7/16/01
Dear Dr. Grimm:

Thank you for your e-mail of July 12, 2001, expressing your concerns about the increase in licensure renewal fees. The Board is very concerned about holding down fees for all optometrists who hold a license to practice in West Virginia and the very wise and judicious use of these scarce funds. It is important for you to understand that many of our practitioners have NOT been paying \$30 but \$280.00 because there was a \$200 fee for those that have systemic pharmaceutical privileges. However, the logic of having those that had taken the extra course work and extra examinations at significant expense and time be the ONLY optometrists who were paying this larger licensure renewal fee was extremely flawed. Why should the Board maintain its solvency on the back of just those ODs who worked so hard to better themselves and their profession? Hence, the Board felt that everyone with a WV license should pay the same regardless of scope-of-practice. Actually, some ODs will actually be experiencing a small REDUCTION in their renewal fees! In addition, the Board recently conducted a survey of our neighboring states and found that their license renewal fees or similarly credentialed practitioners are: Kentucky: \$300, Maryland: \$250, Ohio \$245, and Virginia \$350.00. Hence if anything, West Virginia is still on the lower side of average for this region of the country and professional scope.

The Board hopes that this information increases your understanding of our fee structure and that one you will desire to practice in our beautiful state.

Sincerely yours,
Clifton Hyre, O. D.
President
WV Board of Optometry

WV Board of Optometry

From: Brad Grimm [sbgrimm@home.com]
Sent: Thursday, July 12, 2001 2:21 AM
To: West Virginia Board of Optometry
Subject: 14-5

E. Clifton Hyre, President
West Virginia Board of Optometry

Dear Dr. Hyre:

In regard to the proposed fee increase I feel compelled to voice my concern. The proposed increase amounting to over 9 times the current fee certainly appears to be excessive. I hold licensure in several states and none are even close to charging \$275 per year. While the \$30 per year I have been paying for the past 23 years is in need of revision, I feel the Board has gone too far the other direction with this proposed increase.

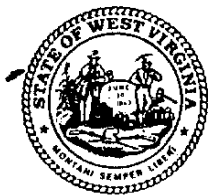
I applaud the Board on the increase in the required CE hours. Continuing education is good for both our patients and our profession.

Lastly, I would appreciate the Board's consideration of a special fee category for inactive licensure. This would include OD's like myself who do not currently practice in West Virginia and therefore do not put a drain on the resources of the Board, other than the annual renewal. Inactive licensure with a reduced fee category is common practice among other state boards.

Thank you for your consideration.

Sincerely,

Bradford B. Grimm, OD, FAAO
744 222nd Place NE
Sammamish, WA 98074



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

July 12, 2001

Dr. Christopher Yearego, O.D.
Mountaineer Vision Center
827 Fairmont Road, Suite 105
Morgantown, WV 26505

RE: Title 14-5

Dear Dr. Yearego:

In reply to your letter dated July 9, 2001, yes, the \$200 is included in the \$275, only now it is just a license renewal fee. Originally, it was included to get the Board money to operate.

We hope this answers your questions, concerning Title 14-Series 5-Schedule of Fees.

Sincerely,

A handwritten signature in cursive script that reads "E. Clifton Hyre, O.D.".

E. Clifton Hyre, O. D.
President

ECH/blp

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.

JUL 11 2001

MOUNTAINEER VISION CENTER
J. Christopher Yearego, O.D.
Doctor of Optometry

827 Fairmont Rd., Suite 105
Morgantown, WV 26505
(304) 296-3333

7-9-01

Dear Clifton,

① Does the increase in renewal fee to \$ 275.00 per year include the \$ 200 per year fee for oral re-certification? I'm confused.

② Why do we have to pay \$ 200 per year for re-certification? Does the Board incur costs or is this just profit?

Sincerely,

Chris Yearego, O.D.

WV Board of Optometry

From:
Sent: Wednesday, July 11, 2001 8:21 PM
To: Board of Optometry
Subject: Re: 14-2 & 14-5

Barb:

I just wanted to see what the State had regarding the certification fee, i.e., was it really still in there (and it is). I think I got confused as to where I was. I knew we wanted to keep the fee for new certifications but apparently I got confused as to where it should be.

Yes the \$200 is included in the \$275, only now it is just a license renewal fee. Originally, it was included to get the Board money to operate.

Clifton

Board of Optometry wrote:

> Clifton,
> 14-2 -- Is this the one you wanted? You attached this to one of my e-mails.
> Sorry its taken
> me so long to get this to you, but I wasn't sure which one it was, am still
> not sure
> this is the one you need.
>
> 14-5 -- Christopher Yearego, O.D., Morgantown, WV wrote asking two questions
> concerning
> 14-5. They are: 1) "Does the increase in renewal fee to \$275.00 per year
> include the \$200
> per year fee for oral re-certification? I'm confused."
>
> 2) Why do we have to pay \$200 per year for re-certification? Does the Board
> incur costs or is this just profit?"
>
> The letter is addressed to you. If you will give the response you want, I
> will get it
> in the mail ASAP.
>
> Thanks,
> Barb
>
> -----
> Name: 14-2 Prescriptive Authority recd from hyre 010710.doc
> 14-2 Prescriptive Authority recd from hyre 010710.doc Type: Microsoft Word Document (application/msword)
> Encoding: base64

Dr. Richard B. Stender, *Optometrist*
624 Wells Street • Sistersville, WV 26175
(304) 652-2459

June 28, 2001

West Virginia Board of Optometry
101 Michael Street
Clarksburg, WV 26301-3937
Att: E. Clifton Hyre, OD

Dear Cliff:

I greatly appreciate your prompt and thorough answers to my questions. I did not realize, or had forgotten that 40 hours every 2 years and the \$550.00 was for 2 years.

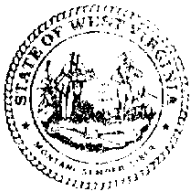
I apologize for the inconvenience and wish you and the Board continued success.

Best Regards,



Richard B. Stender, OD

RBS/rmy



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

June 25, 2001

Richard B. Stender, O. D.
624 Wells Street
Sistersville, WV 26175

Dear Dr. Stender:

Chapter 30-Article 8-Optometrists, State Code of West Virginia, was changed in the 2001 Legislative Session to a biennial license renewal (once every two years) and the continuing education hours were increased from 15 hours per year to 20 hours per year; or, 40 hours every two years. The fees were increased to \$275.00 per year or \$550.00 every two years. The effective date of the law is July 13, 2001.

Currently, the Board office is Mrs. Palmer's home. The Board pays no rent or utilities. At some time Mrs. Palmer will retire and the Board will need to find office space and hire an office administrator who will require insurance coverage, etc. as a State employee. In anticipation of this, the law was changed.

As to where the money goes, under the old law the Board was required to administer two examinations per year. The new law requires only one in July. For each examination the Board has hotel space, travel and per diem expenses for each Board member. According to the old law, if only one applicant wanted to take the Boards, we had to administer an examination in February. This was an enormous expense to the Board.

After we received orals and the additional income that provided we doubled our secretary's salary because she had been under paid for so many years.

We are continually being required to comply with unfounded mandates by the state.

The Board has not been able to afford to send members to optional training sessions such as ARBO, etc. and the additional income will permit this.

Contrary to appearances, when there are fewer optometrists the cost per individual is greater.

MISSION STATEMENT

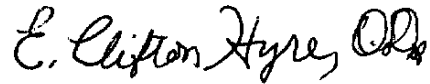
To ensure that all applicants for licensure and all Doctors of Optometry currently licensed, practice their profession in a manner that benefits and protects the public, and to ensure that the highest quality optometric eye and vision care is provided in a professional, competent, and ethical manner.

West Virginia Board of Optometry
Dr. Richard Stender
June 25, 2001

Page 2

We have tried to cut costs where possible and to manage the funds in a realistic manner.
We hope this answers your questions. Please contact us with any additional concerns.

Sincerely,

A handwritten signature in cursive script that reads "E. Clifton Hyre, O.D." with a small flourish at the end.

E. Clifton Hyre, O. D.
President

ECH/bp

Dr. Richard B. Stender, Optometrist

624 Wells Street • Sistersville, WV 26175

(304) 652-2459

June 19, 2001

WV Board of Optometry
101 Michael Street
Clarksburg, WV 26301-3937
Attn: E. Clifton Hyre, President

Dear Mr. Hyre:

I do not understand 40 CE hours required for 2004-2005. Is this for one (1) year, two (2) years, or what? You should also tell us what is the total fee per year.

With over \$1000.00 per Optometrist and 150 Optometrist in WV, I would like to know what the Board of Optometry spends its money on? We should be entitled to a financial statement, especially with increasing expenses of the Board.

Best Regards,

Stender

Richard B. Stender, OD

RBS/rmy

PS

I don't mind the money as long as it's expenses where the money goes.

TITLE 14
LEGISLATIVE RULE
WEST VIRGINIA BOARD OF OPTOMETRY

FILED

SERIES 5
SCHEDULE OF FEES

2001 JUL 18 A 9:05

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. Continuing Education Tracking
Database annual fee\$ 35.00
2.19. Fees shall be payable to the West
Virginia Board of Optometry by check, money
order, or certified check.